



Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
MONDAY, MAY 11, 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 APRIL 27, 2009 PUBLIC WORKS COMMITTEE MEETINGS

INFORMATIONAL AGENDA

6. UPDATE TO THE ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS (STEVE ALMANZAR)
7. SANTA FE RIVER TRAIL PROJECT
 - UPDATE
 - REQUEST FOR APPROVAL OF STATE OF NEW MEXICO GOVERNMENTAL SERVICES AGREEMENT BETWEEN THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT AND THE CITY OF SANTA FE FOR \$815,000 FOR THE SANTA FE RIVER RESTORATION AND TRAIL PROJECT (RACHEL FRIEDMAN)

CONSENT AGENDA

8. CIP PROJECT #328 – FIRE STATION #3
 - REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 WITH SAMCON, INC. IN THE AMOUNT OF \$53,856.15 (CHIP LILIENTHAL)
9. REQUEST FOR APPROVAL OF A CONTRACT WITH COMCAST CABLE FOR STORMWATER ADVERTISING IN THE AMOUNT OF \$16,320 NOT INCLUDING NMGR (PEGGY DOOLITTLE)

10. PARKS PURCHASE OF VEHICLES AND EQUIPMENT

- REQUEST FOR APPROVAL TO PURCHASE VEHICLES FOR THE PARKS DIVISION UNDER GSA CONTRACT #90-000-00-00015 WITH BOB TURNER FORD IN THE AMOUNT OF \$229,549
- REQUEST FOR APPROVAL TO PURCHASE A REEL MASTER 5510 MOWER IN THE AMOUNT OF \$42,878.42 **(FABIAN CHAVEZ)**

11. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF TAXIWAY F RECONSTRUCTION RFP 09/34/B BID AWARD TO SALLS BROTHERS CONSTRUCTION IN THE AMOUNT OF \$905,998.88 AS CORRECTED
- REQUEST FOR APPROVAL OF AN APPLICATION FOR A FEDERAL STIMULUS PROGRAM GRANT IN THE AMOUNT OF \$1,047,367, FOR THE PURPOSE OF RECONSTRUCTION OF TAXIWAY F
- REQUEST FOR APPROVAL FOR THE AIRPORT MANAGER TO ACCEPT THE FEDERAL GRANT ONCE FORMALLY OFFERED IN ORDER TO MEET FEDERAL STIMULUS PROGRAM DEADLINES **(JIM MONTMAN)**

12. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF AN AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE AIR CENTER LLC (SFAC), SUCCESSOR IN INTEREST TO SANTA FE FLIERS INC.
- REQUEST FOR APPROVAL OF A LEASE AGREEMENT BETWEEN SANTA FE AIR CENTER LLC (SFAC) FOR 1.57 ACRES OF LAND AT THE SANTA FE MUNICIPAL AIRPORT
- REQUEST FOR APPROVAL OF AN ORDINANCE RATIFYING A LEASE OF APPROXIMATELY 1.57 ACRES OF LAND OWNED BY THE CITY OF SANTA FE LOCATED AT THE SANTA FE MUNICIPAL AIRPORT **(COUNCILOR TRUJILLO)**
- REQUEST FOR LANDLORD (CITY) APPROVAL OF THE "SECOND SUPPLEMENTAL CONSENT AND ESTOPPEL" FOR THE BENEFIT OF U.S. BANK NATIONAL ASSOCIATION **(JIM MONTMAN)**

13. SANTA FE MUNICIPAL AIRPORT

- REQUEST FOR APPROVAL OF AMENDMENT 1 TO A LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE AIR CENTER LLC, SUCCESSOR IN INTEREST TO CAPITAL AVIATION OF SANTA FE INC. **(JIM MONTMAN)**

14. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE ANNUAL 4TH OF JULY SANTA FE VINTAGE CAR CLUB SHOW ON LINCOLN AVENUE FROM PALACE AVENUE TO FEDERAL PLACE AND ON MARCY STREET FROM LINCOLN AVENUE TO SHERIDAN STREET **(COUNCILORS TRUJILLO, CHAVEZ AND ROMERO)**
(SEVASTIAN GURULE)

DISCUSSION

15. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A COMMUNITY GARDEN PROGRAM FOR CITY PARKS AND ADOPTING RELATED POLICIES **COUNCILORS DOMINGUEZ, CHAVEZ AND BUSHEE)** **(FABIAN CHAVEZ)**

16. REQUEST FOR FINAL APPROVAL TO LEASE AGREEMENT REGARDING TWO PARCELS OF REAL ESTATE CONTAINING APPROXIMATELY 40,510 SQUARE FEET ALONG THE EASTERLY BOUNDARY OF AGUA FRIA ELEMENTARY SCHOOL FOR DEVELOPMENT OF PARKING AREA BY THE SANTA FE PUBLIC SCHOOLS **(EDWARD VIGIL)**
17. 2009 ANNUAL ACTION PLAN FOR CDBG
 - REQUEST FOR APPROVAL OF THE ANNUAL ACTION PLAN
 - REQUEST FOR APPROVAL OF THE CDBG CONTRACTS **(MELISA DAILEY)**
18. REQUEST FOR APPROVAL OF AN ORDINANCE ESTABLISHING A RURAL RESIDENTIAL ZONING DISTRICT; AND MAKING SUCH OTHER RELATED CHANGES **(COUNCILOR WURZBURGER) (JEANNE PRICE)**
19. 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) (FRANK KATZ)**
20. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH THE COUNTY OF SANTA FE TO INITIATE EFFORTS TO CREATE A RENEWABLE ENERGY FINANCING DISTRICT IN ACCORDANCE WITH THE SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENT ACT AND THE RENEWABLE ENERGY FINANCING DISTRICT ACT **(COUNCILORS CALVERT, WURZBURGER, BUSHEE AND ORTIZ) (NICK SCHIAVO)**
21. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING THE HISTORIC GREEN BUILDING CODE TASK FORCE **(COUNCILOR WURZBURGER) (KATHERINE MORTIMER)**
22. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO DEVELOP CREATIVE STRATEGIES TO ENCOURAGE LOCAL COMPANIES TO BID ON CITY PROJECTS **(COUNCILORS WURZBURGER AND ORTIZ) (ROBERT ROMERO)**
23. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14 LAND DEVELOPMENT LAWS AND CHAPTER 26 AFFORDABLE HOUSING SFCC 1987 REGARDING TO APPEALS **(COUNCILOR ORTIZ) (GREG SMITH)**
24. ELECTRONIC MESSAGING SIGN – CHAPTER 14
 - REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.10 SFCC 1987 ESTABLISHING THE PURPOSE OF THE SIGN CODE; ESTABLISHING REQUIREMENTS FOR ELECTRONIC MESSAGING SIGNS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY **(COUNCILOR ROMERO) (JEANNE PRICE)**
 - REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-8.10 SFCC 1987 ESTABLISHING THE PURPOSE OF THE SIGN CODE; PROHIBITING

