



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 13, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5-8-09 TIME 3:40 pm

SERVED BY _____

RECEIVED BY [Signature]

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 – April 29, 2009
9. PRESENTATIONS
 - a) Employee of the Month of May 2009 – Laura Franco and Stephen Garcia, Parking Enforcement Officers. (5 minutes)
 - b) Muchas Gracias – Mike Lujan, ASD/Risk Management & Safety Director. (5 minutes)
 - c) City Manager Recognition Award – Jessica Bravo, Project Specialist, Solid Waste Division. (Galen Buller) (5 minutes)
 - d) 2009 Water Conservation Poster Contest. (Randy Sugrue) (5 minutes)
 - e) Proclamation – Bike to Work Week; May 11-16, 2009. (5 minutes)
 - f) Proclamation – Chamiza Foundation and Gifford and Joann Phillips. (Donna Vogel, Executive Director – Chamiza Foundation) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 09/28/B – Canyon Road Power Plant (Water History Museum) and Agreement Between Owner and Contractor; Lockwood Construction Company. (Chip Lilienthal)
 - 1) Request for Approval of Budget Increase – Project Fund.



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- b) Bid No. 09/35/B – Procurement and Installation of Eight (8) Bio-Selector Basin Submersible Mixers; James, Cooke & Hobson, Inc. (Luis Orozco)
- c) Bid No. 09/36/B – Chemical for Wastewater Treatment Process for Wastewater Management Division; Polydyne, Inc. (Luis Orozco)
- d) Request for Approval of Sole Source Procurement and Professional Services Agreement – Landscape Design Services for Santa Fe Community Convention Center; Design Office. (Chip Lilienthal)
- e) Request for Approval of Procurement and Professional Services Agreement – Installation of Air Conditioning Unit at Police Department Main Facility; CAC, Inc. (Chip Lilienthal)
- f) Request for Approval of Procurement Under State Price Agreement – City Hall Fire Alarm System Upgrade; HEI, Inc. (Chip Lilienthal)
- g) Request for Approval of Procurement Under State Price Agreement – Police Vehicle and Special Use Vehicle Equipment for Police Department. (Chief Eric Johnson)
 - 1) CDW, Inc.
 - 2) Graybar Electric
 - 3) First In, Inc.
- h) Request for Approval of Procurement Under State Price Agreement – Fifty-Two (52) Ballistic Body Armor for Police Department; Kaufman's West, LLC. (Chief Eric Johnson)
- i) Request for Approval of Donation of Two (2) City Ambulances to Needy Community or Organization. (Chief Chris Rivera)
- j) Request for Approval of Procurement Under State Price Agreement – Traffic Signal Equipment for Streets Division; Econolite Control Products, Inc. (Rick Devine)
- k) Request for Approval of Professional Services Agreement – Project Manager for Hopewell-Mann Multi-Purpose Community Center; Santa Fe Civic Housing Authority. (David Chapman)



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- l) Request for Approval of Procurement Under Federal Price Agreement – One Dump Truck for Wastewater Management Division; Rush Truck Center. (Bryan Romero)
 - 1) Request for Approval of Budget Increase – Wastewater Enterprise Fund.
- m) Request for Approval of Amendment No. 1 to Grant Agreement – 2008 New Mexico Legislative General Fund Projects; State of New Mexico Department of Finance and Administration Local Government Division. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- n) Santa Fe Municipal Airport (Jim Montman)
 - 1) Request for Approval of Grant Application and Award – Taxiway F Relocation; New Mexico Department of Transportation, Aviation Division.
 - 2) Request for Approval of Task Order 36 – Taxiway F Construction Observation and Materials Testing; Molzen-Corbin & Associates.
 - 3) Request for Approval of Task Order 37 – Taxiway F Bidding and Construction Administration Services; Molzen-Corbin & Associates.
- o) Request for Approval of 2009 Streets Maintenance Program. (David Catanach)
- p) Request for Approval of Procurement Under State Price Agreement – Repaving and Slurry Seal Treatment Projects – 2009 Summer Pavement Maintenance Program. (David Catanach)
 - 1) Cutler Paving, Inc.
 - 2) Associated Asphalt & Materials
 - 3) LPR, Ltd.
- q) Request for Approval of Underground Easement Agreement – Portion of Tract Within Baca Railyard Site for New Mexico School for the Deaf; Public Service Company of New Mexico. (Edward Vigil)



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- r) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Wurzburger, Councilor Ortiz and Councilor Calvert)
A Resolution Directing Staff to Develop Creative Strategies to Encourage Local Companies to Bid on City Projects. (Robert Romero)
- s) Request for Approval to Publish Notice of Public Hearing on June 10, 2009:
 - 1) Bill No. 2009-24 – An Ordinance Amending Exhibit I, 'Mountainous or Difficult Terrain Boundary', of Chapter 14 SFCC 1987. (Councilor Calvert) (Jeanne Price)
 - 2) Bill No. 2009-25 – An Ordinance Amending Article 24-4 SFCC 1987, The Santa Fe Traffic Operations Program or "Stop", Regarding Violations of the Traffic Code Detected by a Camera or Speed Device. (Councilor Trujillo) (Anthony Robbin)
 - 3) Bill No. 2009-26 – An Ordinance Amending Section 1-3.2 SFCC 1987 to Increase the Judicial Education Fee From \$2.00 to \$3.00 to Reflect State Law; Designating the Use of the Corrections Fee to Reflect State Law; and Replacing the Traffic Safety Fee of One Dollar (\$1.00) With a Public Safety Fee of Five Dollars (\$5.00) With the Use of Such Public Safety Fee Being Designated to the Police Department. (Councilor Trujillo) (Judge Ann Yalman)
- t) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Wurzburger)
A Resolution Establishing the Historic Green Building Code Task Force. (Katherine Mortimer)
- u) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Dominguez, Councilor Chavez and Councilor Bushee)
A Resolution Establishing a Community Garden Program for City Parks and Adopting Related Policies. (Fabian Chavez)
- v) Request for Approval of Amendment No. 1 to Professional Services Agreement – Planning, Design and Engineering Services for Railyard Project; Santa Fe Railyard Community Corporation. (Robert Siqueiros)
- w) Request for Approval of Memorandum of Understanding – Justice Assistance Grant (JAG) Program Award; Santa Fe County. (Chief Johnson)



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11. Six-Month Review of Railyard Parking Programs:

Request for Approval of Parking Rate Changes on Saturday and Sunday at The Railyard. (Bill Hon) **(Postponed at April 29, 2009 City Council Meeting)**

12. Request for Approval of Santa Fe Railyard Policies and Procedures on The Railyard Park, Plaza and Alameda. (Robert Siqueiros) **(Postponed at April 29, 2009 City Council Meeting)**

13. MATTERS FROM THE CITY MANAGER

14. MATTERS FROM THE CITY ATTORNEY

15. MATTERS FROM THE CITY CLERK

16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

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 the National Dance Institute of New Mexico (NDI-NM) for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at The Dance Barns, 1140 Alto Street, Which is Within 300 Feet of Alameda Middle School, 450 La Madera. The Request is for the NDI-NM Annual Gala to be held on Saturday, May 16, 2009 from 5:30 – 11:00 p.m. (Yolanda Y. Vigil)



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- 2) Request from The Church of the Holy Faith for a Permanent Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at The Church of the Holy Faith, 311 East Palace Avenue. (Gib Mason and Yolanda Y. Vigil)
 - a) Request from The Church of the Holy Faith for the Following: **(Only if H-2 is Not Approved)**

Request for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at The Church of the Holy Faith, 311 East Palace Avenue for the Art and Soul Gala Reception & Auction. The Requested Date for this Waiver is Friday, June 5, 2009 from 6:00 p.m. to 9:30 p.m
- 3) Request from Restaurant Management Services, LLC for a Restaurant (Beer & Wine) Liquor License to be located at La Dolce Vita Italian Restaurant & Pizzeria, 945 West Alameda. (Yolanda Y. Vigil)
- 4) Request from Lucci's, LLC for a Restaurant (Beer & Wine) Liquor License to be located at Lucci's Piatto, 3470 Zafarano Drive, Suite D. (Yolanda Y. Vigil)
- 5) CONSIDERATION OF BILL NO. 2009-12: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Wurzbarger)
An Ordinance Establishing a Rural Residential Zoning District; and Making Such Other Related Changes. (Jeanne Price) **(Postponed at April 29, 2009 City Council Meeting)**
- 6) CONSIDERATION OF BILL NO. 2009-22: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #M 2008-46. 4789 Airport Road Annexation. JenkinsGavin Design and Development, Inc., Agent for Big Sky Builders, Inc. and Louis Rael, Requests Annexation of 2.96± Acres of Land Located North of Airport Road and East of Jemez Road. (Lucas Cruse)
- 7) CONSIDERATION OF BILL NO. 2009-23: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #ZA 2008-17. 4789 Airport Road Rezoning. JenkinsGavin Design and Development, Inc., Agent for Big Sky Builders, Inc. and Louis Rael, Requests Rezoning of 2.96± Acres of Land From R-1 (Residential, One Dwelling Unit Per Acre) to C-2 (General Commercial). The Property is Located North of Airport Road and East of Jemez Road. (Lucas Cruse)



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I. ADJOURN

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

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
May 13, 2009**

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REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO GRANT AGREEMENT – 2008 NEW MEXICO LEGISLATIVE GENERAL FUND PROJECTS; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	8
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ITEM**ACTION****PAGE #****PUBLIC HEARINGS**

REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT THE DANCE BARN, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ALAMEDA MIDDLE SCHOOL, 450 LA MADERA. THE REQUEST IS FOR THE NDI-NM ANNUAL GALA TO BE HELD ON SATURDAY, MAY 16, 2009, FROM 5:30 P.M. TO 11:30 P.M.

Approved

17

REQUEST FROM THE CHURCH OF THE HOLY FAITH FOR A PERMANENT WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE

Approved

18

REQUEST FROM THE CHURCH OF THE HOLY FAITH FOR THE FOLLOWING: (ONLY IF H(2) IS NOT APPROVED)

REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE, FOR THE ART AND SOUL GALA RECEPTION & AUCTION. THE REQUESTED DATE FOR THIS WAIVER IS FRIDAY, JUNE 5, 2009 FROM 6:00 P.M. TO 9:30P.M.

