



# Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, JUNE 22, 2009  
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM JUNE 8, 2009 PUBLIC WORKS COMMITTEE MEETINGS

**CONSENT AGENDA**

6. CIP PROJECT #211 – POLICE DEPARTMENT RENOVATIONS – PHASE II
  - REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 WITH LOCKWOOD CONSTRUCTION COMPANY IN THE AMOUNT OF \$49,644 (**CHIP LILIENTHAL**)
7. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT DATED JANUARY 31, 2007 (RFP 07/26/P) WITH GANNETT FLEMING WEST, INC. FOR AN INCREASE OF \$100,000 FOR ADDITIONAL DESIGN SERVICES ON THE ACEQUILA TRAIL (**LEROY PACHECO**)
8. REQUEST FOR APPROVAL OF BID NO. 09/39/B – 2009 MOBILE CONCRETE DISPENSER FOR STREETS AND DRAINAGE MAINTENANCE DIVISION; CEMEN TECH, INC. (**DAVID CATANACH**)
9. REQUEST FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 1 IN THE AMOUNT OF \$145,000 FOR DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF A BOTANICAL GARDEN ON CITY OWNED LAND LEASED TO THE SANTA FE BOTANICAL GARDEN (**ROBERT SIQUEIROS**)
10. REQUEST FOR APPROVAL FOR TWO COMMUNITY DEVELOPMENT BLOCK GRANTS - RECOVERY
  - SANTA FE COMMUNITY HOUSING TRUST - \$60,000
  - CITY OF SANTA FE/QNURU - \$95,961 (**MELISA DAILEY**)

11. HUD SHELTER PLUS CARE CONTRACTS FOR THE PERIOD OF 2009-2010
  - REQUEST FOR APPROVAL OF FIVE (5) HUD SHELTER PLUS CARE CONTRACTS THAT ARE USED TO PROVIDE TENANT BASED RENTAL ASSISTANCE TO VERY LOW INCOME INDIVIDUALS AND FAMILIES – LIFE LINK/LA LUZ AND SANTA FE COMMUNITY HOUSING TRUST **(LEE DEPIETRO)**
12. AIRPORT ROAD RESURFACING PROJECT (3ECO-4726(2); C NESS-1030)
  - REQUEST FOR APPROVAL OF A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR APPROPRIATIONS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 IN THE AMOUNT OF \$2,000,000 **(DAVID CATANACH)**
  - REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE AIRPORT ROAD RESURFACING PROJECT FUNDED FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION **(COUNCILOR DOMINGUEZ) (DAVID CATANACH)**

#### DISCUSSION

13. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 WITH ENTERPRISE COMMUNITY PARTNERS WHO WILL ADMINISTER AND SCHEDULE SIX TO EIGHT MEETINGS FOR THE AFFORDABLE HOUSING ROUNDTABLE IN THE AMOUNT OF \$39,950 INCLUSIVE OF NMGR T **(TED SWISHER)** *POSTPONED AT 06/08/09 PWC MEETING*
14. TINO GRIEGO FACILITY
  - UPDATE
  - CIP PROJECT #539 – TINO GRIEGO/LA FARGE BRANCH LIBRARY RENOVATIONS – RFP #09/23/P – DESIGN SERVICES
    - REQUEST FOR APPROVAL OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND TERRAPLEN/INTEGRATED DESIGN ARCHITECTURE IN THE AMOUNT OF \$77,820.15 PLUS \$2,000 REIMBURSABLE EXPENSES **(CHIP LILIENTHAL)**
15. REQUEST FOR DIRECTION AND/OR APPROVAL TO THE ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS **(STEVE ALMANZAR)**
16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-4.3(I) SFCC 1987 REGARDING THE PURPOSE AND REQUIREMENTS OF PRC PLANNED RESIDENTIAL COMMUNITY DISTRICTS **(COUNCILOR WURZBURGER) (JEANNE PRICE)** *POSTPONED AT 06/08/09 PWC MEETING*
17. REQUEST FOR APPROVAL OF A JOINT RESOLUTION DIRECTING STAFF TO STUDY THE FEASIBILITY OF COMBINING EFFORTS TO PLAN AND DESIGN AFFORDABLE HOUSING, TO ALIGN AFFORDABLE HOUSING POLICIES FOR CONSISTENCY IN INTERPRETATION AND APPLICATION, TO IDENTIFY AREAS WHERE COLLABORATIVE EFFORTS WILL RESULT IN MORE EFFECTIVE AND EFFICIENT HOUSING PROGRAMS AND PROJECTS FOR THE BENEFIT OF THE WORKING CITIZENS OF THE CITY AND COUNTY OF SANTA FE **(COUNCILOR ROMERO) (KATHY MCCORMICK)**

18. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTIONS 14-8.13, 14-8.16 AND 14-8.17 SFCC 1987 REGARDING ANNUAL WATER BUDGET, WATER RIGHTS TRANSFER REQUIREMENTS AND WATER BANKING; CREATING A NEW SECTION 14-8.13 SFCC 1987 REGARDING DEVELOPMENT WATER BUDGET REQUIREMENTS; A NEW ARTICLE 25-9 SFCC 1987 REGARDING THE CITY WATER BUDGET, A NEW ARTICLE 25-10 SFCC 1987 REGARDING THE CITY WATER BANK, A NEW ARTICLE 25-11 SFCC 1987 REGARDING THE WATER RIGHTS TRANSFER PROGRAM AND A NEW ARTICLE 25-12 SFCC 1987 REGARDING THE WATER CONSERVATION CREDIT PROGRAM; MAKING SUCH OTHER RELATED CHANGES AS ARE NECESSARY **(COUNCILOR WURZBURGER) (DALE LYONS) POSTPONED AT 06/08/09 PWC MEETING**
19. MATTERS FROM STAFF
20. MATTERS FROM THE COMMITTEE
21. NEXT MEETING: JULY 6, 2009
22. ADJOURN

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

## **SUMMARY INDEX**

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

June 22, 2009

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5. APPROVAL OF MINUTES - June 8, 2009	Approved as amended	2
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15. Anti Graffiti Task Force Recommendations	Approved	3-7
14. Tino Griego Teen Center Design	Approved	7-8
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17. Joint Resolution on Affordable Housing	Approved	10-11
18. Water Rights Transfer Ordinance	Approved	11-14
 19. Matters from Staff	 None	 14
19. Matters from the Committee	Discussion	14
20. Next Meeting	Set for July 6 2009	14
21 Adjournment	Adjourned at 7:15 p.m.	14

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

**MONDAY, JUNE 22, 2009**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBER PRESENT:**

Councilor Patti Bushee, Chair  
Councilor Christopher Calvert  
Councilor Miguel Chávez  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**MEMBERS ABSENT:**

**OTHER COUNCILORS PRESENT:**

**OTHERS PRESENT:**

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

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

**3. APPROVAL OF AGENDA**

Mr. Romero asked that item 13 be deleted from the agenda. He explained that he was told it would be coming back to the Committee in a far different format.

Councilor Calvert asked that they move item 15 up before 14 if possible.

Chair Bushee said Chip wasn't going to be long.

Councilor Calvert moved to approve the Agenda as amended with item 13 being deleted and item #15 being considered before Item 14. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

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

Councilor Calvert moved to approve the Consent Agenda as published. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

#### **5. APPROVAL OF MINUTES FROM JUNE 8, 2009, PUBLIC WORKS COMMITTEE MEETING**

The stenographer made a clarification on the motion concerning the NWQ:

"Councilor moved to deny this request. the acceptance of the pro forma. Councilor Calvert seconded the motion and asked for a friendly amendment to deny the traffic plan which Councilor Romero said was not friendly. Councilor Calvert withdrew his second and Chair Bushee said she would second the motion.

"In the discussion, Councilor Calvert said he would rather give direction to staff than to deny the proforma. Councilor Romero and Chair Bushee agreed to accept the denial of the traffic plan as friendly. The motion, as amended to deny both the pro forma and the traffic plan was approved unanimously on a voice vote."

Councilor Calvert moved to approve the minutes of ~~June 8, 2009~~ as amended. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

#### **CONSENT AGENDA LISTING**

##### **6. CIP PROJECT #211 – POLICE DEPARTMENT RENOVATIONS – PHASE II**

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- **SANTA FE COMMUNITY HOUSING TRUST - \$50,000**
- **CITY OF SANTA FE/QNURU - \$95,961 (MELISA DAILEY)**

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## **DISCUSSION**

**15. REQUEST FOR DIRECTION AND/OR APPROVAL TO THE ANTI-GRAFFITI TASK FORCE**

## RECOMMENDATIONS (STEVE ALMANZAR)

There were several members of the committee present. Mr. Steve Almanzar, Supervisor for Parks and Recreation introduced Ms. Pilar Faulkner, Chair of the Task Force, to present the details.