**ELECTRONIC MESSAGING SIGNS; AND MAKING SUCH OTHER CHANGES AS ARE
NECESSARY (PLANNING COMMISSION) (JEANNE PRICE)**

25. MATTERS FROM STAFF
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27. NEXT MEETING: MAY 26, 2009
28. 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

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PUBLIC WORK, CIP & LAND USE COMMITTEE

May 11, 2009

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9. REQUEST FOR APPROVAL OF A CONTRACT WITH COMCAST CABLE for Stormwater Advertising In The Amount of \$16,320 Not Including NMGR (Peggy Doolittle)	Removed from agenda	7
10. PARKS PURCHASE OF VEHICLES AND EQUIPMENT	Discussed	7
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• Request For Approval For The Airport Manager To Accept	Removed from agenda	7

The Federal Grant Once Formally Offered In Order To Meet
Federal Stimulus Program Deadlines (Jim Montman)

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| 12. SANTA FE MUNICIPAL AIRPORT | | |
| • Request For Approval Of An Amended And Restated Lease Agreement between the City Of Santa Fe and Santa Fe Air Center LLC (SFAC), Successor in Interest to Santa Fe Fliers Inc. | Removed from agenda | 7 |
| • Request For Approval Of A Lease Agreement Between Santa Fe Air Center LLC (SFAC) For 1.57 Acres of Land at the Santa Fe Municipal Airport | Removed from agenda | 7 |
| • Request For Approval Of An Ordinance Ratifying A Lease Of Approximately 1.57 Acres of Land Owned By the City Of Santa Fe Located At the Santa Fe Municipal Airport (Councilor Trujillo) | Removed from agenda | 7 |
| • Request For Landlord (City) Approval Of The "Second Supplemental Consent and Estoppel" For The Benefit Of U.S. Bank National Association (Jim Montman) | Removed from agenda | 7 |
| 13. SANTA FE MUNICIPAL AIRPORT | | |
| • Request For Approval Of Amendment 1 To A Lease Agreement between the City Of Santa Fe and Santa Fe Air Center LLC, Successor in Interest to Capital Aviation of Santa Fe Inc. (Jim Montman) | Removed from agenda | 8 |
| 14. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE ANNUAL 4 TH OF JULY SANTA FE VINTAGE CAR CLUB SHOW ON LINCOLN AVENUE FROM PALACE AVENUE TO FEDERAL PLACE AND ON MARCY STREET FROM LINCOLN AVENUE TO SHERIDAN STREET (COUNCILORS TRUJILLO, CHAVEZ AND ROMERO) (SEVASTIAN GURULE) | | |
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| 15. Request For Approval Of A Resolution Establishing A Community Garden Program for City Parks and Adopting Related Policies Councilors Dominguez, Chavez and Bushee) (Fabian Chavez) | | |
| | Approved | 9 |
| 16. Request For Final Approval To Lease Agreement Regarding Two Parcels of Real Estate Containing Approximately 40,510 Square Feet along the Easterly Boundary of Agua Fria Elementary School for Development of Parking Area By The Santa Fe Public Schools (Edward Vigil) | | |
| | Approved | 9-10 |
| 17. 2009 ANNUAL ACTION PLAN FOR CDBG | | |
| • Request For Approval Of The Annual Action Plan | (Melisa Dailey)
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| • Request For Approval Of The CDBG Contracts | Approved w/exceptions | 12 |
| 18. REQUEST FOR APPROVAL OF AN ORDINANCE ESTABLISHING A RURAL RESIDENTIAL ZONING DISTRICT; AND MAKING SUCH OTHER RELATED CHANGES (COUNCILOR WURZBURGER) (JEANNE PRICE) | | |
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| 19. REQUEST FOR APPROVAL OF AN ORDINANCE | | |
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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) (Frank Katz) Revised Agenda Order

20. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH THE COUNTY OF SANTA FE to Initiate Efforts to Create A Renewable Energy Financing District In Accordance With The Solar Energy Improvement Special Assessment Act and the Renewable Energy Financing District Act (Councilors Calvert, Wurzburger, Bushee and Ortiz) (Nick Schiavo)	Approved	19-20
21. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A HISTORIC GREEN BUILDING CODE TASK FORCE (COUNCILOR WURZBURGER) (KATHARINE MORTIMER)	Approved	15
22. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO DEVELOP CREATIVE STRATEGIES To Encourage Local Companies to Bid on City Projects (Councilors Wurzburger and Ortiz) (Greg Smith)	Approved	20
23. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14 LAND DEVELOPMENT LAWS Contract through 26 Affordable Housing SFCC 1987 Regarding Two Appeals (Councilor Ortiz) (Greg Smith)	Approved	20-21
24. ELECTRONIC MESSAGING SIGN – CHAPTER 14 <ul style="list-style-type: none"> • Request For Approval Of An Ordinance Amending Section 14-8.10 SFCC 1987 Establishing the Purpose Of The Sign Code; Establishing Requirements for Electronic Messaging Signs; And Making Such Other Changes As Are Necessary (Councilor Romero) (Jeanne Price) 	Approved	21-22
25. MATTERS FROM STAFF	None	22
26. MATTERS FROM THE COMMITTEE	None	22
27. NEXT MEETING	May 25, 2009	23
28. ADJOURNMENT	Adjourned at 9:24 p.m.	23

MINUTES OF THE

CITY OF SANTA FE

PUBLIC WORKS/CIP & LAND USE COMMITTEE

MONDAY, MAY 11, 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 Ronald S. Trujillo

MEMBERS ABSENT:

Councilor Rosemary Romero

OTHER COUNCILORS PRESENT:

Councilor Matthew Ortiz

OTHERS PRESENT:

Mr. Steve Almanzar, Parks and Recreation
Mr. Fabian Chavez, Parks and Recreation
Ms. Melisa Dailey, Senior Planner, Office of Affordable Housing
Ms. Rachel Friedman,
Mr. Chris Graeser
Mr. Sevastian Gurule
Ms. Patricia Jonietz, Anti-Graffiti Task Force
Mr. Frank Katz, City of Santa Fe Attorney
Mr. Dale Lyons
Mr. James Martinez, Anti-Graffiti Task Force
Ms. Katherine Mortimer
Ms. Bobbi Mossman, Public Works Staff
Ms. Denise Peralta, Wilson and Company
Ms. Jeanne Price, City Legal Department
Ms. Pilar Faulkner, Anti-Graffiti Task Force
Mr. Robert Romero, Public Works Director
Mr. Justin Snyder, public schools
Mr. Ed Vigil

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

Item 11 was put together as one grant but should be two; the committee had the information and the information would be added to the packet.