REQUEST FROM RESTAURANT MANAGEMENT SERVICES, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT LA DOLCE VITA ITALIAN RESTAURANT & PIZZERIA, 945 WEST ALAMEDA

Approved

18-19

REQUEST FROM LUCCI'S, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT LUCCI'S PIATTO, 3470 ZAFARANO DRIVE, SUITE D

Approved

19

CONSIDERATION OF BILL NO. 2009-12; ADOPTION OF ORDINANCE NO. 2009-18. AN ORDINANCE ESTABLISHING A RURAL RESIDENTIAL ZONING DISTRICT; AND MAKING SUCH OTHER RELATED CHANGES

Approved [amended]

20-30

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2009-22; ADOPTION OF ORDINANCE NO. 2009-19. <u>CASE #M 2008-46.</u> 4789 AIRPORT ROAD ANNEXATION. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIG SKY BUILDERS, INC., AND LOUIS RAE, REQUESTS ANNEXATION OF 2.96± ACRES OF LAND LOCATED NORTH OF AIRPORT ROAD AND EAST OF JUAREZ ROAD	Approved [amended]	31-34
CONSIDERATION OF BILL NO. 2009-23; ADOPTION OF ORDINANCE NO. 2009-20. <u>CASE #ZA 2008-17.</u> 4789 AIRPORT ROAD REZONING. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIG SKY BUILDERS, INC., AND LOUIS RAE, REQUESTS REZONING OF 2.96± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED NORTH OF AIRPORT ROAD AND EAST OF JEMEZ ROAD	Approved	34
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 13, 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 May 13, 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 the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Carmichael A. Dominguez

Others Attending

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

6. APPROVAL OF AGENDA

Mr. Buller said Item 10(a) has been withdrawn and staff is requesting that Item 10(m) that be pulled for discussion of DFA changes.

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

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Bushee wants to be sure she is added as a cosponsor to Item 10(r), and Mayor Coss noted that Councilor Chavez would like to pull Items 10(d) and (r) for discussion.

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

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

Against: None.

Absent: Councilor Chavez and Councilor Trujillo.

- a) **BID NO. 09/28/B – CANYON ROAD POWER PLANT (WATER HISTORY MUSEUM) AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
This item was removed from the Agenda
- b) **BID NO. 09/35/B – PROCUREMENT AND INSTALLATION OF EIGHT (8) BIO-SELECTOR BASIN SUBMERSIBLE MIXERS; JAMES, COOKE & HOBSON, INC. (LUIS OROZCO)**
- c) **BID NO. 09/36/B – CHEMICAL FOR WASTEWATER TREATMENT PROCESS FOR WASTEWATER MANAGEMENT DIVISION; POLYDYNE, INC. (LUIS OROZCO)**
- d) ***[Removed for discussion by Councilor Chavez]***
- e) **REQUEST FOR APPROVAL OF PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – INSTALLATION OF AIR CONDITIONING UNIT AT POLICE DEPARTMENT MAIN FACILITY; CAC, INC. (CHIP LILIENTHAL)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY HALL FIRE ALARM SYSTEM UPGRADE; HEI, INC. (CHIP LILIENTHAL)**
- g) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – POLICE VEHICLE AND SPECIAL USE VEHICLE EQUIPMENT FOR POLICE DEPARTMENT. (CHIEF ERIC JOHNSON)**
 - 1) **CDW, INC.**
 - 2) **GRAYBAR ELECTRIC**
 - 3) **FIRST IN, INC.**

- h) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FIFTY-TWO (52) BALLISTIC BODY ARMOR FOR POLICE DEPARTMENT; KAUFMAN'S WEST, LLC. (CHIEF ERIC JOHNSON)
- i) REQUEST FOR APPROVAL OF DONATION OF TWO (2) CITY AMBULANCES TO NEEDY COMMUNITY OR ORGANIZATION. (CHIEF CHRIS RIVERA)
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TRAFFIC SIGNAL EQUIPMENT FOR STREETS DIVISION; ECONOLITE CONTROL PRODUCTS, INC. (RICK DEVINE)
- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER FOR HOPEWELL-MANN MULTI-PURPOSE COMMUNITY CENTER; SANTA FE CIVIC HOUSING AUTHORITY. (DAVID CHAPMAN)
- l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – ONE DUMP TRUCK FOR WASTEWATER MANAGEMENT DIVISION; RUSH TRUCK CENTER. (BRYAN ROMERO)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER ENTERPRISE FUND.
- m) *[Removed for discussion at the request of staff]*
- n) SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)
 - 1) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – TAXIWAY F RELOCATION; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION.
 - 2) REQUEST FOR APPROVAL OF TASK ORDER 36 – TAXIWAY F CONSTRUCTION OBSERVATION AND MATERIALS TESTING; MOLZEN-CORBIN & ASSOCIATES.
 - 3) REQUEST FOR APPROVAL OF TASK ORDER 37 – TAXIWAY F BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES; MOLZEN-CORBIN & ASSOCIATES.
- o) REQUEST FOR APPROVAL OF 2009 STREETS MAINTENANCE PROGRAM. (DAVID CATANACH)
- p) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – REPAVING AND SLURRY SEAL TREATMENT PROJECTS – 2009 SUMMER PAVEMENT MAINTENANCE PROGRAM. (DAVID CATANACH)
 - 1) CUTLER PAVING, INC.
 - 2) ASSOCIATED ASPHALT & MATERIALS
 - 3) LPR, LTD.

- q) REQUEST FOR APPROVAL OF UNDERGROUND EASEMENT AGREEMENT – PORTION OF TRACT WITHIN BACA RAILYARD SITE FOR NEW MEXICO SCHOOL FOR THE DEAF; PUBLIC SERVICE COMPANY OF NEW MEXICO. (EDWARD VIGIL)
- r) *[Removed for discussion by Councilor Chavez]*
- s) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 10, 2009:
 - 1) BILL NO. 2009-24 – AN ORDINANCE AMENDING EXHIBIT 1, “MOUNTAINOUS OR DIFFICULT TERRAIN BOUNDARY,” OF CHAPTER 14 SFCC 1987 (COUNCILOR CALVERT). (JEANNE PRICE)
 - 2) BILL NO. 2009-25 – AN ORDINANCE AMENDING ARTICLE 24-4 SFCC 1987, THE SANTA FE TRAFFIC OPERATIONS PROGRAM OR “STOP,” REGARDING VIOLATIONS OF THE TRAFFIC CODE DETECTED BY A CAMERA OR SPEED DEVICE (COUNCILOR TRUJILLO). (ANTHONY ROBBIN)
 - 3) BILL NO. 2009-26 – AN ORDINANCE AMENDING SECTION 1-3.2 SFCC 1987, TO INCREASE THE JUDICIAL EDUCATION FEE FROM \$2.00 TO \$3.00 TO REFLECT STATE LAW; DESIGNATING THE USE OF THE CORRECTIONS FEE TO REFLECT STATE LAW; AND REPLACING THE TRAFFIC SAFETY FEE OF ONE DOLLAR (\$1.00) WITH A PUBLIC SAFETY FEE OF FIVE DOLLARS (\$5.00) WITH THE USE OF SUCH PUBLIC SAFETY FEE BEING DESIGNATED TO THE POLICE DEPARTMENT (COUNCILOR TRUJILLO). (JUDGE ANN YALMAN)
- t) CONSIDERATION OF RESOLUTION NO. 2009-52 (COUNCILOR WURZBURGER). A RESOLUTION ESTABLISHING THE HISTORIC GREEN BUILDING CODE TASK FORCE. (KATHARINE MORTIMER)
- u) CONSIDERATION OF RESOLUTION NO. 2009- 53 (COUNCILOR DOMINGUEZ, COUNCILOR CHAVEZ AND COUNCILOR BUSHEE). A RESOLUTION ESTABLISHING A COMMUNITY GARDEN PROGRAM FOR CITY PARKS AND ADOPTING RELATED POLICIES. (FABIAN CHAVEZ)
- v) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PLANNING, DESIGN AND ENGINEERING SERVICES FOR RAILYARD PROJECT; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)
- w) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD; SANTA FE COUNTY. (CHIEF JOHNSON)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 29, 2009.

Councilor Bushee moved, seconded by Councilor Romero, to approve the minutes of the Regular City Council Meeting of April 29, 2009, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Ortiz, Romero and Wurzbarger voting for the motion and none against.

9. PRESENTATIONS

a) EMPLOYEES OF THE MONTH OF MAY 2009 – LAURA FRANCO AND STEPHEN GARCIA, PARKING ENFORCEMENT OFFICERS.

Mayor Coss read the letter of nomination into the record, and presented each with a plaque and check for \$100 from the Employee Benefits Committee. He thanked them for their willingness to go above and beyond in rendering assistance to a visitor who was assaulted, and for their exemplary service to the City.

b) MUCHAS GRACIAS – MIKE LUJAN, ASD/RISK MANAGEMENT & SAFETY DIRECTOR.

Mayor Coss read a proclamation into the record, declaring May 13, 2009, as Mike Lujan Day in Santa Fe. He presented Mr. Lujan with the proclamation.

Councilor Chavez arrived at the meeting

Mr. Lujan said this honor is truly unexpected. He said it has been an honor and a privilege to serve the City over the past years. He thanked the Mayor and Councilors and his wife of 34 years, Judy, for their support.

c) CITY MANAGER RECOGNITION AWARD – JESSICA BRAVO, PROJECT SPECIALIST, SOLID WASTE DIVISION. (GALEN BULLER)

Galen Buller read a letter of tribute to Jessica Bravo from her coworkers for her service with the Solid Waste Division and presented her with a City Manager's Employee Recognition Award for her knowledge, leadership and upbeat personality.

d) 2009 WATER CONSERVATION POSTER CONTEST. (RANDY SUGRUE)

Randy Sugrue said this year there were more than 550 poster entries in grades 1-6 from the public and private schools in Santa Fe, noting this is the 6th year of the contest. The winner will receive a \$100

savings bond, the 2nd place winner a \$75 savings bond and the 3rd place winner a \$50 savings bond. The winning poster will be displayed on one of the City buses during the coming year. The winning entries will be used for the 2010 calendar. Mr. Sugrue, assisted by Mayor Coss and Councilor Calvert, presented each winner with a trophy and a special prize package. He said this year's overall grand prize winner is Sam Connan, a 5th grader at Santa Fe School for the Arts.

Councilor Trujillo arrived at the meeting

**f) PROCLAMATION – CHAMIZA FOUNDATION AND GIFFORD AND JOANN PHILLIPS.
(DONNA VOTEL, EXECUTIVE DIRECTOR, CHAMIZA FOUNDATION)**

Mayor Coss, assisted by Councilor Romero, read the proclamation into the record, commending the Chamiza Foundation and Gifford and JoAnn Phillips, and presented a copy of the proclamation to Donna Votel for the Phillips.

Councilor Romero said this is a model for selfless and generous giving to Northern New Mexico. She spoke with JoAnn Phillips this afternoon, and she and Gifford sends thanks to the City of Santa Fe, and said she and Gifford will continue to supports efforts by Donna Votel as Executive Director of the Foundation.

Ms. Votel said Gifford and JoAnn Philips, who could not attend today, are extremely generous and caring people. She said she is glad that they are being honored at this time, and said it is an honor to accept this award on their behalf.

e) PROCLAMATION – BIKE TO WORK WEEK; MAY 11-16 2009.

Mayor Coss read the proclamation into the record declaring May 11 through 16, 2009, as Bike to Work Week. He said Councilor Bushee and the BTAC Advisory Committee helped to organize this Week, and recognized the members in attendance.

Councilor Bushee spoke about the activities this week, noting the Century Ride is this weekend. She thanked the State and the City for cleaning all of the bicycle lanes along the Ride route. She urged everyone to participate in the activities..