Ms. Faulkner said that since they became a task force, they began working by interviewing lots of businesses or organizations they could find and based on those interviews came up with these recommendations. They found there was no regional response to graffiti in the Santa Fe area and each entity had its own way of dealing with it. There needed to be more staff to address it, including more on the cleanup crew. They also found that there was a lack of communication among those who were trying to address the problem.

Councilor Chávez arrived at this time.

Ms. Faulkner pointed out the new language which was on pages 24 and 25. She asked the stenographer to read them which he did. She said they felt it was important to be specific regarding the tools.

Councilor Chávez noted that the tools included aerosol cans that were under lock and key supposedly.

Ms. Faulkner explained that this was based on ordinances from other cities that had high profile graffiti.

Councilor Trujillo commented that a lot of the graffiti in his district was done with purple paint. He asked if there was a way to find out who was buying this stuff or to track it. He had been told by a police officer that purple paint was part of the gang code.

Ms. Faulkner said that was an example of the communication problems among the Council, the police department and paint store owners. But the Council could do what it wanted to do on it.

Councilor Trujillo said they did deal with it at Public Safety.

Ms. Faulkner didn't think the Task Force had been on the Public Safety agenda.

Councilor Romero felt that it was not a matter of tracking the purchases at Santa Fe retailers because the purchasers could just go to Española or Las Vegas to get their paint. She said they were recommending that the City of Santa Fe coordinate on a regional basis with other municipalities to reduce the use of the materials for graffiti.

Ms. Faulkner said the purpose of the ordinance was just to identify the graffiti tools and that was the intent of the amendment.

Councilor Calvert did not agree with the recommendation that the Graffiti staff needed to be a separate department. During the time of limited budget, they needed to make good use of the resources they had and the best place was the Police Department. The three parts of graffiti control were abatement,



enforcement and prevention. Right now the City, through the Parks and Rec Department was doing abatement and that was all they were doing. Police were in charge of enforcement and ultimately the prevention side in such things as Neighborhood Watch. So it would be easier to coordinate if they were in the Police Department. He said they needed to make the scrapbook into digital electronic files that would make it easier to coordinate with police departments in other nearby cities. If they were in the police department, he felt they would not need much increase of staff.

Chair Bushee noted they didn't have anyone from police here.

Councilor Trujillo said he would like to put this on the next Public Safety Committee agenda.

Councilor Chávez suggested it would be good to attach a dollar amount. They should have a fiscal impact on the recommendations they were suggesting.

Ms. Faulkner explained they didn't put a fiscal impact or budget together because they didn't know how to do it. None of them were staff members; all of them were volunteers.

Councilor Calvert said they would have to get it in amendment form and have City staff do that.

Councilor Chávez asked that the committee look at each of those scenarios and have a dollar amount attached to each.

Councilor Romero asked if they had considered having monitoring cameras and fake monitoring cameras as part of their effort. Ms. Faulkner referred her to the business section where that was addressed.

Ms. Faulkner felt the City was being held hostage to this epidemic. The Task Force was responding but not there yet. They planned to use cameras and decoy cameras to put taggers on the defensive. It was a crime and needed to be handled like a crime. That was the basic feeling of the committee. They talked about the budget but didn't have the expertise to do that. So they focused on general recommendations. On every one of them, they had volunteered. This was a community issue so they were engaging homeowners and others to help with it. They were not just asking for the city to do this - it was the entire community.

**Councilor Romero moved to approve the recommendations of the task force and forward it to the Public Safety Committee.**

Chair Bushee asked if he wanted specific things to go first such as the financial impact.

Councilor Romero said they had some hard working volunteers but from an ordinance perspective the City needed to do this and perhaps have Jeanne Price look at it, now that they had received the basic recommendations.

Ms. Faulkner agreed with Councilor Calvert that this was a crime and the police should be part of the

effort. One of the biggest problems they saw again and again was the lack of communication. She agreed that having this under the Police Department was a good suggestion.

Chair Bushee wanted a police report on this. Just moving it off to Public Safety might not be enough and they seemed to just keep shuffling it around. Councilor Ortiz sponsored some legislation for dealing with it in a stricter way with reparations to be made. She didn't know how effective ~~what they did~~ really was. Now she wanted a prolonged report on how well they were doing from a police perspective and from a public works perspective.