Councilor Calvert moved to approve the amended agenda. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

4. APPROVAL OF CONSENT AGENDA

Councilor Calvert requested Items 10 through 14 be removed from the consent agenda.

Councilor Chavez said in referenced items 11 and 12 previously mentioned would need a new packet of information.

Councilor Calvert moved to approve the amended consent agenda. Councilor Chavez seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM APRIL 27, 2009 PUBLIC WORKS COMMITTEE MEETINGS

Councilor Trujillo moved to approve the minutes of April 27, 2009. Councilor Calvert seconded the motion and it passed by majority voice vote. Councilor Chavez abstained.

INFORMATIONAL AGENDA

6. UPDATE TO THE ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS (STEVE ALMANZAR)

Mr. Almanzar with the City of Santa Fe Parks and Recreation was there on behalf of the Graffiti Task Force and introduced Ms. Pilar Faulkner, the spokesperson.

Ms. Faulkner said she had the final recommendations regarding the graffiti in Santa Fe and most of her task force was with her and they could answer any questions.

Councilor Trujillo had heard a free paint mixer had been offered to the City of Santa Fe.

Ms. Faulkner confirmed that and said an industrial paint mixer was found to be an advantage in other cities and could be used to match tone for tone on homes that had been tagged.

Mr. James Martinez said a company had offered the free paint mixer and sprayer with the condition the paint be purchased from them. Currently the paint was bought and mixed from the same company. The company would offer a program to the homeowner when a purchase of paint was made and 10% of the sales would be put into an account to be given to the city.

Councilor Trujillo said the offer should be pursued because homeowners wanted the city to match their paint color and wasn't possible without a mixer.

Councilor Calvert suggested the idea be reviewed by Purchasing and the city attorney.

Councilor Chavez said private companies advertised graffiti removal and the city had equipment to match paint and to steam clean walls and volunteer effort and assistance should be accepted. He asked if there was liability for the use of the equipment and enough staff to handle the equipment offered.

Ms. Faulkner said a paint mixer would use high end technology and the paint could almost always be matched. The graffiti staff was limited to three people and a paint mixer allowed the individual property owners to clean up their properties. When the crew went in to clean up, the paint was matched and the homeowner given enough paint to clean up any future graffiti.

Councilor Chavez asked how that applied to city property and parks and when would a steam cleaner be used versus paint.

Ms. Patricia Jonietz, said in most cities free paint given would match standard colors such as mailboxes, telephone boxes and dumpsters. The paint mixer allowed paint in a specific site to be matched and an entire wall cleaned with matching paint.

Mr. Almanzar explained the homeowner was given a choice of paint or power wash and often chose the power wash to avoid different colors of paint but the graffiti wasn't 100% cleared and left a shadow.

Chair Bushee said serious recommendations had been made and suggested a meeting be scheduled in a month.

Councilor Chavez suggested a list of the current equipment and equipment that could be helpful like the paint mixer, or a better method of steam cleaning, and anything that would be needed for improvements.

The committee and task force agreed a study session would be scheduled for the second meeting in June.

Councilor Calvert moved a full discussion would be held for this item on June 2. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

7. SANTA FE RIVER TRAIL PROJECT

- Update
- **Request For Approval Of State Of New Mexico Governmental Services Agreement Between The Energy, Minerals And Natural Resources Department And The City Of Santa Fe For \$815,000 For The Santa Fe River Restoration And Trail Project (Rachel Friedman)**

Ms. Friedman said the river project was 1.5 miles with 24 easements and a portion of the money from the state would purchase easements and about 60% had signed easement agreements. Another three-quarter mile of the trail was planned to be built in the summer and would connect Alto Park; the project should go to bid shortly and construction should be started by late summer.

Councilor Calvert moved to approve the request for approval of the grant. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

Chair Bushee left the meeting at this time and Councilor Trujillo took over the chair position.

CONSENT AGENDA

8. CIP Project #328 – Fire Station #3

- **Request for Approval of Change Order No. 3 with Samcon, Inc. In The Amount Of \$53,856.15 (Chip Lilienthal)**

Removed from the consent agenda per amended agenda.

9. **Request For Approval Of A Contract With Comcast Cable For Stormwater Advertising In The Amount Of \$16,320 Not Including Nmgrt (Peggy Doolittle)**
Removed from the consent agenda per amended agenda.

10. **Parks Purchase Of Vehicles And Equipment**

- **Request For Approval To Purchase Vehicles For The Parks Division Under GSA Contract #90-000-00-00015 With Bob Turner Ford In The Amount Of \$229,549**

Councilor Calvert moved the requests be forwarded with direction to staff to complete the sign off that requested Nick Schiavo review the vehicles in regard to efficiency for the job.

Mr. Fabian Chavez said the same type of vehicles was previously purchased Mr. Schiavo had reviewed the purchase and said he would ensure Nick was still in agreement with the type of vehicles.

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

- **Request For Approval To Purchase A Reel Master 5510 Mower In The Amount Of \$42,878.42 (Fabian Chavez)**

Removed from the consent agenda per amended agenda.

11. **SANTA FE MUNICIPAL AIRPORT**

- **Request For Approval Of Taxiway F Reconstruction Frap 09/34/B Bid Award To Salls Brothers Construction In The Amount Of \$905,998.88 As Corrected**
- **Request For Approval Of An Application For A Federal Stimulus Program Grant In The Amount Of \$1,047,367, For The Purpose Of Reconstruction Of Taxiway F**
- **Request For Approval For The Airport Manager To Accept The Federal Grant Once Formally Offered In Order To Meet Federal Stimulus Program Deadlines (Jim Montman)**

Removed from the consent agenda per amended agenda.

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- **Request For Approval Of An Amended And Restated Lease Agreement Between The City Of Santa Fe And Santa Fe Air Center LIC (SFAC), Successor In Interest To Santa Fe Fliers Inc.**
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- **Request For Approval Of An Ordinance Ratifying A Lease Of Approximately 1.57 Acres Of Land Owned By The City Of Santa Fe Located At The Santa Fe Municipal Airport (Councilor Trujillo)**
- **Request For Landlord (City) Approval Of The "Second Supplemental Consent And Estoppel" For The Benefit Of U.S. Bank National Association (Jim Montman)**

Removed from the consent agenda per amended agenda.

13. **SANTA FE MUNICIPAL AIRPORT**

- **Request For Approval Of Amendment 1 To A Lease Agreement Between The City Of Santa Fe And Santa Fe Air Center LLC, Successor In Interest To Capital Aviation Of Santa Fe Inc. (Jim Montman)**

Removed from the consent agenda per amended agenda.

14. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE ANNUAL 4TH OF JULY SANTA FE VINTAGE CAR CLUB SHOW ON LINCOLN AVENUE FROM PALACE AVENUE TO FEDERAL PLACE AND ON MARCY STREET FROM LINCOLN AVENUE TO SHERIDAN STREET (COUNCILORS TRUJILLO, CHAVEZ AND ROMERO) (SEVASTIAN GURULE)

Councilor Calvert said he pulled this request because of problems he saw with the details with merchants and the safety considerations regarding streets that would be blocked and ingress and egress.

Mr. Gurule said complaints had been received from Marcy Street merchants because the event required the closure of Marcy Street and Washington Street and forced vehicle owners to make a right turn up to Marcy and Washington. The closure also would prohibit all vehicle access and posed a problem with restaurants and the utilization of the bank parking alley for deliveries would be discussed with business owners.

He said the previous year correspondence had been signed by the most Marcy Street merchants that they agreed to the closure of Marcy Street at Washington Street and he would ensure the resolution continued the closure of Marcy Street at Washington and prohibited access of vehicles in the barricaded area.

Mr. Gurule said that North Lincoln was the largest part of the problem and to keep the traffic flow the cars southbound on Lincoln could turn left onto Marcy Street and vehicles heading west on Marcy Street could turn right onto Lincoln. He said from a safety standpoint access to all vehicles would be prohibited from Washington onto Marcy Street.

Councilor Calvert was concerned about the impact to businesses and asked if a compromise could be reached with business owners between Marcy Street and Lincoln and Sheridan.

Mr. Gurule said he received the fiscal impact late that afternoon and hadn't read the numbers but data from Bill Hon indicated there would be a loss of revenue of \$3,000 for meters on Marcy Street from Washington to Lincoln Avenue and from Washington to Sheridan from Lincoln Avenue.

Councilor Chavez said the impact to the downtown businesses and the loss of revenue from parking meters wasn't a concern. He said a pancake breakfast took place on the Plaza and the Vintage Car Club traditionally worked with United Way to use the Plaza on that weekend and most of the proceeds went to United Way and the public benefit should be considered.

He said the Plaza accommodated events during the year with the same sections of streets used and city streets, parks and right of ways could be used at the city's discretion and supported the local businesses.

Councilor Chavez moved to approve the resolution to authorize the Annual Fourth of July Santa Fe Vintage Car Club Show use of streets. Vice Chair Trujillo seconded the motion.

Councilor Calvert asked as a compromise that allowed the same space and would cause fewer problems, if extending down Marcy Street past Sheridan because no businesses would be affected, would work.

Mr. Gurule said Marcy Street wasn't wide enough to have vehicles on both sides of the street and he agreed to check

with Jon Bulthuis on the impact the change would have.

Vice Chair Trujillo said the businesses benefited too because there were more pedestrians that shopped because of the car event.

The motion passed by majority voice vote. Councilor Calvert opposed.

DISCUSSION

15. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A COMMUNITY GARDEN PROGRAM FOR CITY PARKS AND ADOPTING RELATED POLICIES COUNCILORS DOMINGUEZ, CHAVEZ AND BUSHEE) (FABIAN CHAVEZ)

Councilor Calvert moved to approve the resolution to establish a community garden program and the adoption of related policies. Councilor Chavez seconded the motion. Councilors Calvert and Trujillo requested their names be added as sponsors to the resolution and the motion passed by unanimous voice vote.

16. REQUEST FOR FINAL APPROVAL TO LEASE AGREEMENT REGARDING TWO PARCELS OF REAL ESTATE CONTAINING APPROXIMATELY 40,510 SQUARE FEET ALONG THE EASTERLY BOUNDARY OF AGUA FRIA ELEMENTARY SCHOOL FOR DEVELOPMENT OF PARKING AREA BY THE SANTA FE PUBLIC SCHOOLS (EDWARD VIGIL)

Mr. Vigil requested utilization of an additional area or the development of a parking area for staff and visitors at the school facilities. He said the parcels were part of property taken by the city from private owners for development of the Richards Avenue extension.

Vice Chair Trujillo asked if this property had been given two years ago as access for the buses and if the road being widened would present a problem.

Mr. Robert Romero said he had been told it would be okay and only the leg that protruded from the parking area was part of the agreement and if needed, the road could be widened.

Mr. Vigil said the portion that protruded was the access that had been approved by Council in 2006 and the residual portions of land in question weren't needed for the roadway and the entrance and exit would be adjusted.

Councilor Calvert asked who would use the parking lot and if an adjustment would shorten the entrance and exit because part of that had been for a deceleration or acceleration component.

Mr. Romero said it would work because the traffic would back up into the school parking lot.

Justin Snyder with public schools said the traffic and stress put on Agua Fria had been the reason the issue was brought up and a portion of the parking lot would be used for student drop off and pick up and buses would flip flop and open up Agua Fria and put traffic on the school side.

He said currently traffic lined up three wide and backed up into Agua Fria and caused delays and the extra space would allow curb space to be increased on the school side property and put the traffic on the school and would

isolate student parking on the site itself.

Councilor Chavez asked if there would be another access to the back parking lot or a separate access for buses.

Mr. Snyder said there were two separate accesses separated by a curb and a sidewalk would be built in the future. Access off of Agua Fria would be for buses, teacher and visitor parking; the access from Henry Lynch would be student drop-off and pickup.

Denise Peralta with Wilson and Company said there wasn't a curb on Henry Lynch Road but the curb continued along Agua Fria to separate the traffic and there would also be a chain link that continued the entire property with gates.

Councilor Calvert asked if an appraisal had been done.

Mr. Vigil said there wasn't an appraisal because of timing restraints but one could be done after the fact.

Councilor Chavez moved to approve the final proposal to the lease agreement. Vice Chair Trujillo seconded the motion and it passed by majority voice vote. Councilor Calvert abstained and said an appraisal should be done.

Chair Bushee entered the meeting at this time and resumed the chair position.

17. 2009 ANNUAL ACTION PLAN FOR CDBG

- **Request For Approval Of The Annual Action Plan**

Ms. Melisa Dailey said there were four contracts contained in the committee's packet: Homewise for dpa assistance, Homewise for their rehab program, Santa Fe Community Housing Trust and the Santa Fe Recovery Center for a feasibility study to add a housing component to their facility.

Chair Bushee asked what percentage of the funds were administrative fees.

Ms. Dailey said 20% and the daily amount that had been funded was \$582, 243. She said each contract amount was slightly different.

Ms. Dailey provided the following amounts to the committee for the record:

Homewise dpa assistance *and* rehab was \$126,750.

Housing Trust, \$169,000

Recovery Center \$43,300

Administrative Fees, \$116, 443 would cover her position and 25% for Michelle Montoya's position and 75% of the general fund for seniors.