Mayor Coss thanked the Committee for developing the activities this weekend.

CONSENT CALENDAR DISCUSSION

10(d) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – LANDSCAPE DESIGN SERVICES FOR SANTA FE COMMUNITY CONVENTION CENTER; DESIGN OFFICE. (CHIP LILIENTHAL)

Councilor Chavez said he pulled this item because he is concerned about moving forward with this phase of landscaping not knowing if this landscaping might compete with the possibility of using some of the space for some of the vendor programs for artists and craftsmen. He said also, there is no mention of the maintenance for the landscaping once the construction is done. He asked Mr. Lilienthal to speak about the ongoing maintenance of the landscaping and if the landscaping will compete with the vendor programs for artists and craftsmen.

Chip Lilienthal said he understands the maintenance of the landscaping will be done by City Parks, and he has no problem with postponing this until we can get verification of who is going to do the maintenance of the exterior of the Convention Center. His said Parks currently is working to open up the irrigation/cistern system.

Councilor Chavez said as we spill into the public space, in addition to the Courtyard, it will be necessary to depend on staff for oversight for the events as well. He believes we need to look at all of the fiscal impacts, which he is unsure is covered in this request.

Councilor Chavez said there is a separate Resolution going through the committee process, which will discuss possible policies and procedures for the event space. He said Mr. Toler has expressed interest in using some of that space for some of the events booked at the Convention Center. He said we need to determine how to use this space, and how to use the revenue generated from the use of that space.

Councilor Chavez moved, seconded by Councilor Trujillo, to postpone this item to the Council meeting of June 10, 2009, to allow the other Resolution to work its way through the system and allow staff to come up with more information. The motion was approved on the following roll call vote:

For: Councilor Calvert, Councilor Chavez, Councilor Ortiz, and Councilor Trujillo.

Against: Councilor Bushee, Councilor Romero and Councilor Wurzbarger

10(r) CONSIDERATION OF RESOLUTION NO. 2009- 54 (COUNCILOR WURZBURGER, COUNCILOR ORTIZ AND COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO DEVELOP CREATIVE STRATEGIES TO ENCOURAGE LOCAL COMPANIES TO BID ON CITY PROJECTS. (ROBERT ROMERO)

Councilor Chavez said they have tried to address this in two different resolutions and efforts. He said Mr. Rodarte is working to adjust the local preference. He said we need to do as much as possible in terms of education and outreach to local businesses, noting it has been difficult for local companies to bid on some of the larger CIP and road projects.

Councilor Chavez moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2009-54.

The motion was approved on the following roll call vote:

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

Against: None.

Explaining her vote: Councilor Wurzbarger voted yes, and said even as we are building on the past, there are five specific things we're asking staff to do right away, and there is a very short time frame on this.

Councilor Trujillo asked to be added as a cosponsor.

- 10(m) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO GRANT AGREEMENT – 2008 NEW MEXICO LEGISLATIVE GENERAL FUND PROJECTS; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

David Chapman said the first amendment called for four projects to be added at a total price of \$2,177,386.73. He said the final amendment which "came to be" between the time this Memo went to Public Works and this meeting, eliminated one of the projects for Desert Sage at \$250,000. He said DFA has assured him that an agreement for the Desert Sage project will be forthcoming for \$200,000 in the next few weeks, and the remaining \$50,000 will be provided by DFA after that. The there are three projects for Amendment No. 1 for the 2008 appropriation, at a cost of \$1,927,386.73. The difference being the \$250,000 removed for the Desert Sage project.

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 Ortiz, Councilor Trujillo and Councilor Wurzbarger.

END OF CONSENT CALENDAR DISCUSSION

11. SIX MONTH REVIEW OF RAILYARD PARKING PROGRAMS: REQUEST FOR APPROVAL OF PARKING RATE CHANGES ON SATURDAY AND SUNDAY AT THE RAILYARD. (BILL HON) (Postponed at April 29, 2009 City Council Meeting)

Mr. Hon reviewed his Memorandum of May 1, 2009, which is in the Council packet., noting he is comfortable with the recommendation of the Finance Committee.

Councilor Bushee said Mr. Hon was more adamant at Public Works about staying at a flat rate of \$2 and asked what changed .

Mr. Hon reiterated that there is more activity at the Railyard garage, and it is being demonstrated that the \$1 fee per day on Saturday and Sunday will generate as much or more revenue, noting it is more of an incentive for people to use the parking garage.

Responding to Councilor Bushee, Mr. Hon said he can come back at any time with another review, reiterating that it take about a year for parking patterns to establish themselves. The Railyard has been open for six months and the parking patterns took longer than he thought to do this.

Councilor Bushee asked that Mr. Hon, through the Parking Advisory Committee, continue to look at the downtown parking rates for equity.

Councilor Wurzburger moved, seconded by Councilor Chavez, to approve this request as recommended by staff.

Discussion: Councilor Chavez believes the change in parking patterns will happen more slowly than we would like, and hopefully the next year will allow Mr. Hon to get a better handle on how things are working.

Councilor Romero is supportive of the Finance Committee recommendation. She thanked everyone for their hard work. She hopes people use the garage, noting this is much better than paying a \$16 fine, and commenting that the fine is set at a rate to change the behavior of those who use City parking, but don't pay or park properly. She thanked Mr. Hon for his hard work.

Councilor Calvert agrees that we need to look at the issue of equity. He said we have a mature market downtown, and an evolving market at the Railyard. He said until the Railyard achieves that maturity, there might be a need for differences in rates. He noted that people should realize that the Parking Division is paying for The Santa Fe Pickup, which takes a lot of people coming into the Railyard to downtown. He believes this strikes a good balance for the time being.

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 Wurzburger.

Against: None.

12. REQUEST FOR APPROVAL OF SANTA FE RAILYARD POLICIES AND PROCEDURES ON THE RAILYARD PARK, PLAZA AND ALAMEDA. (ROBERT SIQUEIROS) (Postponed at April 29, 2009 City Council Meeting)

Mr. Robert Siqueiros said the policies and procedures have gone through the Public Works and Finance committees. He noted changes were made at the Public Works Committee which are included in the packet. There also were changes which were the result of the discussion with the Railyard and the owner of the Pedicab. He said the Railyard Events Manager is here to make a detailed presentation of the changes.

Councilor Bushee wants to hear about the second round of changes which were made outside the Council committees.

Mr. Siqueiros said the Pedicab changes are on page 5 of the packet, in the second paragraph under Prohibited Uses.

Responding to Councilor Bushee, Mr. Siqueiros said he wasn't a party to the discussions with Santa Fe Southern, but Sandra Brice was. He said pedicabs are prohibited only in the Park, but are allowed in the Railyard.

Sandra Brice, Railyard Events Manager, said in the original policies and procedures, "we had stated very simply that pedicabs were prohibited throughout the railyard project, except on City streets. After meeting with Mr. Coffman of the pedicab company, we came up with what we thought was a reasonable compromise... the following... the Alameda that is south of the Paseo, which is an open bike and walkway, we added language allowing the pedicabs on that portion of the Alameda."

Responding to Councilor Bushee, Ms. Brice said all of the bike trail is paved.

Ms. Brice continued, "And then, when we move north of Paseo de Peralta, the Alameda, which includes some brick surface, but continues by the shade structure across the Plaza and then continues northward toward the depot, we're asking to prohibit pedicabs in that area when we have special events. Farmer's Market, artists markets, other events.. That area that is called the Alameda in that area, services as a fire lane, serves as a pedestrian, basically, market aisle for very full, very congested events."

Councilor Bushee asked if the policy is the same for bicyclists.

Ms. Brice said the policies and procedures provide for bicyclists to dismount if there is any pedestrian congestion. She said pedicabs can't dismount, and do take a wider space, and they feel there is adequate access on all sides of the Railyard for them to drop someone at the Plaza and come around and pick them up on Paseo de Peralta, etc., but allow them to move freely on the Alameda south of Paseo. Additionally, there is a restatement that pedicabs are prohibited within the paths inside the park itself.

Councilor Bushee noted on page 4 of 26, under allowable uses for the Paseo and Alameda, it says, "Though it is shared with pedestrians and dismounted bicyclists passing through." She has never seen anything which says bicycles can be ridden on the Alameda.

Ms. Brice said on page 26 of the policy it says, "The Plaza and Alameda north and south of Paseo de Peralta is a dismount and walking zone when congested with pedestrians." She said they are looking to the good, common sense of bicyclists.

Responding to Councilor Bushee, Ms. Brice said this involves Santa Fe Southern which requested that we specify that the Alameda, in the area of the train depot, "primary uses, embarkation, and disembarkation of passengers from the trains. And so, we added that language. It was something we had all assumed as part of the operations of the railroad, but just to clarify that that is a shared use with our pedestrians and bicyclists, and the same rules would to apply to the bicyclists there, of course, to dismount and be safe with passengers getting off the train."

Councilor Bushee moved, seconded by Councilor Bushee, to approve this request, with all of the changes in the criteria in the policies and procedures.

Discussion: Councilor Chavez said a lot of the public event management will fall on Ms. Brice and the Railyard Community Corporation staff, and Ms. Brice said this is correct. He said in the financial status, she has identified \$31,500 as the target for staff time to manage the public events – on page 10 of the packet. Councilor Chavez said in FY2010 it's \$80,000, and asked her to explain this.

Ms. Brice said, "The previous year, the fiscal that we're just getting ready to complete, I believe, and Bob Siqueiros please correct me if I get this wrong, but some additional monies, I believe in the area of \$23,000, was approved to SFRCC for startup costs, so the costs are the remaining costs that we just had approved earlier this night by consent, were the balance of costs for this fiscal year. The next fiscal year, 09/10, then you get a good look at a full year."

Councilor Chavez said the anticipated event fee revenue is \$40,000, with the City's contribution of \$50,000, and he asked Ms. Brice to explain how this works.

Ms. Brice said, "One thing I'd like to just come back and touch on, because you mentioned the maintenance, the maintenance for all the Railyard public space is the responsibility of the Parks Division. So, that is something that was separated out some time ago, in the contract between the SFRCC and the City. Management of security was previously proposed to be run by SFRCC, but maintenance and security are under the City budget now as I understand."

Councilor Chavez said then the revenue generated will "pretty much pay for salary," and apologized and said he stands corrected. He again asked her to explain the \$40,000 and the \$50,000.

Ms. Brice said, "We've tried to make a conservative estimate based on... now we're starting to get a sense of our seasonal markets, the Farmer's Market the Santa Fe Artist's Market, now we've begun a new arts and crafts market called Community Day on Sundays, and try to make a projection based on the

number of days out over season those markets will be there and the fees we expect to receive from those. Many other uses, those individual uses of barbecue areas, special events in the park and so forth, we've just had to make a good guess as to roughly how many of each of those kinds of events we think may happen in a month. Again, it's a projection and we'll know a lot more about six months from now. And I think next year too will see more growth, because this year, frankly because of the economy, we've had some people want to do events and then they pull back saying, oh they just didn't have the budget. And so, hopefully we'll even see more activity next year."