Mr. Romero said they always took a picture of the graffiti and were trying to share it ~~with the Police Department~~. One of the problems was that unless the Police saw it happen, they could not cite anyone.

Chair Bushee thought most of it seemed to be attached to gangs. It was repetitive and usually on public property.

Councilor Romero said ~~whatever they had been doing~~ had not worked. What was put forward by Councilor Ortiz might or might not work. It was definitely not working in her district and ~~that was why~~ she was asking that these recommendations be moved forward. She wanted to do ~~whatever they could~~ to move the recommendations forward; have staff review what the costs were going to be; have neighborhood associations know what the recommendations were and get some answers.

Chair Bushee asked Mr. Chávez what his opinions were; if it was taking a third of ~~his time~~ or a quarter of his time, and if any of the tactics were working.

Mr. Chávez agreed with all of those points. Just having them go out and clean up ~~didn't work~~. The Police had to catch the perpetrator in the act So it had they had to receive a phone call and/or have a camera but graffiti vandals would figure out in no time about the decoys and how to get around the cameras. The City was in a reaction mode right now because they didn't have the tools to enforce. He wondered what they would do if there was a standoff since his staff could not make an arrest. He dreaded to think what they would do in that situation.

Chair Bushee asked if it was getting worse.

Mr. Chávez agreed that it had an ebb and flow and school was out now. They were ~~not further~~ behind on abatement. 95% of the delays had to do with the nature of the graffiti and where it was at.

Chair Bushee thought maybe working with Public Safety was best.

Councilor Trujillo asked how many citations had been issued. He said he knew ~~there had been~~ none. He would ask the Police Department to report at the next meeting.

Chair Bushee hoped they could keep the effort on.

Mr. Schmitt said they needed to focus on abatement and prevention. He felt that organizing volunteers would be cost effective.

Chair Bushee related how the COPS program did that and she had proposed it for Santa Fe but she could not seem to get it off the ground. It had worked in other places and people patrolling could make a difference.

Mr. Schmitt agreed with Councilor Calvert that moving this to the Police Department would help with communication and coordination with a shared database.

**Councilor Trujillo seconded the motion and it passed by unanimous voice vote.**

#### **14. TINO GRIEGO FACILITY**

- **UPDATE**
- **CIP PROJECT #539 – TINO GRIEGO/LA FARGE BRANCH LIBRARY RENOVATIONS – RFP #09/23/P – DESIGN SERVICES: REQUEST FOR APPROVAL OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND TERRAPLEN/INTEGRATED DESIGN ARCHITECTURE IN THE AMOUNT OF \$77,820.15 PLUS \$2,000 REIMBURSABLE EXPENSES (CHIP LILIENTHAL)**

Mr. Martin Valdez said the Mayor's Youth Advisory Board recommended turning the pool there into a teen center about four years ago. It was identified as a priority in the last two youth summits. There was a lot of back and forth discussion on whether it would be used as a workforce training facility or a teen center and that had caused some delays.

Chair Bushee asked how long ago the Council had approved the teen center project there.

Mr. Romero said it was five or six months ago. Since then Mr. Lilienthal had been working on the design for it as a teen center. There was a total of \$500,000 just for the design work and no funding for construction yet. He explained that the million dollars from the State was only for the film center and would not be available to use for the teen center.

Mr. Valdez said this scope of work was to provide the program and it was a joint project that included programming for the La Farge Library. They would move forward to secure funding for construction either from the legislature or a CIP bond.

Chair Bushee asked how long this would take for the design to take place.

Mr. Valdez said it would be ready for Council in October and they would have an estimate for the basic costs. This particular contract for \$77,000 was for part of the design. He said there was a total of \$500,000 available for all the design work but they had not determined a source of funds for the actual construction costs. He agreed with Chair Bushee that SFCC students would be involved and the best energy efficiency

characteristics would be included in the RFP.

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

**16. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-4.3(i) SFCC 1987 REGARDING THE PURPOSE AND REQUIREMENTS OF PRC PLANNED RESIDENTIAL COMMUNITY DISTRICTS (COUNCILOR WURZBURGER) (JEANNE PRICE) POSTPONED AT 06/08/09 PWC MEETING**

Ms. Price explained this amendment would allow mixed use development in PRC districts to provide additional services and economic opportunities. It allowed a mix of residential types and limited commercial sub category like a neighborhood shopping center. As part of the general plan this would make it less automobile dependent and greener. This was an opportunity to add more economy and services inside the PRC community. It increased mixed use to 35%. The 35% would be less depending on where it would be located.