Chair Bushee asked if the Recovery Center used to be called RAP and was part of the county facilities.

Ms. Dailey said it was the same and the facility was in a scheduled annexation part of the county and a majority of city clients were served.

Chair Bushee asked about the housing study and if overnight beds weren't currently available.

Ms. Dailey said beds were available only during the treatment for 30 or so days and the facility worked with Carol Anderson at Life Link. A gap existed where people wouldn't have a place to go to because they wouldn't be accepted elsewhere until they had been clean for 30 days and the funds would allow the study for the feasibility to coordinate with others in town.

Chair Bushee was concerned about the study and said others in town did the same thing and asked why staff suggested another study that could be programmatic.

Ms. Dailey said RAP had been at the point of breaking ground and had to restart. She said one difference that she presented to the committee was people fell through the cracks because they couldn't be taken by other agencies until 30 days after treatment finished.

Councilor Calvert asked if the \$21, 600 in 2008 went to the Recovery Center and if the \$43,300 was to study the feasibility to fill a gap that existed for people who hadn't been sober for the 30 days that was required by other facilities. He couldn't understand the purpose of the study and asked if there was a current facility.

Ms. Dailey said the funds in 2008 had gone to the center and the \$43,300 was an interim one year funding for space leased off site while a facility was being built on their site. She said the facility would address the gap and be considered a transitional facility where people could stay up to a year and would also work with the homeless.

She said there wasn't a current facility, there was an in-patient treatment center and they worked with HUD and Hank Hughes for money to build 10-12 units of housing on site and funding would take a year or two.

Councilor Calvert said if the facility wasn't ready to be executed the money would be spent for a study that sat on a shelf for a couple of years. He asked what the feasibility study would tell them; they knew what they wanted to do and were trying to raise money to do it.

Ms. Dailey said the study would look at fund raising mechanisms, section 8, and would research unfamiliar areas.

Chair Bushee said agencies existed that understood how to raise funds and put the program together and a study wasn't needed and she would split the money between the other two contractors. She said there wasn't a full presentation of other entities available to jump in and she had no idea what would be delivered and by what date.

Councilor Calvert moved to approve the revised figures except for the Santa Fe Recovery Center and asked for a better explanation and if the funds should be for the center or better applied to another program.

The motion died for lack of a second.

Chair Bushee asked that the request be brought back to the next meeting.

Annual Action Plan

Chair Bushee said the plan hadn't included much for youth in terms of housing support in the action plan.

Ms. Dailey said CDBG had gone through an application process with Affordable Housing Trust Fund and had recommended funding to build a facility for youth shelters for pregnant teens. She said that hadn't been included in the action plan and the Affordable Housing Trust Fund had been a tentative item in the action plan and was called

out in one of the tables as funding that would happen this year.

Chair Bushee said there was a large youth homeless population and there wasn't a facility in the city that targeted youth for a long term living situation and asked if housing opportunities would be provided.

Ms. Dailey said a condensed version of the Viper Plan to end homelessness was in the action plan and identified additional homes that would be acquired for group homes but CDBG had not been approached to follow up with the shelter.

She said the intent had been to adjust how the community served the homeless through one stop, point contact. The shelter for pregnant teens was the first time CDBG had been approached for services and the first time the trust fund had supported that.

Councilor Chavez moved for approval on the Annual Action Plan for the four projects, Homewise, dba, Homewise Rehab, the Santa Fe Community Housing Trust and Recovery Center. He said the plan wouldn't have everything and would be a draft plan and the committee could add to or amend the plan. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

- **Request For Approval Of The CDBG Contracts (Melisa Dailey)**

Councilor Calvert called for the question on the previous motion: he recommended the CDBG contracts for Homewise, dba and rehab and the SFCHT be funded. The Santa Fe Recovery Center was asked to return to the next meeting. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

18. REQUEST FOR APPROVAL OF AN ORDINANCE ESTABLISHING A RURAL RESIDENTIAL ZONING DISTRICT; AND MAKING SUCH OTHER RELATED CHANGES (COUNCILOR WURZBURGER) (JEANNE PRICE)

Ms. Jeanne Price said the bill would create a rural residential (RR) district and a specific area wasn't included but would be determined by a zoning map.

Chair Bushee asked the Planning Commission to speak later about the meeting on Thursday.

Ms. Price said the ordinance was presented because the agreement stated that area 1 and area 12 would be annexed and the RR zoning in the area respected by the city; urban densities wouldn't be established in those areas during the term of the agreement and appropriate zoning would be developed by the city for those areas prior to annexation.

She said the bill was as close as possible to what was allowed in the area by the territorial zoning ordinance and similar agricultural uses and the same basic rights had been added as the territorial zoning ordinance.

Chair Bushee asked why those who lived in the area viewed the ordinance as a down-zoning.

Ms. Price said the city's general plan talked about urban densities in the entire area than those described in the territorial zoning ordinance and had led to controversy. The planning commission recommended a RR district not be created because the concept was inconsistent with the general plan to have more urban density within the urban boundaries and the city limits.

Dale Lyons said the Planning Commission voted against the creation of the district because the idea had been driven by the settlement agreement and the commission's duty was planning for the entire City of Santa Fe. The general plan was clear that no areas should be annexed at less than 5 percent density. The planning commission thought if the area was important enough to remain rural the area should remain in the county and a satisfactory reason wasn't given to create the district. He said the planning commission understood there were areas the city council had to take into account and a clear policy position from the planning commission was important.

Mr. Frank Katz said all of the areas wouldn't be developed at urban density and the ordinance required RR zoning consistent with what was there; people on undeveloped land would like it more dense and people who lived on 2 ½ acre parcels hadn't wanted more density and those with the settlement agreement said the area should be kept as it was and the ordinance would fulfill the three criteria.

Chair Bushee asked if the details could be changed and still be compliant with the settlement agreement and asked if residents would be allowed to have wells.

Mr. Katz said the settlement agreement required consistency with what existed and the current development had wells and if zoning was changed, large lots could be split and would have twice as many wells and septic tanks. He said large parcels would want to cluster the development and everyone would be on city water and sewer.

Chair Bushee asked if new construction would be required to hook up to the city infrastructure.

Mr. Lyons said on an individual well the minimum lot size had to be 2 1/2 acres and if on community water could go down to 2 units per acre with the exception that only city water assistance would get the increased density. A study was being done to see if regulations could be not just with RR, but in the other residential districts.

Chair Bushee asked if there'd been discussion regarding the minimum lot size being altered.

Staff had been questioned about a new ordinance being adopted or property being brought in at R3; the settlement agreement didn't require the words *rural residential* to be used and the ordinance stated urban density should be prevented. Staff was unsure of the meaning.