Councilor Chavez asked at what point Parks engages in the process, and does the individual or group have to get a separate permit from the Parks Division, or is the permit through her office.

Ms. Brice said all permitting is through her office, based entirely on the same schedule of fees as the Parks Division uses for the other parks. They notify the Parks Division if there is an event where an additional Park Supervisor needs to be on standby.

Responding to Councilor Chavez, she said the fee structure is different from the fee structure that you saw in volume 2 which they are moving to volume 1, per Public Works suggestions. There are two separate categories, one for special events using the standard park fee, and then there is an application fee, a cleanup fee and an administration fee in addition to the site rental. She said, "However, for seasonal markets we've created a different kind of fee format, because those markets are there on such a regular basis, we felt it would be too onerous to charge those markets the same as you would for a one-time use for a big event in the park. So, we came up with a modest site rental fee for each of public areas, of \$150, again it's in the packet there in your fee structure. \$150 for the shade structure, \$150 for the Plaza, \$150 for the West Casitas Grove when it's paved. They all hold roughly the same number of vendor spaces. And then the \$15 per stall fee which we've discussed before for however many vendors they have."

Councilor Chavez said there is a handful of artists organizations who have expressed interest in using the common space, and there may be a time where there is more demand than space, and asked how they would deal with that.

Ms. Brice said, "The way we've begin, because it's all new and we're learning as we go, and as you know, you helped to facilitate, Councilor Chavez, a meeting with several of these various artists groups. I made a presentation at that meeting, showed them the spaces, how it could be used and invited them to call. I then follow-up called each one of the directors of each of the groups, to talk more about their individual needs. It seems that most of those groups that we met with that day are not interested in a weekly, regular market. They tend to do occasional weekend markets, which is what they down in Cathedral Park and other sites in the City. So, what I've done is welcome them to make an application as a special event, as opposed to a regular, seasonal market. And, if the date works that we can accommodate them, whether it's on the Casitas Grove space that we've discussed, or in the park itself as a special event, we will just work to be flexible with the different artists that we're trying to accommodate, and including woodworkers who I know were there, and I have yet to receive any applications from any of them. The Santa Fe Artist Market is one market that does meet every Saturday, and so the space is ideal for them. They've extended the offer that if there's a small group, let's say of 3-5 woodworkers, to give an

example who would like to come once a month, that they would be happy to accommodate some of their space. But, if we aren't getting requests, we want to be able to use the space."

Councilor Chavez asked how is that playing out now.

Ms. Brice said they are now in full season, so the Farmer's Market is filling all the shade structure in the Plaza on Saturdays. She said the Santa Fe Artist market has been placed in the West Casitas Grove area, which isn't paved, and they have 20-33 vendors. At the suggestion of Councilor Chavez, will be offering up to two free, nonprofit spaces, and that would reduce the vendors space to 31. There is space for an additional 20 artists and vendors on Alameda south of Paseo. She understands the Santa Fe Art's Market they are getting tremendous response from artists who want in the Railyard Market on Saturdays. She said ultimately there will be space for approximately 53 vendors.

Councilor Calvert asked Mr. Katz to give a status update of discussions with Santa Fe Southern, and if the unresolved things will impact the policies and procedures or if things need to be changed.

Mr. Katz said the negotiations and discussions with Santa Fe Southern will not impact the policies and procedures at all. He had a productive discussion with Carol Raymond on Thursday, indicating the City needs information on what she bases her assertions of various right. It isn't a question of whether Santa Fe Southern is obligated to serve, but what is the source and the parameters of those rights. These discussions are ongoing and he is waiting to hear back from her, noting he believes she is consulting with an attorney who is very knowledgeable on railroad matters which may be of help to us..

Responding to Councilor Bushee, Ms. Brice said Casita Grove West is named after an original casita which has been preserved on the Railyard which is City-owned property, noting all of the Railyard is City-owned property and is part of the public space.

Robert Romero said two months ago, the City approved an agreement to fund \$500,000 in improvements for the TPL, and part of that funding will be used to add landscaping. Councilor Chavez worked with the Legislature this year to get an additional \$250,000 to pave Casitas Grove, and we are waiting for that funding agreement from the State.

Responding to Councilor Bushee, Mr. Romero said part of the impact money was used to help with the TPL improvements – \$600,000 from impact fees.

Responding to Councilor Bushee, Ms. Brice said there is a completely separate license agreement with them for this season.

Councilor Bushee said there are no bike racks, other than in front of REI and in the Farmers Market area, noting this is required of any business..

Ms. Brice said this is something for the Lease Committee to discuss for compliance. She said there are a number of "finish-up" projects throughout the park, and doesn't know if additional bicycle racks are part of that budget.

Suby Bowden said over the course of the approval of the design by the Council, and the bids being received, construction costs rose so quickly, they went through a cost savings measure to keep the cost at the \$12.5 million. One of the things they cut 1½ years ago were extra bike racks for the park.

Responding to Councilor Bushee, Ms. Brice said she will make sure the bicycle racks at businesses is addressed. She said, with regard to parking, is that they'll need help with enforcement. The entire area between REI and the tracks will be paved and will be landscaped. There are still unpaved areas which are privately owned.

Councilor Trujillo noted two 10 X 10 spaces will be provided for use by local, nonprofit organizations, and asked if we can find additional spaces.

Ms. Brice said every additional spot they reduce from the vendors reduces the fees they receive to reimburse the City.

Councilor Trujillo hopes they will look at additional spaces in the future.

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.

Mayor Coss moved Items 13 through 16 to the end of the Evening Agenda, noting the Evening Session will begin about 7:15 p.m..

THE AFTERNOON SESSION WAS ADJOURNED AT 6:40 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Rebecca Wurzburger, at approximately 7:35 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 Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Carmichael A. Dominguez

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of a Memorandum dated May 1, 2009, to the Governing Body, from Dave McQuarie, Chairman, MCD Plan Review Sub-Committee, regarding Street Resurfacing Project ADA Non-Compliance, is incorporated herewith to these minutes as Exhibit "1."

David McQuarie said he provided a hard copy of his May 1, 2009, email to the Governing body advising them not to authorize expenditure of public funds for the 2009 repaving request because it must include ADA accessibility which hasn't been done. Please see Exhibit "1" for specifics of this presentation.

G. APPOINTMENTS

Mayor Pro-Tem Wurzburger presented the following appointments on behalf of Mayor Coss for approval:

Sustainable Santa Fe Commission

Mayor Coss appointed the following individuals to the Sustainable Santa Fe Commission:

Anna Pittman – Reappointment – term ending 05/2012;
Taylor Selby – Reappointment – term ending 05/2012; and
Kim Shanahan – Reappointment – term ending 05/2012

Councilor Calvert moved, seconded by Councilor Romero, to approve these appointments. The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Romero and Wurzbarger voting in favor of the motion, none against and Councilors Trujillo and Bushee absent.

Historic Design Review Board

Mayor Coss appointed the following individuals to the Historic Design Review Board:

Cecilia Rios – Reappointment – term ending 01/2011;
Dan Featheringill – Reappointment – term ending 01/2011; and
Deborah Shapiro – Reappointment – term ending 01/2011.

Councilor Calvert moved, seconded by Councilor Romero, to approve these appointments. The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Romero and Wurzbarger voting in favor of the motion, none against and Councilors Trujillo and Bushee absent.

Capital Improvements Advisory Committee

Mayor Coss appointed the following individual to the Capital Improvements Advisory Committee;

Warren Salomon – to fill unexpired term ending 11/2009.

Councilor Ortiz moved, seconded by Councilor Chavez, to approve this appointment. The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Romero, Trujillo and Wurzbarger voting in favor of the motion, none against and Councilor Bushee absent.

Immigration Committee

Mayor Coss appointed the following individuals to the Immigration Committee:

Jewel Cabeza de Vaca – Reappointment – term ending 02/2011;
Marcela Diaz – Reappointment – term ending 02/2011;
Amparo Elisa Guerrero – Reappointment – term ending 02/2011;

Elizabeth R. Hemmer – Reappointment – term ending 02/2011;
Maria Christina Lopez – Reappointment – term ending 02/2011;
Erik J. Mason – Reappointment – term ending 02/2011;
Erwin Julian Rivera – Reappointment – term ending 02/2011;
Betty Jean Shinas – Reappointment – term ending 02/2011; and
Chester Craig Topple – Reappointment – term ending 02/2011.

Councilor Calvert moved, seconded by Councilor Romero, to approve these appointments. The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Romero, Trujillo and Wurzbarger voting in favor of the motion, none against and Councilor Bushee absent.

H. PUBLIC HEARINGS

- 1) REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT THE DANCE BARN, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ALAMEDA MIDDLE SCHOOL, 450 LA MADERA. THE REQUEST IS FOR THE NDI-NM ANNUAL GALA TO BE HELD ON SATURDAY, MAY 16, 2009, FROM 5:30 P.M. TO 11:30 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting this business is within 300 feet of Alameda Middle School, noting there is a letter in the packet from NDI indicating it has made arrangements for off site parking, and guests will be shuttled to and from the Dance Barn.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Romero, to grant the request for a waiver of the 300 foot location restriction to allow the dispensing/sale of alcoholic beverages at the Dance Barn, 1140 Alto Street, for the NDI-NM Annual Gala on Saturday, May 16, 2009, 5:30 p.m. to 11:30 p.m.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Bushee.

- 2) **REQUEST FROM THE CHURCH OF THE HOLY FAITH FOR A PERMANENT WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. (GIB MASON AND YOLANDA Y. VIGIL)**
 - a) **REQUEST FROM THE CHURCH OF THE HOLY FAITH FOR THE FOLLOWING: (ONLY IF H(2) IS NOT APPROVED)**
REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE, FOR THE ART AND SOUL GALA RECEPTION & AUCTION. THE REQUESTED DATE FOR THIS WAIVER IS FRIDAY, JUNE 5, 2009 FROM 6:00 P.M. TO 9:30P.M.

The staff report was given by Yolanda Vigil, noting the request is by the Church itself. She noted the request is for a permanent waiver for these events, and the Council can decide to do that. If not, the Church is requesting a one time waiver for the event.

Mayor Coss and Councilor Bushee arrived at the meeting

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Romero, to grant the request for a permanent waiver of the 300 foot location restriction to allow the dispensing/sale of alcoholic beverages at the church of the Holy Faith, 311 East Palace Avenue.

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.

- 3) **REQUEST FROM RESTAURANT MANAGEMENT SERVICES, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT LA DOLCE VITA ITALIAN RESTAURANT & PIZZERIA, 945 WEST ALAMEDA (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the restaurant is not within 300 feet of a church

or school, and staff is requesting that the 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 Ortiz, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at La Dolce Vita Italian Restaurant & Pizzeria, 945 West Alameda.

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.

- 4) REQUEST FROM LUCCI'S, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT LUCCI'S PIATTO, 3470 ZAFARANO DRIVE, SUITE D. (YOLANDA Y. VIGIL)

The staff report was given by Yolanda Vigil, noting the restaurant is not within 300 feet of a church or school, and staff is requesting that the 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 Ortiz moved, seconded by Councilor Chavez, to grant the request for a Restaurant (Beer & Wine) Licence, to be located at Lucci'S Piatto, 3470 Zafarano Drive, Suite D.