The Planning Commission did recommend approval of this bill. This relied on the General Plan so that they could provide services closer to jobs. They had several of these districts. One was in Tierra Contenta and there was one for the Santa Fe Estates area called Las Estrellas. Those projects that already had the Master Plan would have to come in for an amendment for mixed use.

She said they would need to proceed with this amendment prior to the approval of the NWQ. The Planning Commission did say it was a good idea for the City Code and General Plan.

Councilor Chávez commented that Tierra Contenta tried dealing with a PRC to make accommodations in their Master Plan for areas to do this such as retail, etc. Even in Tierra Contenta it was a very hard sell. So for 15 years, the residents of Tierra Contenta had been waiting for their services because it was not financially feasible to set up a business there. So he didn't think this would help. The NWQ was way back on his list of priorities already.

It didn't do any good to limit it to 35%. Having that component allowed didn't mean it would happen any time soon.

Ms. Price said right now Tierra Contenta had a much smaller commercial amount (much less than 35%). She asked if it would go better with this amendment but didn't know.

Councilor Chávez said they were "all Master Planned out." The Master Plan was part of the plan. He didn't think Tierra Contenta would want to increase the mixed use more than it was now. So he didn't see it working

Councilor Romero recalled that back in the late 1990's on the general plan work, the comment made was one where the kids could walk across the streets for a Coke. Tierra Contenta was one of those projects that was not yet finished. She didn't know if this would make a difference or not. It would be great

if they had access to the services that kept the community together.

Councilor Calvert asked Ms. Price about the two examples of PRC districts. She had said the NWQ was a possible third. He asked if there were any others on the horizon.

Ms. Price said that with something like this, they could have seen Las Soleras work out better. As it turned out they had a patchwork of various zonings. With annexation, there might be more of them but they didn't have a large potential.

Councilor Trujillo asked if with this PRC Las Soleras might want back in. Ms. Price doubted it since they already had their development plan in place.

Councilor Trujillo asked what the percentage of housing to the rest of the project would be.

Ms. Price said up to 35% would be mixed use and 50% to 80% of the mixed use of the 35% could be commercial.

Chair Bushee asked if this was one of the Chapter 14 recommendations.

Ms. Price said she didn't really know for sure.

Chair Bushee was concerned about going back and checking on the percentages. It was really hard to enforce after the fact.

Ms. Price agreed that mixed use just hadn't taken off much.

Ms. Edie Pichu(?) said she did a little research on the live/work development. In their proposal for the Railyard, the city actually restricted the first floor to be commercial and upper floor to be residential.

Chair Bushee explained that she was asking how to get it to mixed use.

Ms. Pichu said the Railyard had been capped. Upper floors were residential.

Chair Bushee restated that existing PRCs would come back for amendment. She spoke about densities and mixed uses. They might just as well say they wanted more commercial and not have it be mixed use. It was a category she wasn't sure they would continue to work with. She didn't want to push it through without further analysis.

Councilor Chávez commented that Rancho Viejo was still waiting for a grocery store and had no takers. The Railyard was supposed to have someone working downstairs and living above but found it could not work because it was not affordable. It was not live/work. There were examples of what had not worked. So a PRC made no sense.

Councilor Romero noted that Chapter 14 updates would be happening next month or so. She asked if

this would be part of that effort.

Ms. Price said it was originally in one of the recommendations from staff on Ch 14 but it had been separated from it.

Councilor Romero concluded that this was premature.

Ms. Price thought if there was any review and any adoption of the plan for the NWQ; this would need to be in place before that.

Councilor Calvert asked to clarify that the limit of 35% for mixed use and of the 35%, 50-80% had to be residential so the most commercial would be half or 17.5%. Ms. Price agreed.

Councilor Calvert said the people in NWQ had argued that things change over time - the uses were meant to be flexible.

Chair Bushee said if it was a limit, you have to come up with an enforcement mechanism.

Chair Bushee pointed out that, ideally, the Santa Fe Estates commercial was to be local businesses serving the neighborhood. She was surprised at the percentages for mixed use.

Councilor Chávez noted the language said the area of commercial could not exceed a total of 20,000 sq ft. He didn't think it would be fair to ask those already established to come back and change their plan.

**Councilor Chávez moved to recommend denial of this ordinance amendment. Councilor Calvert seconded the motion.**

Councilor Chávez said they wanted a mixed use definition that was broad. He could not support it.

**The motion to recommend denial passed by majority voice vote with all voting in favor except Councilor Trujillo who voted against and Chair Bushee who abstained.**

Chair Bushee was not opposed to commercial but traffic increases had become very important. She asked where it was going.

Ms. Price said it was going to Finance on 29<sup>th</sup> and to Council on July 29<sup>th</sup>.

**17. REQUEST FOR APPROVAL OF A JOINT RESOLUTION DIRECTING STAFF TO STUDY THE FEASIBILITY OF COMBINING EFFORTS TO PLAN AND DESIGN AFFORDABLE HOUSING, TO ALIGN AFFORDABLE HOUSING POLICIES FOR CONSISTENCY IN INTERPRETATION AND APPLICATION, TO IDENTIFY AREAS WHERE COLLABORATIVE EFFORTS would RESULT IN MORE EFFECTIVE AND EFFICIENT HOUSING PROGRAMS AND PROJECTS FOR THE BENEFIT OF THE WORKING CITIZENS OF THE CITY AND COUNTY OF SANTA FE (COUNCILOR**

**ROMERO) (KATHY MCCORMICK)**

Councilor Romero said the intent of this resolution was to help the county work more closely with the city to work together on Affordable Housing issues. There was not a fiscal impact.

Chair Bushee said she would like to be a cosponsor on this. She commented that on whole issue of the shared GRT up to \$9 million, Commissioner Stefanics said she had broached this with the Mayor and asked if there was interest to cooperate on the bond issue for SFCC to include the College of Santa Fe.

Councilor Calvert asked to be listed as a sponsor.

Councilor Chávez said they had two separate ordinances for Affordable Housing and the County had one and the two were not anywhere close. The County allowed for a development transfer. They could transfer it somewhere else but he wasn't sure where the somewhere else was.

He asked Councilor Romero if this could help reconcile those differences in ordinances.

Councilor Romero agreed that aligning affordable housing policies was an important thing to do and thought it was already in the resolution.

Councilor Chávez said he didn't see it in the language. It didn't tell him that they were going to review the present AH ordinances. He would like a whereas statement specific to it there but didn't have exact language on it The City didn't have the option to transfer the Affordable Housing right and would have to consider that option.

Councilor Romero thought the County had already passed the resolution so she could not accept that as a friendly amendment. When they developed a scope of work, they could include that.

Chair Bushee thought the spirit to begin that process was in here.

Councilor Romero said she could not mess with the county's resolution but they could do that in the future. This just set the framework for it.

**Councilor Calvert seconded the motion and it passed by majority voice vote with all voting in favor except Council Chávez who voted against.**

- 18. REQUEST FOR APPROVAL OF AN ORDINANCE REPEALING SECTIONS 14-8.13, 14-8.16 AND 14-9.17 SFCC 1987 REGARDING ANNUAL WATER BUDGET, WATER RIGHTS TRANSFER REQUIREMENTS AND WATER BANKING, CREATING A NEW SECTION 14-8.13 SFCC 1987 REGARDING DEVELOPMENT WATER BUDGET REQUIREMENTS, A NEW ARTICLE 25-9 SFCC 1987 REGARDING THE CITY WATER BANK, A NEW ARTICLE 25-11 SFCC 1987 REGARDING THE WATER RIGHTS TRANSFER PROGRAM AND A NEW ARTICLE 25-12 SFCC 1987 REGARDING THE WATER CONSERVATION CREDIT PROGRAM; MAKING SUCH OTHER**

**RELATED CHANGES AS were NECESSARY (COUNCILOR WURZBURGER) (DALE LYONS)  
POSTPONED AT 06/08/09 PWC MEETING**

Mr. Dale Lyons presented this request. He said this was as far as they had gotten was outlined in the flow chart he emailed. It was the schematic of all the new programs. The first change was on the administrative procedures.

Chair Bushee asked that ~~when they were~~ going to vote on an ordinance, they should get them ahead of time.

Mr. Lyons explained that the admin procedures would be based on the ordinance and the flow charts and be collated into text for procedures.

The second thing (on page 6 of the email was technical details related to fixtures and appliances for the proposed rebate program.