The Planning Commission was concerned about affordable housing and the geographic location throughout the city and the planning commission wanted to see all the ideas for the expansion of the boundaries follow the general plan.

Chair Bushee asked the minimum size of family lot splits and if the city could require future development to be on city services.

Mr. Smith said the typical rule was the family transfer could be one half of the lot size allowed and said he didn't have data for the exact numbers on lot sizes smaller than two and half acres. He said there wasn't anything that required city infrastructure to be used.

State regulations allowed hook up to individual wells at ¾ acre and the city could adopt similar regulations to the current and could require 2 1/2 acres or be more restrictive if they chose.

Mr. Katz said current lot owners could sink a well but as a condition of the subdivision and development, the use of city water could be required.

Chair Bushee said zoning ordinances should be for the good of the entire city and she was concerned with the proliferation of septic and wells in new construction.

Mr. Katz said the lot owners were motivated to have city water and sewer and would sell better to have two dwelling units per acre than to cluster and wouldn't be inappropriate for development in an area with open space that buffered the highways.

He said those who wanted to subdivide were subject to public works and the committee's approval and could be controlled through the subdivision process.

Councilor Chavez said the concept for the RR zoning looked for a way to protect and accept existing conditions of mixed density with farming, livestock and shops and asked how that fit in with the annexation.

Councilor Ortiz said if that was important to the status quo to remain the same, the area shouldn't be annexed and clear direction of why that would be the important to be part of the city should be given to be annexed. He said the planning commission used the general plan when possible and the settlement agreement hadn't followed those goals and the ordinance had been created more by the settlement agreement.

Councilor Chavez said if the planning commission hadn't understood why the area was being annexed there was a gap and said not to annex wouldn't make sense. He said some areas were served by city water and sewer and other levels of service, fire and police, aside from water and sewer that should be considered. He said there was a challenge for the city to combine the areas.

Councilor Ortiz said the planning commission wanted to see the annexed areas brought in under the density called for in the general plan and was concerned about the loss of affordable housing should the area be developed under the EZ language.

Mr. Smith said under R1 rules an average density of 1 unit per acre would be allowed and larger lots were expected to develop 2 units per acre and much of the communication received by the planning commission was drafted without the range and had followed the EZ zoning rules. He said there were concerns that the 20 year limit prevented up-zoning and wasn't feasible that water and sewer should be required and would cost hundreds of thousands of dollars and city infrastructure wouldn't be required for RR.

He said much of the communication the councilor's had been exposed to had been drafted prior to the ordinance that was being presented.

Councilor Chavez said the bullet points on the communication addressed the concerns to keep what was there and affordable housing was a concern.

Chair Bushee said affordable housing and the proliferation of wells within the city services was a concern and couldn't be mandated as R3 because the area under the general plan, came in as R1.

Mr. Smith said the city could choose to apply any reasonable zoning and staff wanted to keep the ordinance simple without a lot of regulations and the RR district within the range R1 and R3 had specific regulations for rural residential agriculture uses.

He said staff had become more aware of the concerns and Chapter 14 amendments and regulations could be adopted that would require utilities and as the planning commission reviewed subdivisions in the area could choose to use the general subdivision regulations.

Councilor Calvert said there would be other areas annexed that would be developed at greater density and would

require a lot of infrastructure. He said the property owners weren't involved in the process and people who purchased lots in the area being annexed and the lifestyle they bought into should be considered.

He asked about the amendment to exempt RR from the floodways subtraction and asked why they would want to.

Ms. Price said that had been included because the amendment would be closer to the territorial zoning ordinance and would allow for more density. She said the ordinance calculated density without the floodplain.

Mr. Katz said five years down the road they could always go back to the county for amendments to the annexation agreement.

Councilor Ortiz said many of the landowners in the area wanted something similar to R3 and the density had been matched to what was available in the EZ and had provided community water and sewer.

Councilor Calvert said the property owners wanted more density to increase the value of their land and the residents who hadn't been a party to the annexation agreement should be considered and the ordinance would be a good compromise to help the area transition.

Councilor Chavez moved to approve with staff recommendations with the amendments, except on page 6 that exempted the floodway subtraction for density calculations. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

Chair Bushee asked that an amendment to the agenda be made to move item 21 up to this discussion.

Councilor Calvert moved the agenda be changed and item 21 be moved up. Councilor Trujillo seconded the motion and it passed by unanimous voice.

21. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A HISTORIC GREEN BUILDING CODE TASK FORCE (COUNCILOR WURZBURGER) (KATHARINE MORTIMER)

Councilor Calvert asked if the task force would be similar to the one for the re-building code for general residential.

Ms. Mortimer said it would be similar but membership would be the building and design community and the historic preservation community.

Councilor Calvert asked if there would be another green building code for existing buildings and this would be green building for the historic district.

Ms. Mortimer said yes and the idea had been as the group looked at buildings that existed and moved forward with their work, the historic aspects that hadn't been considered would be reviewed by the task force.

Councilor Calvert moved to approve the resolution and requested he be added as a sponsor. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

19. 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) (FRANK KATZ) REVISED AGENDA ORDER

Mr. Katz said the materials were not updated and the council had been given a mockup of the bill with the amendments that had been accepted by the planning commission and a matrix was attached to explain the changes from current law and the amendments adopted.

Water Budget

Mr. Katz said there was a current law for the development of the budget water bank and water rights transfer and the same threshold was used and the timing changed. He said currently the current water budget allowed option B use of city measures of the amount of water that would be needed for development or option D to be monitored for those who said they would be more efficient than the city. When a person exceeded the rate after a year, they would be monitored for four months and the amounts reset to bring up to the amount used if the rate still exceeded the agreement.

He said the threshold was changed to allow a separate threshold for mixed use projects and the retro fit program had expanded and combined with the rebate program. The rebate would be given a retro rebate based on the value of the amount of water saved and the credit would be banked for sale to small developments.

Chair Bushee asked if the ordinance allowed for gray water or water harvesting and if the amount could be measured and asked why all of the possibilities weren't included.

Mr. Katz said Councilor Chavez had an amendment to add rain barrels but it was it was mainly a retrofit program for replacing high-end fixtures. He said the water department was given flexibility to develop the program to establish the water savings and provide a credit and a landscaping program would be included.

He said changes were made to be more reality based and looked at the sustainable supply versus the committed demand. The ordinance would answer if excesses were over demand and would allow council to put that to affordable housing projects or private/public partnership.

Chair Bushee said the old ordinance didn't have any reason to quantify and asked why not build that in and do an annual or biannual review and prioritize one or the other.

Councilor Calvert said one concern had been the long range supply gap and to estimate what that might be and apply a certain percentage against that.

Chair Bushee asked why there wasn't an amendment for staff to develop a review process.