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.

5) CONSIDERATION OF BILL NO. 2009-12; ADOPTION OF ORDINANCE NO. 2009-18 (COUNCILOR WURZBURGER). AN ORDINANCE ESTABLISHING A RURAL RESIDENTIAL ZONING DISTRICT; AND MAKING SUCH OTHER RELATED CHANGES. (JEANNE PRICE). (Postponed at April 29, 2009 City Council Meeting)

A copy of a proposed amendment to the bill, proposed by Councilor Wurzburger, is incorporated herewith to these minutes as Exhibit "2."

A copy of an aerial photograph of the City of Santa Fe, New Mexico, [Zoning Atlas], entered for the record by Jeff Harbour, is incorporated herewith to these minutes as Exhibit "3."

A copy of the Action Sheet from the Public Works Committee of Monday, May 11, 2009, is incorporated herewith to these minutes as Exhibit "4."

A copy of "Land Use Options, Area 1, Santa Fe Presumptive City Limits, May 13, 2009," entered for the record by Ed Crocker, is incorporated herewith to these minutes as Exhibit "5."

Jeanne Price presented information regarding this matter to the Governing Body from her Memorandum of May 5, 2009, prepared for the meeting of May 13, 2009, which is in the Council, noting the Ordinance was not approved by the Planning Commission, but it was approved by the Public Works Committee with the exhibits and staff's amendment sheet, but did not include the additional amendment sheet about the floodway.

Councilor Wurzburger distributed an amendment which she prepared in collaboration with County Commissioner Vigil, and City and County staff [Exhibit "2"] and read the amendment into the record. Please see Exhibit "2" for the text of this amendment. Councilor Wurzburger said it was the consensus among those working on the Amendment, that it would accommodate concerns which had been raised in the City annexation process with respect to those who really want to make sure that there is a rural character. She said Commissioner Vigil was one of the key proponents in the annexation process of having a rural residential element to the annexation for these two areas, noting Commissioner Vigil is in agreement with the amendment.

Councilor Bushee asked how this applies if it is an affordable housing development and density bonuses are offered, and if this is allowed beyond the three units.

Ms. Price said the rules with regard to the requirement for 30% affordable and density bonus would be in addition.

Responding to Councilor Bushee, Ms. Price said if they have water and sewer, it is more or less R-3, although with the staff amendment, they could not have accessory dwelling units, noting this was done in an attempt to match the EZ.

Councilor Bushee said the Settlement Agreement contains an agreement that the City wouldn't annex further for 20 years, and asked how this would apply to zoning for 20 years.

Mr. Katz said the Settlement Agreement provides, that during the term of this agreement that it will be zoned RR, and this is the 20 year term of the agreement. He said somebody could seek a change, and this provision could be changed if the parties to the Agreement chose to change it – it would have to be with the agreement of the governing bodies of the City and County.

Responding to Councilor Calvert, Mr. Katz said the City and the County governing bodies would have to change the Settlement Agreement.

Public Hearing

Mayor Coss said each person will have three minutes to speak to this issue.

Sidney Monroe, resident of Coyote Ridge neighborhood, Zone 1, said this has been a long and confusing journey for him and his neighbors. He said the Annexation Agreement was put into place several years ago, and he and other neighborhood associations registered opposition to being included. In the City annexation. He said there was never a hearing to express that and the plan went forward. He said as they came aware of it, he and many other members of his Association have been in contact with their elected representative, Commissioner Vigil who has guided and assured them of the inclusion of the rural zoning in the Agreement. He lives in an area zoned for one dwelling per 2 ½ acres, and behind him is another area which could be zoned two to three dwellings per acre, which is of great concern. He said it would be interesting to see where the buffer zone is mapped. He said it has been difficult, and almost impossible to get copies of the current resolution and the current amendment. He said as citizens and homeowners, they are operating without information. He is troubled that he is a resident of the County and he is here before the City, and he has no elected representative at the City, yet the City holds the fate of his property, his neighborhood and his home. He said they would support the rural designation as it is the best option which has been presented to preserve the nature of their residences. He is concerned about the availability of water and other services.

Linda Tigges, introduced Jeff Harbour, her client, the President of Prazda Foundation and the Board of Ecoversity. She said Mr. Harbour is handing out an aerial photograph to demonstrate the location of the property [Exhibit "3"]. She believes this photograph will help the Council to consider his situation. She said while the discussion is on rural residential, it also includes projects and areas that aren't rural residential, which are very much urban, and his property in many ways, is one of those. Ms. Tigges said there are three properties– the large piece of land which includes the Whole Life Clinic, Dr. Wolf and Ecoversity, noting Boylan Drilling is in the upper rear left, and there is an Allsup's across the street. She said Mr. Harbour got a special exception from the County for both the Whole Life Clinic and for Ecoversity, and City staff recommended C-2 PUD zoning and he was comfortable with that. However, the

third piece, the long narrow piece to the east, was not part of the special exception. Mr. Harbour bought that piece later with the idea to integrate it into the project. However, they can't combine these, because you can't consolidate two lots with different zoning. She said she spoke with Ms. Price about a special exception, and this isn't a situation where you want to change the whole Settlement Agreement or approach the County. However, she said the solutions for some of the very urban areas which were included in rural residential would be to look at these closely, and consider adding these to the special exceptions with certain conditions. She believes this can be done, although she doesn't know how. On the other side of the property there isn't a real buffer because it is R5 and higher intensity development.

Jeff Harbour, said Ms. Tigges accurately described their situation, commenting being stuck with this for 20 years would pose a problem.. He asked the Council to consider flexibility to allow him to make use of his property.

Karen Fiedler said she is representing the Calle Nopal/West Alameda Neighborhood Association, and has spoken with the Council for many years about their concerns. However, after speaking with someone today, she thinks perhaps they haven't been clear about their real concerns. She said the conversation went like this, "If we were going to be able to develop a piece of property adjacent to your neighborhood without impacting your neighborhood directly, changing anything there. Would that be okay." She told them no, this isn't about my 2½ acres, nor my neighbor's 2½ acres and this is a much bigger issue. She then listed the salient points as to the concerns she and her neighbors share:

Santa Fe for many years has been a center for those of use who are environmentally and ecologically concerned. Development of the suggested magnitude would compromise the fragile, high desert ecosystem beyond repair. It would hugely stress our water supply, impact our clean air, due to increased motor vehicles. It would strain our already limited community resources, such as police, roads and schools. Where would these residents work? It would dramatically alter the face of Santa Fe, and begs the question, what is the Council's future vision for Santa Fe. It begins to look like Nuevo Rio Rancho. She said people who live here do so at a great sacrifice. They would make better salaries elsewhere, could find more affordable housing and buy groceries and gasoline for less elsewhere. They live here because they love this community. The issue isn't about affordable housing. She doesn't want the Council to compromise those who work and live in Santa Fe and turn it into Santo Rancho.

Emilee Ford, Homewise, said Homewise has been following this issue because of their concern about having a supply of land for the next few decades to provide for affordable housing and trying to ensure the land can be developed in a way which is conducive to affordability and environmental sustainability. They expressed concern about a cap on zoning at two units per acre, because it would be harder to do affordable housing, and the higher cost for market rate homes which would be necessary.

They are concerned about the sustainability of building at two units per acre. They have been talking with Councilors, Planning Commissioners and staff about increasing the density somewhat, but staying within the spirit of the Settlement Agreement, trying to maintain the rural feel of the land. She said Councilor Wurzbarger's amendment addresses that. She said Homewise is in support of the proposed ordinance with Councilor Wurzbarger's amendment.

William Mee, President, Agua Fria Village Association, said the Association supports the rural residential ordinance which would provide a buffer to the traditional, historic community. He asked if we are "killing the goose that lays the golden eggs," if we kill the rural residential ordinance. He said the County already has 14,000 lots which are ready to build on. He said if a higher density is approved, or if the Council doesn't approve the rural residential ordinance, we're approving higher densities and jeopardize the landowners of the 14,000 lots. He said there is a lot of pressure in the historic Village by the growth of the City, especially in terms of property taxes. He said they worked with Representative Trujillo to get HM-51 passed, which would look some of the property tax increases in the Village, noting most of the lots have tripled in value, but the landowners have done nothing to improve the property. He said it is because they're located next to high dollar homes. There is one instance where a homeowner's property valuation increased 15 times because they are located next to Aldea, and it is killing them. He said this is what happened to Canyon Road, and "we drove the people out because it became so unaffordable." He said now, there is nothing art galleries, and we completely changed the landscape by driving people out. He said they support passage of the ordinance, so they can preserve their traditional historic community.

Tamara Lichenstein, resident of the Agua Fria Village, said many of the residents have wished for a rural residential zone in the City for many many years. They have lost neighbors who wanted to see this. She came prepared to support the rural residential zone. She also has heard from Coyote Ridge residents who don't want to be annexed, and were then proposed to this proposed amendment. She said this is another piece of information they need time to analyze before they can make a recommendation. It is a significant density change from what they thought would be considered tonight. She asked the Governing Body to table this until the broader community can hear about the proposed amendment and understand how that affects what they thought they would be hearing tonight.

Ann Lockhart, property owner in Area 1, said she has a strong interest in smart planning. She also has a strong interest in affordable housing, having served on the Homewise Board for ten years. She is proud to live in a community which is in the forefront nationally on this issue. She talked about the City's policies which show vision and leadership, including the Master Plan which created a vision of cluster development in newly annexed areas of a minimum of five units per acre, encouraged alternative forms of transportation, fostered community oriented mixed use development and the development of significant public open space. She said the City made a bold and decisive move in adopting the affordable housing ordinance, to ensure that Santa Fe would remain an inclusive community where people could afford to live and work with those they serve. She said her husband, Ed Crocker, will talk about their

proposed development of 270 acres, and they want a project with significant quality open space, attention to transportation, aggressive and energy water savings feature and significant affordable housing. They have an agreement with Homewise, if this project moves forward, which provides 45% affordability. Unfortunately, this kind of affordable housing isn't feasible in R2 zoning. She said it appears that the undeveloped areas in Area 1 comprise about 40% of all the undeveloped land the City will annex over the next few years, after which no lands will be annexed for another 17 years. She said restricting densities to this level on one of the last large tracts of land annexed into the City will severely restrict availability of new affordable homes. The Settlement Agreement asks that development on now vacant land, respect the rural residential zoning in the area. She said she agrees that residents' lifestyles need to be respected. She said Councilor Wurzbarger's amendment protects the interests of current County residents, while paying respect to the City's vision.

Frank Bond said he and his sisters own property in the area which has been in their family for 70 years. He said there are a lot of long, narrow strips which makes it difficult to deal with. He said his purpose is to advocate for the rural residential zoning, and particularly Councilor Wurzbarger's amendment. He has seen an exodus of people during his lifetime in Santa Fe. He said the 2½ acre designation creates a sense of sprawl, particularly because we don't have the density of housing with nice buffers. He said preserving the residential and rural nature in combination with the traditional villages is best advocated by Councilor Wurzbarger's amendment, and for this reason he is here to advocate for the ordinance with that amendment.