The third thing was that the ~~Committee~~ didn't like some of the nomenclature included in the ordinance. He didn't recall any specifics on it.

Councilor Chávez said on ~~page six~~, rebate program technical information regarding the high-water usage appliance replacements. He asked how staff would qualify that. Six months ago the City repealed the water barrel program ~~because the City~~ could not get suppliers to comply with the ordinance. The vendors didn't want to sell ~~what the City~~ wanted them to sell. So they were not capable to manage a simple rebate program. He wondered ~~how they~~ could do this one.

Mr. Lyons said staff would ~~specify~~ manufacturers and models eligible for the rebate.

Councilor Chávez said he ~~guessed that~~ before, the City was accepting falsified affidavits.

Mr. Lyons thought maybe ~~they were~~ making more off the other stuff. But he knew what staff needed to do.

Councilor Chávez said if it ~~didn't work~~ them, it wouldn't work here.

Mr. Lyons agreed it was the same.

Councilor Chávez questioned if ~~they were~~ saving water here. It was just allocated somewhere else.

Mr. Lyons said that was the ~~point of the~~ water demand offset program.

Councilor Chávez said it just meant someone else would use the water he was not using. There were lots of unintended consequences ~~here in this~~ policy and the City didn't need to create another water market.

Mr. Lyons agreed. They saw that in the water rights market.



Councilor Chávez thought supply and demand was a pretty simple concept and worked very well. Councilor Trujillo asked about funding for the low flow toilet rebates.

Mr. Lyons said there was actually a change in the current legislation to give the City a pass. He briefly explained it.

Councilor Chávez asked if a customer could enter into a conservation contract and in the rebate program they would get money back.

Mr. Lyons clarified that the conservation program was separate from the rebate program. They were separate from each other. There was no agreement in the rebate program. The conservation was an agreement. There was a minimum they had to save.

Councilor Chávez asked if they gave the credits before the customer saved that water. Mr. Lyons agreed. If they were not in compliance, they would pay a surcharge for the excess. Until they entered the contract, there was no water budget to compare.

Mr. Lyons explained that the ordinance said that replacing landscaping could not be a parking lot. It had to be with a permeable surface.

Chair Bushee agreed that it could be gravel or permeable pavement. It should say in consultation with staff, an acceptable design. It needed more specific language.

Mr. Lyons said there was the possibility to do water harvesting under all of these programs. They could apply the technology. There was flexibility.

Chair Bushee said it needed to include specifics and proposed meeting with Mr. Lyons to work put in what was now missing before it went to a public hearing.

Mr. Merritt Brown said the development community had been working with City staff on this ordinance for several months now and felt good about it. Their focus had been on the water rights aspect and they had some disagreements with Mr. Lyons on it. There were four points of contention and he thought they needed more discussion on it. On transfers, currently the administrative costs were shared between the City and the developer but under the new one, the developer would bear 100% of those costs and they could be substantial.

In it, the developer had to wait until the State Engineer had approved the water rights, the developer had to put a deposit of 150% of the value of the water rights was required of the developer. He felt that was punitive and should be only 100% of the value of the rights being transferred.

Also in the ordinance, once the water budget was created, the City required them to bump up 10 percent of those water rights. They thought that they could use that water for the project but they could

not. The city could apply for the water flow credits so they needed to get rid of that extra 10%.

The final point was that once the rights had been approved for transfer, even if not for a specific project, the developer had to sign a warranty deed to the City for that transfer. Their attorney said that was not necessary. If the water right was not being used for some reason, the developer should be able to get it back out of the transfer to the City. So it should be transferred only when dedicated to a specific project.

Councilor Chávez said most of them were just on paper. It was not adding water to the system.

Mr. Brown agreed.

**Councilor Romero moved for approval as presented. Councilor Calvert seconded the motion.**

Mr. Lyons said this would go back to Finance

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

#### **19. MATTERS FROM STAFF**

None.

#### **20. MATTERS FROM THE COMMITTEE**

Councilor Romero shared the performance standards for the Land Use Department.

Councilor Trujillo complimented staff for the appearance at Fort Marcy.

#### **21. NEXT MEETING: JULY 6, 2009**

#### **22. ADJOURN**

Having completed the agenda and with no further business to come before the Public Works Committee, the meeting was adjourned at 7:15 p.m.

Approved by:

\_\_\_\_\_  
Patti J. Bushee, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz, Stenographer