Councilor Calvert said that could be established as part of the adoption process to the annual water budget.

City Water Bank

Mr. Katz said there wasn't a lot of change. He said with the current process when a developer brought rights to the city and didn't specify where the credit went would be banked and the title to the credit transferred to the city. He

said the amendment made it clear these were water credits and not water rights.

He said there was a water conservation program in addition to the retrofit rebate program. A user would sign a conservation contract that stated how much they would have as a credit. He said the program was for commercial customers only. Businesses like a laundry that used a lot of water in a location and built in a new location would be allowed a contract where the usage from the old location could decrease and the credits could be transferred to use for the new location. He said the commercial customer who retrofitted their business and saved a lot of water could also use the program to sell the credits and use the money for improvements.

Councilor Calvert said public utilities had developed three scenarios to address people who would overcharge for credits without any relationship to the cost.

Mr. Katz said the retrofit rebate would be developed by Dan Ransom and the staff at the water company and would be coming.

Chair Bushee said that information would need to be seen before the ordinance amendment could be passed.

Mr. Lyons said the city staff would develop an approved appliance list and water factors in the home. Water controllers and irrigation efficiency would be a part of the program.

Chair Bushee said the last time a bad ordinance was passed with bad administrative procedures and she wanted the procedures and ordinance at the same time to see how the program worked before the ordinance was passed.

Transfer Program.

Councilor Chavez said the Conservation Credit Program was available only to commercial customers and the credit was received automatically and asked if the water hadn't been saved, would the customer be made to buy water rights elsewhere.

Mr. Katz said the customer contract would agree to a specific amount of water usage and if the customer exceeded that amount would be given four months extension. If the customer hadn't complied after four months they would have to buy the credits.

Councilor Chavez asked how the step could be eliminated and why the credits couldn't be given after the water use.

Mr. Lyons said the reason had been to offset the expense to retrofit a business.

Chair Bushee said the word rebate had been confusing in the context and the terminology was confusing. She said commercial businesses had been required to retrofit everything other than washing machines at hotels and shouldn't be getting rebates.

Mr. Katz said if the committee wasn't comfortable with the conservation contracts the program could be eliminated.

Chair Bushee asked why the conservation contract was needed and why was the program only for commercial and not residential. She said creative options and an outdoor option should be added.

Mr. Katz said a business or residence could state the changes to be made and the contracts had been shown on average that people used less water and someone from the water company could evaluate their usage.

Chair Bushee said the language was aimed at indoor and outdoor applications could be added to capture all of the conservation efforts. She suggested broader language be used and said the terminology had been mixed and was confusing.

Mr. Lyles clarified, the Water Conservation Program filled a gap because the rebate program hadn't worked for commercial and many of the changes the businesses were required to make wouldn't lend themselves to rebates. He said the intent had been to offset the cost taken by business owners to reduce water usage and the program addressed the incentives to explore the opportunities.

Councilor Calvert said the reason the conservation contract hadn't specified anything specific was to give credit for any incentive undertaken to reduce water usage.

Chair Bushee said the ordinance would have to be restated regarding the rebates for commercial businesses and she wanted the same program incentives for residents.

Mr. Lyons agreed to make the changes and said under Administrative Procedures on page 28 a description was included of types of qualified fixtures.

Chair Bushee said other inventive possibilities hadn't been included such as gray water harvest and the law was being written and that should be included.

Mr. Lyons said the reason had been because of the difficulty to quantify and the conservation contract program had the ability for commercial businesses to install a gray water system or rainwater system.

Councilor Calvert said requirements of the green building code gave points for those things and there had to be a way to evaluate them.

Mr. Lyons said \$300,000 for startup money for rebates to the community had been requested from the New Mexico Finance Authority to run the program for the length of time it would take to fill the bank and have credits available for sale.

Chair Bushee asked if rebates would be given for a lawn conversion. She said the next tier of rebate opportunity would not be indoors.

Mr. Lyons said that would be hard to quantify and he wanted to ensure offsite new development was being generated.

Mr. Katz said the conservation contract had been suggested because the big savings would be outside and would be difficult to quantify on a program that gave credits for standard fixtures. He said he hadn't wanted the usual box of standard appliance rebates and the committee could make any changes and state what they wanted.

Water Rights Transfer Program

Mr. Katz said the earlier ordinance was developed because of the fees and the new ordinance language had been cleaned up.

Chair Bushee asked if the burden to prove the water rights would be on the applicant and asked how that would change.

Mr. Katz said the applicant paid all out of pocket costs and said two different fee structures existed under current law.

He said a second ordinance made more sense and the city would only pay if the OFC imposed conditions on the transfer that the city wouldn't want to live with and on issues that should be litigated.

Chair Bushee asked how much water had been transferred and how much had been banked.

Mr. Lyons said he had the numbers of what was approved for transfer and that was 200 acre feet and the number that had been applied for transfer was 500-600 feet. He said about 30 acres was banked and another thirty would be there within the next year.

Chair Bushee asked for the resolutions to come back with the administrative procedures and language clarification.

Mr. Katz asked for more guidance on the administrative procedures.

Chair Bushee said there should be an amendment to remove the 7 1/2 acre feet threshold and new language around the annual city water budget process; preferences should be deleted and have a process. She said the language under the conservation contracts and rebates should be clearer and expand on what would be accepted and the area changed for commercial retro fit that shouldn't receive credit.

She said the rain barrel issue should have more inclusive language and outdoor irrigation and other smaller options should be addressed. She asked when the ordinance would return to the committee.

Mr. Lyons said there were flowcharts of the process that could be provided.

Chair Bushee said an application should be done so she could see the questions that would be asked, what the customer would agree to, what the program would be and a walk through of how the process would work.

Councilor Trujillo moved the ordinance would return to the committee with the information requested the first meeting in June. Councilor Chavez seconded the motion and it passed by unanimous voice vote.

20. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO WORK WITH THE COUNTY OF SANTA FE TO INITIATE EFFORTS TO CREATE A RENEWABLE ENERGY FINANCING DISTRICT IN ACCORDANCE WITH THE SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENT ACT AND THE RENEWABLE ENERGY FINANCING DISTRICT ACT (COUNCILORS CALVERT, WURZBURGER, BUSHEE AND ORTIZ) (NICK SCHIAVO)

Councilor Calvert said he had discussed the resolution with Mr. Schiavo and learned the county had proposed a contractor be hired to set up the legal with estimated costs at \$20,000. He said the city was asked to make an undetermined contribution and if the city took that route, wanted assurance they had say in the operation.

Councilor Chavez suggested more information and the request be postponed to a date specific that would give time to work with the county.

Chair Bushee said this was to start the process.

Councilor Calvert moved to approve the request and said Councilor Dominguez had asked that he be added as a sponsor. Councilor Trujillo seconded the motion and it passed by majority vote. Councilor Chavez abstained from the vote.

22. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO DEVELOP CREATIVE STRATEGIES TO ENCOURAGE LOCAL COMPANIES TO BID ON CITY PROJECTS (COUNCILORS WURZBURGER AND ORTIZ) (GREG SMITH)

Councilor Calvert moved to approve the request and asked that he be added as a sponsor. Chair Bushee asked that she be added as a sponsor also. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

23. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14 LAND DEVELOPMENT LAWS CONTRACT THROUGH 26 AFFORDABLE HOUSING SFCC 1987 REGARDING TWO APPEALS (COUNCILOR ORTIZ) (GREG SMITH)

Councilor Ortiz said there was an itemized list in regard to the highlights and there were nine different procedures for appeals for land use decisions depending on what the appeal was. He said that had been problematic for staff in efficiency, resources and legal and caused concerns over New Mexico Supreme Court cases. He said one request was that standards be tightened about who could file and what could be filed and what wouldn't apply to state case law.

Chair Bushee asked how the amendment had been reduced or consolidated.

Councilor Ortiz said the process provided a clear path of how an applicant could proceed with other aspects of due process while an appeal was pending and where the process couldn't be continued or irreversible actions such as tearing a building down, etc.

Chair Bushee asked if the amendment would add to delay in the process.

Councilor Ortiz said a mediation provision on an appeal for communication problems could be sent. He said whether the city would pay had been discussed but not decided and there would be a hearing examiner process built in that would hear everything and make recommendations.

Chair Bushee asked if the hearing examiner would be certified or a lawyer and was told that would be left to the city manager. She suggested there be guidelines for the hearing examiner.

Councilor Chavez asked if on the affordable housing, the regulations would trump or dictate land use.

Councilor Ortiz said the intent had been to capture all land use appeals and those previously done that were similar would have some procedural provisions that had been changed.

Councilor Chavez asked if the affordable housing proposed and based appeals primarily on land use, would the city be on better footing.

Councilor Ortiz said whether based on land use or subdivision the same appeal track would be followed.

Councilor Chavez said under land use there was a question about a density bonus for an affordable housing project and there wouldn't be one with the land use.

Councilor Calvert asked if the ordinance made clear what could be appealed and included city permit issues.

Councilor Ortiz said that final actions could be appealed. He said administrative decisions that had no final affect on the application wouldn't be subject to a full appeal process and there would always be a next step should a person not agree with the decision. He said in general the final approval of a preliminary plat was a final action.

Councilor Calvert said some decisions were made by council and the Planning Commission and some by staff and staff granted permits; he asked if all of those would be appealable.

Councilor Ortiz said they would be appealable and would require interpretation.

Councilor Calvert asked if the definition of a final action would be something official the city had done that allowed a person to do something.

Councilor Ortiz said that was a good way to put it. He said there shouldn't be communications between members of the body and the party and the standard 15 calendar days would be allowed for an appeal.

Chair Bushee said someone should be available to facilitate the process for people who wouldn't have money for a lawyer.

Mr. Smith said the bill as presented had no specific provisions for mediation or a hearing examiner and noted previous budget years had line items for contract services and the costs hadn't been included in the budget for the upcoming fiscal year. He said there was the possibility a staff member could be assigned as a hearing officer.

Chair Bushee asked about the hearing examiner and what they would determine.

Mr. Smith said the state court cases required findings attached when a case might proceed to a district court hearing. He said the officer would resolve factual issues and present the information in a more organized manner. There would be a complete process and the hearing examiner would present findings to the governing body and the governing body could have a full appeal hearing if they chose to.

Chair Bushee clarified that better guidelines for criteria for the selection of the hearing examiner would be needed.

Councilor Calvert moved to approve the ordinance amending Chapter 14 with direction from staff. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

24. ELECTRONIC MESSAGING SIGN – CHAPTER 14

- **Request For Approval Of An Ordinance Amending Section 14-8.10 SFCC 1987 Establishing The Purpose Of The Sign Code; Establishing Requirements For Electronic Messaging Signs; And Making Such Other Changes As Are Necessary (Councilor Romero) (Jeanne Price)**

Ms. Price said staff developed provisions to regulate electronic messaging signs and standards in town. The original bill prohibited the signs in the H district and the decision of the planning commission had been the signs should be regulated throughout town.

Mr. Smith said most that used the signs, schools, big box stores and many of the gas stations, had been advised that as a condition of their permit, the signs would have to be in accordance with the regulations.

Staff had raised concerns over enforcement and research across the country showed some blinking was allowed and

that a regulation that allowed a change once a day was as easy to enforce as any other.

Mr. Smith had discussed with the city attorney the extent the city would have to follow the zoning rules and a sign on city property might be immune.

Councilor Calvert said whether the sign flashed or not, the objective of the sign was to get attention and was another distraction that wasn't necessary. He said he wasn't comfortable with the ordinance and thought it seemed piecemealed.

Ms. Price said a model sign ordinance from Texas would be looked at and used to insert the basics about size and color.

Mr. Smith said staff hadn't mandated the Chapter 14 boundary or sign regulations in part because of the various interpretations and research indicated a number of lawsuits had caused problems for municipalities and might be potentially harmful.

Councilor Calvert asked if the city attorney had weighed in and would constitutional rights be abridged.

Mr. Smith said the regulations proposed by staff had been reviewed extensively by the city attorney's office and legal staff hadn't raised any concerns.

Councilor Calvert said it wasn't good policy for the city not to follow its own rules.

Ms. Marilyn Bane said there was a public safety issue not in the historic district, but on Cerrillos Road where documented evidence had shown distractions had caused an increase in accidents. She said the signs were distracting and from a consistency stand point would be important for public safety. She said the ordinance would have an effect on local retailers and she was concerned about the lack of equity with the large box retailers and asked that all of Santa Fe be included.

Councilor Chavez brought up the flashing speed limit signs and roving speed checks and asked for those to be regulated and changes made.

Ms. Price said the signs were explicitly exempt.

Councilor Calvert said the intent was to slow traffic and increase safety and was there *to get* a person's attention.

Councilor Calvert moved that the planning commission position be adopted.

Councilor Trujillo said in the historic district the ordinance would be a monster however it seemed the historic district had compassed the state and he didn't want that and he said he considered the signs to be helpful.

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

25. MATTERS FROM STAFF

There were no matters from the staff.

26. MATTERS FROM THE COMMITTEE

There were no matters from the committee.

27. **NEXT MEETING: MAY 26, 2009**

28. **ADJOURN**

Having no further business to conduct the meeting adjourned at 9:24 PM.

Approved by:

Patti J. Bushee, Chair

Submitted by:



Charmaine Clair, Stenographer