Ed Crocker said he is here to speak on behalf of the rural residential ordinance with Councilor Wurzbarger's amendment. Mr. Crocker handed out "Land Use Options Area 1, Santa Fe Presumptive City Limits [Exhibit "5"]". Mr. Crocker reviewed the information in Exhibit "5," using the overhead projector. He said the first page indicates their property and the surrounding property owners. He said his tract is about 275 acres. He said the next page indicates the existing access patterns of the property, noting the yellow lines represent existing roads and access to property. The next map indicates the settlement patterns in the area, and the yellow areas are Coyote Ridge Road to the left and Calle Nopal to the right, which are 2 ½ acre grid developments. He said he has extended the grids in this handout over the areas in question in Area 1. He said you can see what they would be permitted at one dwelling per 2 ½ acres. He said the City would be dealing with an additional 208 wells within the City and 208 additional septic systems.

Mr. Crocker noted the plan in Exhibit "5," which was done ten years ago when he first began considering the consolidation of properties and indicates what can be done on their 275 acres, noting there is 40% open space, based on an R3 density. He asked the Governing Body to consider "this?" map in its deliberations. He is in support of the rural residential ordinance with Councilor Wurzbarger's amendment.

Michael Hurlocher said he and two other groups own 520 acres in Area 1, or 42% of the total land area in Area 1. He said some of his comments have been "short circuited" by the newly proposed

amendment. However, since he doesn't know if that will be adopted, he will give those concerns. The Settlement Agreement is private contract between the City, the County and Las Soleras, but it mandates a zoning conditions on all the landowners in Areas 1 and 12. He said there was no public hearing on that contract where the landowners could give input in a public forum, and there was no notice. The private conditions states that urban densities shall not be established in Areas 1 and 12 for twenty year or the term of the agreement. It does not state that there shall be no change in zoning. It simply states that urban densities shall not be established, which means there is no opportunity to upzone without risking someone objecting in the future that this is an urban density.

Mr. Hurlocher said no other property owner in the City has a restriction in their right to attempt an upzone, except the property owners in Areas 1 in 12. Worse, urban density is not defined. Therefore, a future upzone application will be met with the argument that it constitutes an urban density. He said having to defend that assertion is a discriminatory burden for Area 1 property owners. He said staff and Legal decided that 2 dwelling units per acre with City water and sewer in the EZ. However, this is arbitrary. He said to say that staff came up with an equivalent zoning to meet the intention of the Settlement Agreement is untrue. One month ago, the recommendation was one dwelling unit per acre, and had nothing to do with matching current EZ zoning. He said after he pointed that out, it went to two dwelling units per acre, with the argument that otherwise it would effectively be a downzone. He said two DU's has no basis of fact in the Settlement Agreement, and on that basis, then the amendment proposes 3 DU's per acre. He would suggest that 3 and 4 DU's per acre is not an urban density. He believes the Settlement Agreement, at a minimum, needs to be revisited to remove the private zoning restriction places on the property owners in Areas 1 and 12. He said, regarding Councilor Wurzburger's amendment, 40% common open space is a little heavy, and means an net lot size of 6,000 to 8,000 sq. ft., which limits the size of the house and it doesn't allow you to vary it. He would leave the accessory units in the bill, if the R-3 option with open space isn't utilized.

Jennifer Hackett said she and husband recently purchased property in the Agua Fria village of about one acre, and they are content with a 1,200 sq. ft. house and don't intend to build onto the house, nor to build more on the lot. She is very frustrated listening to this new amendment which changes rural residential which was approved by Public Works, upping zoning to R-3, because it seems to her, as a group, that everyone should have the foresight to plan in their communities, and not just based on developers and what they're saying affordable housing is going to be. She hopes everyone really looks at what is happening here. It's not fair that an amendment is just opposed at this meeting, and people should have time to know what it does. She doesn't know what the connection is with the developer side that this amendment just got introduced tonight. She hopes people look at what they're doing, as far as development, and asked what is wrong with having open space in Santa Fe.

Jim Siebert, said Michael Hurlocher, who spoke previously, has a project called Las Lomas which is north of Alameda and east of Calle Nopal which R-3 PUD. It is a compatible development in terms of transition to the current Calle Nopal area. He said the ordinance, in his opinion, is a reasonable

compromise between protecting much of the existing development while still allowing for this area to develop in an urban manner which is the reason you are annexing this land. He said he would like to reiterate the issue of the conflict with the Settlement Agreement. He said the Settlement Agreement provides that "Area 1 and Area 12 shall be annexed, but the rural residential zoning prevalent in the area shall be respected by the city following annexation, and urban densities shall not be established within Area 1 and Area 12 during the term of this Agreement." He believes the City still needs to deal with this issue, and they can deal with it by amending the Settlement Agreement, or specifically including language which provides that "urban development is considered to be anything greater than 3 dwellings per acre."

Mr. Siebert noted the amendment language provides, "may be developed at R-3." He asked if it provides "may" are conditions attached which create the ability to accomplish the "may," which he couldn't get from the reading of the ordinance. In terms of the open space, he asked if the 40% was based on a planning evaluation. He said, "Because you realize, the more open space you have, the greater the intensity of development within the remaining area."

Mike Lofton, Homewise, said he is in favor of the rural residential proposal as amended by Councilor Wurzbarger. He said the Settlement Agreement was a major milestone on which the City and County agreed, and settled a lot of annexation disputes and Homewise supports that, because it is good sound policy to have an Annexation Plan. He said the key language in the Settlement Agreement is that this area should respect the rural character of the surrounding area. He said rural character is not just lot size or density, it is also whether there is open space and view corridors and if there is quality open space. He said ½ lots doesn't preserve open space, other than big back yards. He said what is good about this is that it doesn't give you three units to an acre, it only allows it if you dedicate at least 40% of the land to public open space. He believes this is an important quality of life issue, including for people who live in affordable housing, having public open space that is accessible to the public and isn't a lot of square ½ acre lots spread out "all over the place." He said this does have an opportunity to offer a higher quality of life.

Mr. Lofton said Homewise primarily is about affordable housing, but we do care about the quality of life in which people live, and believe by allowing an R-3, it allows affordable housing to work in a community in this part of town, and it also is public open space, not just bigger lots with bigger back yard. He encourages the Council to see this as a good compromise, which has lower zoning than "some of us" would like, and the open space requirement makes it even stronger in respecting rural character. He thanked Commissioner Vigil for her involvement and leadership on this issue.

Commissioner Virginia Vigil said this issue is difficult, but it also is beautiful, and probably the one single, significant, insightful part of the Settlement Agreement which will make a difference for residents that you [City Council] will be representing some day through the Agreement. She said the biggest fears the residents have had are around this issue, which you've hear this evening. There are residents who don't want to be annexed, residents who are okay with it if the rural protection exists, and

there are residents who want to question how the rural component should exist. She said this is what she's heard from residents she currently represents. She appreciates this opportunity to speak to the Council, because she thinks she speaks as their voice, because part of the problem the County residents have had throughout these processes is that "the voice is there, but the volume isn't there," because they can't elect City Councilors. She is their voice to the extent possible because there is a lot to compromise.

Commissioner Vigil said her advocacy for the rural protection ordinance has been based on the past experience that she has had personally. She grew up on Canyon Road when it was strictly residential and she can see the changes which can occur. The rural protection ordinance provides predictability for the City, the County and the residents. She understand the principal reason for annexation was to set clear and definite boundaries so the issue of service and other issues that arise will be clean and clear for us. She applauds the City for moving forward on this ordinance because it gives the message that urbanization isn't the intent. She said part of what needs to happen is that the protection of the residents must be a part of this process. She complimented Jeanne Price's work on the compromise amendment.

Commissioner Vigil said this annexation was one of the first things she dealt with when she was elected 4 ½ years ago, noting they went out for public hearings on this, and heard, through the RPA. She said the City perhaps also needs to look at rural protection areas in the south and on the east side. She thinks this is brilliant and creates the predictability which is so badly needed for the City, the County and the residents. She wishes we could come to a place where we can accommodate everyone, but we are bound by statutes in terms of whether to annex this pocket or that pocket. She believes this is the best possible alternative, she respects the Governing Body's willingness to respect the rural component areas which will be annexed.

The Public Hearing was closed

Mayor Coss thanked Commissioner Vigil for the excellent job she has done in representing her constituency through all this.

Mayor Coss said, for the speakers who questioned Councilor Wurzbarger's motivation or connections, "She has none, but she has worked on the Regional Planning Authority for the better part of eight years now. And she's worked very hard on this and I just want to recognize that and acknowledge that hard work that she did do with Commissioner Vigil, with the City Attorney and a lot of people over the years to get us to this point."

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2009-18, with the amendment proposed by Councilor Wurzbarger.

Discussion: Councilor Bushee noted this deals with zoning, and asked what kinds of individual advertising was done to property owners in the 1,300 acres. She said the Highway Corridor Ordinance was stalled because we needed to do individual notices and if there are more than 1 or 2 situations we should be taking note of, noting the situation relating to Ecovercity.

Mr. Katz said this is not a rezoning of anyone, it is establishing a zoning district.

Councilor Bushee said, "So, there was no noticing done is what your answer is, other than in the newspapers for this hearing."

Mr. Katz said individual notices were not sent to the people in the City or outside the City.

Councilor Bushee said this has been an interesting and evolving process, and she sees the hard work which has gone into it, and she sees the compromise, but she is back to the details now. She asked if you have properties, such as ecoversity, which weren't meant to be included in this residential zoning, do we begin with GIS and start looking. She doesn't want to create an additional burden unnecessarily for properties which shouldn't be part of this. She understands we can grant special exceptions and variances. She had has a concern from the start, if we are establishing a new zoning category, that we do it properly, and asked if we have a way to do that.

Ms. Price said, to clarify, people cannot receive a "use variance," which is prohibited, although people can get other variances. She said special exceptions are written into the exhibits and into the Code, but she can't answer as to whether or not they specifically address the uses they were talking about.

Councilor Bushee asked Ms. Baer if we taken a closer look for properties which don't need to be included in this zoning category.

Tamara Baer said the areas that are defined which will be covered by rural residential were part of the Settlement Agreement, so we did not look at specific properties. She said they did look at properties which were given approvals through the EZA process and recognized and honored those approvals as we moved forward with the proposed zoning. However, the specific areas which would be covered by rural residential are defined in the Settlement Agreement by number and by actual lines on maps, so that isn't something staff changed.

Councilor Bushee said, "Well, okay, well maybe somebody else has an answer up here, but we are going to create some serious heartburn for some folks that don't necessarily need to be part of this process, perhaps inadvertently, perhaps unintentionally, but I have a concern of that. The other is.... Frank, you know, I've been party to a few Settlement Agreements... I can remember Tano Road... and it dictating land use, but never a whole zoning... I don't even to use the word restrict... I... twenty years or seventeen or whatever is left on it... you have no legal... I know the Settlement Agreement dictates it, but you have no concerns that, you know, we're going to redo the general plan, you know, it's ten years old and future Councils are now going to be stuck with this... there are no legal concerns, there are no issues around doing this for a time frame... I mean, I don't know any time or anywhere else where we've said you can't come in and change your density. You can't come in and rezone, essentially. I mean you have to go through a process, of course."

Mr. Katz said he doesn't think this has been done in the City previously. He said, basically, this is an agreement between the two entities that have land use authority in that area, the City and the County. He said it's not significantly changing the rules. The whole point of the Settlement Agreement was to keep the zoning close to what it is now.

Councilor Bushee said she is speaking more to the 20 year limit, and saying you can't do anything differently here for 20 years.

Mr. Katz said one of the main objects of zoning is to give people a sense of predictability when they buy in an area, noting it isn't a guarantee.

Councilor Bushee said they have that, but they can come forward, through the process and change that, if all those involved agree. She is speaking to the 20 year limitation, and asked Mr. Katz if he has any problems in adhering that to this land use process, this Settlement Agreement limitation which is now becoming a land use limitation.

Mr. Katz said he has no problem with that, and this is a statement by the governing bodies of the City and the County that they want stability in this area and that they don't want it to change for that period of time.

Councilor Bushee asked if future governing bodies are tied to this.

Mr. Katz reiterated that future governing bodies could amend the Settlement Agreement if they wanted to.

Councilor Bushee likes the requirement that City water and sewer have to be provided. She asked, regarding the proposed amendment, the genesis of the 40% open space dedication requirement. If this amendment is approved, how will that work in the density calculations and any other land use calculations, and can the open space be considered in the calculations.

Ms. Price said, for example, if someone has 100 acres and they could bring the sewer and water from the City and wanted to do three dwelling units per acre – 300 units – they would take at least 40 acres and put it aside as the common open space. They would put the 300 units on the remaining 60 acres.

Councilor Bushee said then the open space will not be calculated toward any kind of density bonus or land use calculations.

Ms. Price reiterated her calculation.

Councilor Bushee said she still has lingering concerns on the legal side, but she may not get those answered.

Councilor Chavez said the annexation has been a long and winding road, bumpy at times. He said we all have our individual history and recollections of the RPA, and our collective memory of the RPA, noting one of the first committees to which he was appointed was the RPA. He said the RPA was directed to do certain things which were time sensitive, and in some cases "we" didn't do a good job in keeping track of that. He said we try to plan and set policies in the best interests of the community, the residents and the building and construction industry which always is a challenge. He said one piece of the annexation is the Rural Residential Zoning District. He said it is the concept of understanding and respecting the existing conditions. He said this generated the need and interest for this Rural Residential Zoning District which will address open space and current uses. He said there isn't a lot of difference between the rural and urban in many cases. In some cases, it's a mind set, and in other areas it is more about open space.

Councilor Chavez said a lot of changes in the area from rural to urban didn't happen because we needed to do annexation and because of the Settlement Agreement. The EZC and the EZA, in many cases have approved much of the density in this area, and it is urbanizing. The growth patterns and density are changing because the need for that exists.

Councilor Chavez is willing to support the concept of the Rural Residential Zoning, and compare it to something else that is needed which is the Neighborhood Conservation Overlay District. He noted there are residents in both the City and County which need Commissioner Vigil's attention, commenting that residents do have the opportunity to have dialogue with the County Commissioners which also serve them. He said both the Rural Residential Zoning District and the Neighborhood Conservation Overlay District ordinances would address existing concerns relating to development, which is very important. He hopes there is the same support for the Neighborhood Conservation Overlay District ordinance when it comes to the City Council.

Clarification of the motion: Ms. Vigil asked Councilor Wurzbarger which amendments she propose to be included in her motion. Councilor Wurzbarger said she is accepting the recommendation of the Public Works Amendment, the amendment submitted by staff, and the amendment she submitted this evening.

The motion to adopt Ordinance No. 2009-18, as amended, 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.

There was a five minute recess

- 6) **CONSIDERATION OF BILL NO. 2009-22, ADOPTION OF ORDINANCE NO. 2009-20. CASE #M 2008-46. 4789 AIRPORT ROAD ANNEXATION. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIG SKY BUILDERS, INC., AND LOUIS RAE, REQUESTS ANNEXATION OF 2.96± ACRES OF LAND LOCATED NORTH OF AIRPORT ROAD AND EAST OF JUAREZ ROAD.**

Items 6 and 7 were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

Memorandum dated April 24, 2009, for the City Council Meeting of May 13, 2009, to the City Council, with attachments, from Lucas Cruse, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "6."

A copy of the photographs in the power point presentation is incorporated herewith to these minutes as Exhibit "7."

The staff report was presented by Lucas Cruse, which is contained in Exhibit "6."

RECOMMENDATIONS

Case #M 2008-46 4789 Airport Road Annexation

On February 5, 2009, the Planning Commission moved to recommend the City Council approve the request for Annexation, subject to the conditions outlined in the attached conditions table [EXHIBIT A]. The conditions are applicable to any future Development Plan for the property.

Case #ZA 2008-17 4789 Airport Road Rezoning

On February 5, 2009, the Planning Commission moved to recommend the City Council approve the request for Rezoning, subject to the conditions outlined in the attached conditions table [EXHIBIT A]. The conditions are applicable to any future Development Plan for the property.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins, Coleen Gavin, Agents for the Applicant and Mike Gomez, Santa Fe Engineering, Engineer for the project, were sworn.

Using a power point, Ms. Jenkins demonstrated the subject site and the proposed development under C2 zoning. She said it is a parcel of almost three acres, which is vacant, noting the aerial photo does show some structures, but it is an older photo and there are no structures on the property at this time.

The subject property is located in Phase 2 of the annexations which are stipulated in the Settlement Agreement. She said the proposal is consistent with the City's General Plan. She said the subject property has a neighborhood center designation per the Southwest Area Master Plan, and has also been adopted in the City's General Plan. There are neighborhood center properties directly to the east. There is transitional mixed use, low density residential and then more intense commercial moving further east and west.

Ms. Jenkins said the Conceptual Master Plan shows how the property might be developed in accordance with the requested C-2 zoning. She said because this parcel is somewhat narrow in nature, they made every effort to break up the parking areas. They did not want to do a typical strip center, so there are individual buildings, a lot of pedestrian connectivity, landscape buffers, and trying to take advantage of the frontage and visibility they have from Airport Road. She said in the front part, there probably will be more neighborhood serving retail type uses. The rear parcels probably would work really well as offices and studios, because they don't have as much visibility from Airport Road, which would be a nice transition, because there is more residential and mixed use property as you move north.

Ms. Jenkins said the Applicant is in agreement with all staff conditions.

Those speaking to the request

There was no one speaking for or against this request.

The Public Hearing was Closed

Councilor Chavez moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2009-19, with all staff recommendations that apply to the annexation.

Discussion: Councilor Wurzbarger said she continues to be concerned that an ENN was held, but there is no attendance list or comments about what happened at the ENN. Councilor Wurzbarger asked who is responsible to include a summary in the packet from the ENN, indicating who attended and what they thought about the proposal.

Ms. Baer said this is staff responsibility, and it was an oversight, commenting that they try to include that.

Councilor Wurzbarger said, for the record, in the future she wants this information included in the packet, and asked for a verbal summary of the ENN.

Ms. Jenkins, after researching her notes, said there were no neighbors in attendance at the ENN, and there was only Ms. Gavin, herself, the engineer and the property owner.

Councilor Ortiz he said he is concerned about the proposed schematic, because there is a

driveway that looks to be along a common property line on the west side of the property and the FOP. And yet, they are showing a driveway specific for the property which ends on the north side of the property. He asked for more clarity on the ingress and egress.

Ms. Jenkins said the primary access is from Airport Road, and per John Romero's staff recommendations, it will be built to subcollector standards and will be dedicated as a public ROW which eventually be accessed to properties to the north. She said right now, they're just showing an emergency turnaround in this area because the property to the north is undeveloped. She said Airport Road is an overly accessed roadway, with too many curb cuts for the volume of cars it carries. She said one of Mr. Romero's other conditions, is in this area "here," and we are providing an access and utility easement which would connect to the FOP property to the west.

Councilor Ortiz said on this slide, we are seeing your curb cut and then there is an existing curb cut.

Ms. Jenkins said that is a private easement and they went to great lengths to make an effort to work an arrangement with the FOP, but this is a private easement, so they have no right of access there. This is the reason "this" will be the public road when we are done. She said "this" street has minimal traffic, noting they counted the traffic at that curb cut to make sure there were no potential conflicting movements, and it is very, very minimal.

Councilor Ortiz said Airport Road is getting redeveloped and Councilor Dominguez, Councilor Chavez and the Mayor are proposing to spend funds to beautify Airport Road to turn it into a boulevard to give it some medians and reduce the speed. He asked if the Applicant is willing to agree to an additional condition that the Applicant will pay a pro rata share of the beautification of Airport Road.

Ms. Jenkins said they already are constructing medians adjacent to the subject property.

Councilor Ortiz said medians are a traffic calming issue. He asked, when the City comes forward with the Airport beautification and making the medians in a more boulevard style and landscaped, if the Applicant willing to agree to paying their pro rata share for those improvements for Airport Road.

Ms. Jenkins said they are landscaping the median improvements in front of the subject property, so if there was a pro rata share arrangement she would want the expenses they already spent to build and landscape the medians in front of the property to be credited toward that effort.

Councilor Ortiz said then the Applicant would agree to a condition that they agree to a pro rata share of improvements for Airport Road so long as whatever expenses you contribute are contributed directly in front of the project.

Ms. Jenkins said she would like to confer with the Applicant. She reiterated that they are doing what she believes is their pro rata share, and based upon their frontage on Airport Road they are building

landscaped medians. She suggested a condition that the Applicant landscape the median improvements.

Friendly amendment: Councilor Calvert suggested a condition of approval that the Applicant would confer with City staff as to their plans for the beautification plan, and whatever the Applicant does to the median will conform with those plans. Ms. Jenkins said the Applicant agrees to that condition. **The amendment was friendly to the maker and second and there were no objections by the other Councilors.**

The motion, as amended, 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.

- 7) CONSIDERATION OF BILL NO. 2009-23; ADOPTION OF ORDINANCE NO. 2009-21. CASE #ZA 2008-17. 4789 AIRPORT ROAD REZONING. JENKINS GAVIN DESIGN AND DEVELOPMENT, INC., AGENT FOR BIG SKY BUILDERS, INC., AND LOUIS RAE, REQUESTS REZONING OF 2.96± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED NORTH OF AIRPORT ROAD AND EAST OF JEMEZ ROAD. (LUCAS CRUSE)**

Councilor Chavez moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2009-20, the rezoning request, with all staff conditions applicable to the rezoning.

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.

13. MATTERS FROM THE CITY MANAGER

Mr. Buller updated the Governing Body on the status of the College of Santa Fe. He said they realized immediately on the passage of the Resolution that they had a lot of information – financial, legal, facilities and such – about which they needed more information. They said they need this information, recommendations for action and a prioritization on our resources.

Mr. Buller said he created four internal teams to lead the City through the process. The first is a bond team headed by Dave Millican to work with the financial consultants and bond consultants to understand the issues with the existing creditors, what still needs to be done and to identify the dollar amount within which we need to work, with emphasis on the financial issues surrounding the debt.

Mr. Buller said the second team is a Laureate team with the idea that if the City purchases the property and leases it to Laureate, there needs to be an identification of the terms of the lease, terms and conditions of the operation and the programmatic issues. This team is headed by Kathy McCormick, noting Lee DePietro is on her staff who formerly was Harvard University's planning and real estate general manager, so she is well suited to do this work. Ms. DePietro also was property manager for a Boston financial group. He said Katherine Mortimer was on UC Berkeley's property management team and involved in implementing its campus plan. He said Nick Schiavo is also on the team to look at the buildings.

Mr. Buller said there is a facilities review team headed by Robert Romero which will look at the facilities to evaluate the condition, and determine deferred maintenance and identify any red flags. The team is primarily Mr. Romero's staff, although he has one consultant helping him.

Mr. Buller said Jack Hiatt is heading a support team to the other teams for technical issues – zoning, master plan, subdivision. There is also a steering committee he leads to make sure all the teams are working together. He said they are going across departments to get information flowing and to ensure things are happening expeditiously.

Mr. Buller said there have been a number of meetings with personnel from the State including the Governor's Office, Laureate, SF Community College and the College of Santa Fe, to discuss the lease and operating agreements and terms and conditions necessary to enter into with the lessee, terms conditions of the bond renegotiations, timing, strategy, identification of Laureate's needs, real estate needs, campus needs, utility infrastructure needs and concomitantly, the real estate Laureate wouldn't need, procurement rules, necessary ancillary agreements, summer and fall operations on campus, identification of legal issues, deferred maintenance, need for a full-time property management consultants and if that's feasible, who would pay; master planning, utility issues and the concept of the learning center and the learning district.

Mr. Buller said they are hoping to contact creditors early next week, and to complete the preliminary facilities environmental evaluations in the next week, with estimates on current and deferred maintenance and the need for a phase one environmental evaluation. He hopes to begin drafting some of the legal documents next week.

Councilor Ortiz asked who's responsible for talking with creditors, and what is the timeline and what are the strategies for negotiating with creditors.

Mr. Buller said those details aren't entirely worked out, and they have been talking predominantly with the State, noting the debtor has to be involved in talks with the creditor. He said who would form the team to do those negotiations hasn't been determined, but it has to be determined in the next few days because we need to do this not later than the end of next week. So, this is next on the agenda, but it would be some combination of people from staff in conjunction with members of the Governor's staff.

Councilor Ortiz asked what involvement the State has in negotiating the ultimate price for the City.

Mr. Buller said the State wouldn't negotiate the price, and is making a contribution of \$11 million, but not how liquid it is. He said the adjustment down on the debt will come from the City, and Mr. Millican is working with our consultants to come up with the price. He said the State is involved because it is providing \$11million and because we may be working with NMFA for the financing.

Councilor Bushee said it sounds from the press conference that \$5 million is only for the land purchase and the balance could be used for operational and other, and may not have anything to do with negotiations. Mr. Buller said this is correct.

Councilor Ortiz asked which consultants staff is using.

Mr. Buller said George Wiliford at Southwest in Dallas and our bond counsel with the Modrall Law Firm.

Councilor Wurzbarger asked what the role of the Council will be with respect to the approval of what staff will be taking to the creditors, or is the intention to take the advice of the consultants and go with that.

Mr. Buller said the only appropriate way to do this is to make any offers which contingent upon this body's acceptance.

Councilor Ortiz asked if these are offers Mr. Buller will make or offers which are made by the creditors.

Mr. Buller said whatever "deal" made is a contingent deal, because it needs to be brought back to this body.

Councilor Wurzbarger said then he is saying that the Council will not have a role in consideration of the variables to come up with an offering price to the creditors.

Mr. Buller said the Council could be involved and it would have to be done in a special session or we would have to delay the negotiation.

Councilor Ortiz said he has an Executive Session for the purchase and acquisition of the College

of Santa Fe on the Finance Committee agenda on Monday, which is considered a special City Council meeting and that we want to invite them.

Mr. Buller said this needs to be in executive session since it deals with a dollar amount. Responding to Councilor Ortiz, Mr. Buller said he will have the information by Monday, and this is a good idea.

Councilor Wurzbarger said her concern as we've gone through this process is that the assumptions underlying the numbers need to be something we all understand, or we run the risk of making an offer in New York, but the Council doesn't agree with the assumptions.

Mr. Buller said he agrees that whatever negotiation strategy is decided, all of the assumptions need to be understood by everyone.

14. MATTERS FROM THE CITY ATTORNEY

There were no matters.

15. MATTERS FROM THE CITY CLERK

There were no matters.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of , is incorporated herewith to these minutes as Exhibit "8"

Councilor Trujillo

Councilor Trujillo introduced a Resolution approving the design and installation plan for the 400th Anniversary Banners. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Trujillo said 2-3 meetings ago, he alerted staff about the rail car which is parked off Rodeo Road. He said it continues to get increasingly ugly with ever increasing graffiti, and asked staff to talk to Santa Fe Southern about what to do with it.

Councilor Calvert

Councilor Calvert introduced the following:

1. An ordinance amending the Green Building Code to clarify something with geothermal heat pumps and what is required. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "10."
2. A Resolution amending the Administrative procedures regarding the amendment to the Green Building Code. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "11."
3. An ordinance amendment adjusting the Santa Fe Homes Program sale price for energy efficiency. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "12."
4. A Resolution amending the administrative procedures regarding the amendment to the Santa Fe Homes Program. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "13"

Councilor Bushee

Councilor Bushee asked Mr. Romero to provide an update on how the multi-modal transit in the Railyard is moving forward.

Councilor Bushee said the prairie dogs are back on West Alameda along the river, and they are getting in the street and getting killed, and she wants to deal with this now.

Councilor Bushee invited everyone to come to the Railyard Plaza for Bike to Work activities, beginning at 7:00 a.m. on Friday.

Councilor Wurzbarger

Councilor Wurzbarger asked the status of the long promised classification study, which would have been helpful in reviewing the volumes of budget information. She said it is difficult to review this information without knowing about equity issues, etc.

Mr. Buller said Ms. Kuebli will be at the meeting tomorrow to talk about this. However, they have told us that they're not going to be ready in any time to allow us to have that input during the hearings. Responding to Councilor Wurzbarger, Mr. Buller said we have been "at it" since late Fall 2008.

Councilor Ortiz pointed out that it was a condition of the last budget.

Councilor Wurzbarger provided a letter to Mr. Buller which all of the Councilors received from a person who was given a ticket while she was getting a dolly to load something in her car at Cost Plus. She said this is about the notion of having discretion at the Railyard right now, given the problems with parking.

Councilor Wurzbarger asked about the process to receive funds from the stimulus package. She asked the correlation with the City's request we sent to Washington, D.C. with the Governor's Office, or if all funds we will get will come through the Governor's Office.

Mayor Coss said the Governor has a discretionary portion of the funds, but we have also applied directly for funds.

Councilor Chavez

Councilor Chavez introduced a Resolution authorizing arts and crafts shows to be held in the Plaza space bordering Marcy Street between City Hall and the Santa Fe Community Convention Center; and establish applicable policies, noting this will go to the Arts Commission, H-Board, Public Works and Finance Committees. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "14."

Councilor Chavez said he had requested an update on the Community Gallery as a part of the budget review, and it isn't on the agenda. He also would like a flow chart for the Convention Center.

Councilor Ortiz said typically we have the ability to have some time in advance. However, since PUC canceled its meeting, we will be using that May 20th meeting to have all this information.

Councilor Ortiz

Councilor Ortiz said because we received the budget information late yesterday afternoon, the Finance Committee will start at 11:00 a.m., instead of 8:30 a.m., and then go as long as possible. There will then be a regularly scheduled Finance Committee on May 18, 2009, and then a Special Finance Committee meeting on May 20, 2009. He said we have gotten budget information later than it has ever been received. It will be a struggle to get things done and it will be a problem. He invited all Councilors to attend the Finance Committee meetings.

Councilor Ortiz told Mr. Millican if we're going to be behind, staff needs to contact DFA right now to see what we need to do in the event the budget will be late.

Councilor Ortiz invited all members of the Governing Body to attend the Executive Session at the regular meeting on Monday.

Responding to Councilor Bushee, Councilor Ortiz said he doesn't know if we can be late with the budget, and this is the reason he wants to contact DFA, noting this is the first time he's seen the City budget come in as late and as piecemeal as it has. He does realize this is outside of staff's control and staff is working on a lot of other things. However our budget is very important, and we've been talking about the shortfalls since October.

Councilor Ortiz said Councilor Romero scheduled a meeting with the DOT to discuss several issues of nuisance regarding the Rail Runner and who deals with problems along the rail. He said in his area, there was an issue of rail debris which was moved from Alta Vista. The meeting will be on Monday at 3:00 p.m., in the Council Chambers to discuss and flesh out the issues. He said staff needs to be vigilant in dealing with the State, because the Rail Runner is here, but that doesn't mean it has to "get their way" every time.

Responding to Councilor Ortiz, Mr. Katz said he will have to research the City's authority to declare a nuisance on other governmental property.

Councilor Romero

Councilor Romero can't attend the meeting on Monday, and asked Mr. Buller if it would be possible to participate telephonically. She said some of the issues deal with homelessness, who is in charge and who will deal with it.

Councilor Romero said, given the issues at Patrick Smith Park, the master plan for parks and trails, she would propose a listening session to bring the master plan forward again. She said she and Councilor Wurzbarger are looking at a public involvement plan to keep people informed and updated, noting the last public process was two years ago. She said there is a meeting scheduled June 2nd at 5:00 p.m., at Patrick Smith Park to address some of the issues around the Park, and invited all of the Councilors.

Councilor Bushee said at the next BTAC meeting, on May 28th there will be an overview of all the money spent to date, progress, timelines, etc., on all of the trails, and invited the Governing Body to attend.

Councilor Romero would like to coordinate these efforts with Councilor Bushee and BTAC.

Mayor Coss

Mayor Coss commended everyone that the Siler Road crossing started yesterday.

Mayor Coss appreciates the Chairman's discussion on the budget, and said he will start working with DFA. He agreed that it is the latest the Council has received the budget, but is also the most difficult budget that a City has ever had to prepare.

I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:55 p.m.

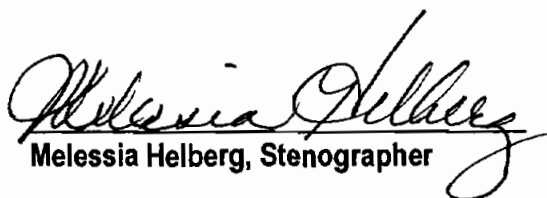
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer