



# Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
TUESDAY, OCTOBER 13, 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 SEPTEMBER 29, 2009 PUBLIC WORKS COMMITTEE MEETING

**PUBLIC HEARING**

6. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14 LAND DEVELOPMENT LAWS AND CHAPTER 26 AFFORDABLE HOUSING SFCC 1987 RELATING TO APPEALS (**COUNCILOR ORTIZ**) (**GREG SMITH**)
  - REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE RULES OF PRACTICE AND PROCEDURE FOR ADJUDICATIVE PROCEEDINGS IN CASES ARISING UNDER CHAPTER 14 AND CHAPTER 26 SFCC 1987 (**COUNCILOR BUSHEE**) (**GREG SMITH**)

**INFORMATIONAL ITEM**

7. PROGRESS REPORT ON LANDSCAPE STANDARDS, AS REQUIRED BY RESOLUTION 2009-77 (**FABIAN CHAVEZ**)

**CONSENT AGENDA**

8. REQUEST FOR APPROVAL OF THE 2010 PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING SCHEDULE (**ROBERT ROMERO**)
9. CIP PROJECT #879A – SILER ROAD EXTENSION PROJECT
  - REQUEST FOR APPROVAL OF CHANGE ORDER NO. 30 VARIOUS ADDITIONAL ITEMS NOT IN THE ORIGINAL CONTRACT IN THE AMOUNT OF \$46,399.30 PLUS \$3,740.94 (NMGR) FOR A TOTAL AMOUNT OF \$50,140.24 (**DESIRAE LUJAN**)
10. CIP PROJECT #211 – POLICE DEPARTMENT RENOVATIONS
  - REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT (SPA) - #GS-28F-0016N – WITH CREATIVE INTERIORS IN THE AMOUNT OF \$161,774.29 FOR PURCHASE OF FURNITURE (**CHIP LILIENTHAL**)

11. CIP PROJECT #612 – CITY HALL VENTILATION
  - REQUEST FOR APPROVAL TO AWARD BID # 09/10/B AND AGREEMENT BETWEEN THE CITY OF SANTA FE AND CAC, INC. IN THE AMOUNT OF \$126,271.03 INCLUSIVE OF GROSS RECEIPTS TAX FOR RENOVATION FO THE CITY HALL VENTILATION SYSTEM (**CHIP LILIENTHAL**)
12. REQUEST FOR APPROVAL OF 2006 GENERAL FUND GRANT AGREEMENT AMENDMENT NO. 4 WHICH TAKES \$10,000 FROM SANTA FE RAILYARD PARK AND PLAZA, PROJECT 06-1895 AND GIVES IT TO ARTS IN PUBLIC PLACES
  - REQUEST APPROVAL TO DECREASE RAILYARD PARK AND PLAZA BUDGET BY \$10,000 (**DAVID CHAPMAN**)
13. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE GENERAL FUND APPROPRIATIONS IN THE AMOUNT OF \$705,715.04
  - REQUEST FOR APPROVAL TO ESTABLISH PROJECT BUDGETS (**DAVID CHAPMAN**)
14. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE SEVERANCE TAX GRANT AGREEMENT FOR PROJECTS APPROPRIATION IN THE AMOUNT OF \$3,250,000
  - REQUEST FOR APPROVAL TO ESTABLISH PROJECT BUDGETS (**DAVID CHAPMAN**)
15. REQUEST FOR APPROVAL OF 2005 GENERAL FUND GRANT AGREEMENT AMENDMENT NO. 4 WHICH DECLARES THAT PROJECT 05-1588 FOR \$50,000 TO PLAN, DESIGN, CONSTRUCT AND RENOVATE STUDIO AND OFFICE SPACE AT THE MUSEO CULTURAL FOR USE BY THE MARIA BENITEZ INSTITUTE FOR SPANISH ARTS BE REAUTHORIZED TO PROJECT 06-2529 WHICH IS FOR THE BATAAN MEMORIAL COMPLEX TO ACCOMMODATE MARIA BENITEZ INSTITUTE FOR SPANISH ARTS IN SANTA FE (**DAVID CHAPMAN**)
16. REQUEST FOR APPROVAL OF 2007 GENERAL FUND GRANT AGREEMENT AMENDMENT NO. 5 WHICH CORRECTS LANGUAGE IN AMENDMENT NO. 3 WHICH INCORRECTLY STATED THE PROJECTS THAT WERE REMOVED WERE NEVER PART OF THE ORIGINAL AGREEMENT (**DAVID CHAPMAN**)
17. REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO THE CITY OF SANTA FE RAILYARD LEASE AND MANAGEMENT AGREEMENT DATED FEBRUARY 27, 2002 (**ROBERT SIQUEIROS**)

#### **DISCUSSION**

18. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE A REPORT FOR THE GOVERNING BODY REGARDING A PROPOSED PROGRAM TO EDUCATE THE PUBLIC REGARDING THE PROPER DISPOSAL OF PHARMACEUTICALS AND THE FEASIBILITY OF ESTABLISHING CITY SPONSORED DISPOSAL OPTIONS FOR THE PUBLIC (**COUNCILOR BUSHEE**) (**ROBERT GALLEGOS**)
19. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER NEGOTIATIONS WITH THE SANTA FE RAILYARD COMMUNITY CORPORATION; RAILYARD COMPANY, LLC, SANTA FE SOUTHERN RAILWAY, INC., THE STATE OF NEW MEXICO AND ANY OTHER NECESSARY PARTIES TO DEVELOP A PLAN THAT WOULD PROVIDE FOR THE COMPLETION OF THE

**UNFINISHED PUBLIC AND PRIVATE SPACES AT THE SANTA FE RAILYARD IN  
ACCORDANCE WITH THE RAILYARD MASTER PLAN (COUNCILOR ORTIZ, MAYOR  
COSS AND COUNCILOR WURZBURGER) (ROBERT ROMERO)**

- 20. MATTERS FROM STAFF
- 21. MATTERS FROM THE COMMITTEE
- 22. NEXT MEETING: MONDAY, OCTOBER 26, 2009
- 23. 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**

October 13, 2009

| <b>ITEM</b>                            | <b>ACTION TAKEN</b>    | <b>PAGE(S)</b> |
|--|------------------------|----------------|
| 2. ROLL CALL                           | Quorum Present         | 1              |
| 3. APPROVAL OF AGENDA                  | Approved as amended    | 1-2            |
| 4. APPROVAL OF CONSENT AGENDA          | Approved as amended    | 2              |
| 5. APPROVAL OF MINUTES - Sept 29, 2009 | Approved as presented  | 2              |
| PUBLIC HEARING                         |                        |                |
| 6. Historic/Affordable Housing Appeals | Approved as amended    | 2-7            |
| INFORMATIONAL AGENDA                   |                        |                |
| 7. Landscape Standards Progress Report | Informational only     | 7-8            |
| CONSENT AGENDA LISTING                 |                        |                |
|  | Listed                 | 8-9            |
| DISCUSSION AGENDA                      |                        |                |
| 18. Pharmaceutical Disposal Program    | Approved as presented  | 9-10           |
| 19. Completion of Railyard Spaces      | Approved as amended    | 10-12          |
| 20. Matters from Staff                 | Discussion             | 12             |
| 21. Matters from the Committee         | Discussion             | 12-13          |
| 22. Next Meeting                       | Set for Oct. 26, 2009  | 13             |
| 23. Adjournment                        | Adjourned at 6:45 p.m. | 13             |

Exhibit A - Railyard Negotiations Amendments

Exhibit B - 2010 Public Works Meeting Schedule

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

**TUESDAY, OCTOBER 13, 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 Vice Chair Ron Trujillo 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:**

Vice Chair Ronald S. Trujillo  
Councilor Christopher Calvert  
Councilor Miguel Chávez  
Councilor Rosemary Romero

**MEMBERS ABSENT:**

Councilor Patti Bushee, Chair [excused]

**OTHER COUNCILORS PRESENT:**

None

**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 requested postponement of Item 12.

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

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

**Councilor Calvert moved to approve the Consent Agenda with Item 12 postponed. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

#### **5. APPROVAL OF MINUTES FROM SEPTEMBER 29, 2009, PUBLIC WORKS COMMITTEE MEETING**

**Councilor Calvert moved to approve the minutes of September 29, 2009 as presented. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

#### **PUBLIC HEARING**

#### **6. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14 LAND DEVELOPMENT LAWS AND CHAPTER 26 AFFORDABLE HOUSING SFCC 1987 RELATING TO APPEALS (COUNCILOR ORTÍZ) (GREG SMITH)**

- REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PREPARE RULES OF PRACTICE AND PROCEDURE FOR ADJUDICATIVE PROCEEDINGS IN CASES ARISING UNDER CHAPTER 14 AND CHAPTER 276 SFCC 1987 (COUNCILOR BUSHEE) (GREG SMITH)**

Ms. Price presented the request. She noted that she was not present last time but understood the Committee wanted it clearer. She prepared what she hoped would facilitate the discussion. The amendments were all included in their packets and the table showed what to focus on. The 24 amendments from the Historic Design Review Board, Board Of Adjustment, Planning Commission, staff and Chair Bushee on concerns raised were listed and all were included in the bill.

She recommended the Commission recommend approval for all of them in the mock up except the three that needed individual votes. Those were listed on the right hand column. The first vote would be a decision among 2, 3 and 4, all of which had to do with standing and had three different viewpoints. Staff's version said "direct affect." Chair Bushee's said they had to demonstrate injury to have standing. The fourth one was from the HDRB which said the person had to be aggrieved to have standing.

She said staff's version was the closest to what had been voted on.

#5 dealt with the time allowed for filing an appeal. What Chair Bushee proposed would extend it from 15 days to 30 days for appeal.

The other individual vote was on #20, from the HDRB. Staff felt it was cumbersome and thought all should go to the Hearing Officer. Those were the separate votes. And what she presented was just staff's

recommendation on it.

Vice Chair Trujillo asked Mr. Katz about procedure for voting on 2, 3, 4, 5 and 20 separately.

Mr. Katz explained that those were the only amendments that had a conflict and that was why the Committee would want to vote separately. But he added that the Committee could vote against all of them.

Mr. Katz briefly explained the background on the issue of standing. The HDRB's version (anyone who was aggrieved) came from the State statutory language and had been interpreted by the courts as someone who had either suffered direct injury or had an imminent threat of injury. So although it was statutory language, the courts interpreted it differently.

Staff's language was from the Ramirez v City of Santa Fe case.

Councilor Bushee's version - just "injury" didn't express as clearly what the court said. Injury could be slight but there had to be some injury.

The original interpretation of aggrieved said it had to be a property interest that was harmed or damaged. The courts backed away from that interpretation and considered environment and aesthetics so it could be economic or environmental or aesthetic.

Councilor Chávez added that one could put a value on that.

Mr. Katz gave example of a person who was a regular hiker in a forest. One who didn't regularly use the forest would not have standing for appeal of a case involving the forest. In the Ramirez case the neighboring property owners who lived close by were those whom the court said would be injured by it. But people across town would not be close enough to have standing.

Councilor Chávez asked if staff's choice was #2. Ms. Price agreed.

Councilor Chávez asked if that one would that carry more weight in court.

Mr. Katz was not sure it would but they tried for the average person to determine who had standing and this more descriptively laid it out. At least it was describing it a little bit more. He didn't think the effect of any of them would affect the way the court dealt with it. They used their own standards.

Councilor Chávez asked him to talk a little more about the time line.

Mr. Greg Smith explained that most appeals that came to Council had a 30 day limit. This proposal to change appeals to 30 days would make it consistent. They were formalizing the procedural step for each of the boards with findings of fact and conclusion of law which was approved after 4 weeks so staff felt the appeals at this time limit would balance it for Council. It would allow adequate time for appellants to carefully consider and file an appeal as opposed to adding a lot of extra time unproductively.

What drove the staff's decision was that they were adding a hearing on it. There would still be Council review so it would provide a balance so someone could get a substantial appeal to protect their interests. Thirty days from date of the hearing was the old rule but now it would be 30 days after findings of fact were adopted.

Mr. Chris Grazer said when they first looked at the appeal period their research showed the 30 day period was the most prominent time used. They wanted to make it fair for all parties. They used the process to hold up a project but wanted to be careful not to hold it up too long.

Councilor Chávez asked how a hearing officer, who was an attorney, would be selected - whether by hiring or by contract.

Ms. Price said staff needed the Council's help to look at that. There were various parts of code and they needed to keep it economical.

Councilor Chávez asked if it would be less than a full time position. Ms. Price agreed.

Councilor Calvert said until they were officially adopted, the process now allowed them only 15 days after the approval of the findings of fact.

Mr. Smith agreed and said the new language also allowed the applicant the chance to supplement the findings of fact.

Councilor Calvert asked if by better defining it for the average person to understand the ordinance better; they were limiting the definition of standing.

Mr. Katz didn't believe so. He thought this was what the courts said it was. One solution might be to combine the staff and Councilor Bushee's definition together. To say injury to their economic, environment or aesthetic interest.

Councilor Calvert asked if anything that would go to the hearing examiner would still go to the Council for final approval.

Mr. Grazer agreed and said the proposal was that the Hearing Examiner would use all of the material and all of that would go to Council. The Council could either adopt the recommendation of the hearing officer or reject it and set it for a hearing before the Council.

Councilor Calvert asked if they could adopt some and reject other parts.

Mr. Grazer said the way it was set up it was either accept or reject and have another hearing. If you modify any findings, you have to have a hearing on them. That didn't mean they couldn't listen to issues on the hearing.



Councilor Calvert asked if it was then just up or down. Mr. Grazer agreed.

## **PUBLIC COMMENT**

Ms. Marilyn Bane 220½ b Canyon Road said she appreciated the courtesy of the Public Works Committee to listen to this. It was significant and she appreciated Councilor Ortiz bringing it forward.

Regarding Standing, she was uncomfortable on behalf of the Neighborhood Network and OSFA. She was not on the Sierra Club Board but felt they had the same concerns. Adding injury to environmental and aesthetic was to avoid the term direct injury. A civic organization could well have a reason for being very concerned without an individual member having a location or activity that would directly affect them. So particularly for civic organizations on behalf of the public good the broader interpretation was a better one. It could include the words, "economic, environmental or aesthetic interest or other civic interest. These organizations were valuable in Santa Fe and looking out the city's welfare as advocates. So she would appreciate some latitude on that in terms of appeals.

One point that Mr. Katz brought up was true - the courts have been generous in their interpretation. But this really needed to be from the Governing Body what we value.

Regarding 15 or 30 days, she understood staff that in terms of actual time it was longer but to pick up on Councilor Calvert's point, the clock didn't start ticking until you had official findings of fact in the minutes of the meeting. It was in the public interest to allow the 30 day period rather than 15 days.

She thanked the Committee and asked them to support Councilor Bushee's amendment.

Mr. Dan Mulholland, 1400 Cerro Gordo Road, said he had represented neighbors and neighborhood organizations for many years and was on Neighborhood Law Center Board. He said what the Committee did today needed to enhance the owner's ability to protect their interests and not limit that ability. These efforts were trying to attract the Council's decision. This didn't give staff the ability to shut down appeals. You want people to have standing so they could get their appeals heard and not get hung up on a procedural technicality whether they had standing or not.

The 15 days had to do with access. The time didn't run until a decision by the Board. To give a citizen only 15 days who didn't have a lawyer was not enough time. They needed 30 days to figure out what they wanted to appeal. Otherwise it was a mess. 30 days was what was needed. He was not aware of any court giving less than 30 days to file an appeal. That wouldn't make sense.

Mr. Fred Rowe, President of the Neighborhood Law Center, said the Center had worked with staff since its genesis and some of what was before the Committee was the center's work.

The Center felt strongly that in the two unresolved issues, their preference was in Councilor Bushee's amendments. Important segments of this community like the Center and Neighborhood Network and OSFA should not be cut out and should have standing.

From the community's interest, the Council should want to hear from them and their interests and should choose the broader definition which was entirely within case law. Each of the three was valid but they preferred Councilor Bushee's because if you have an economic, environment or aesthetic or civic interest, you should have the right to appeal to Council.

There were no other speakers from the public and the public hearing was closed.

Councilor Chávez went back to the standard language or suggested language on page 15 - lines 18 through 22 - in the packet. He asked if it was suggested there to take out "direct injury"

Mr. Katz agreed and said that was what the courts used.

Councilor Chávez asked if it would be in order to make a motion to strike that word from this version.

Councilor Calvert said he would like to add to that environmental and aesthetic and have a little more explanation.

Councilor Chávez thought they could move it up to line 18 and strike lines 21 and 22.

Councilor Calvert recommended they include nonprofit or civic organizations.

Councilor Chávez said it would include civic interest and asked if that was clear.

Ms. Price said the motion would remove "direct" and remove "in fact or imminent threat" and would add "economic, environmental, aesthetic or other injury." Councilor Chávez agreed.

Ms. Price read what it would be changed to, "Persons, including non-profit, public interest, or civic organizations alleging injury to their economic, environmental, aesthetic or other interest...."

Councilor Chávez thought "other" was broad enough.

Councilor Calvert - we included victim

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

Councilor Chávez asked if there was a way to develop a hybrid or middle ground between staff's recommendations for length of time to file and appeal and Councilor Bushee's version.

Ms. Price said they should either leave it at 15 or go to 30 days.

**Councilor Chávez moved to support the 30 day window. Councilor Calvert seconded the**

**motion.**

Councilor Chávez hoped the rest of the structure would not add on another series of appeals back and forth. He asked if that was Councilor Bushee's amendment. Councilor Chávez agreed.

Councilor Calvert - so Patti's amendment. Councilor Chávez agreed.

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

**Councilor Chávez moved to support staff's version. Councilor Calvert seconded the motion and it passed by unanimous voice vote.**

Ms. Price said they needed to vote on the administrative procedures. She explained that in light of the economic times, she was requesting that the staff be allowed up to six months to bring back the administrative procedures instead of the usual 90 days. It was felt that within six months, the City could do the hearings in-house and avoid the expense of a contracted hearing officer.

**Councilor Calvert moved to approve it with Ms. Price's amendment. Councilor Romero seconded the motion and it passed by unanimous voice vote.**

**Councilor Calvert moved to approve the entire document as amended. Councilor Chávez seconded the motion and it passed by unanimous voice vote.**

## **INFORMATIONAL ITEM**

### **7. PROGRESS REPORT ON LANDSCAPE STANDARDS, AS REQUIRED BY RESOLUTION 2009-77 (FABIAN CHÁVEZ)**

Mr. Chávez presented this request and recommended a document that would have standards and a plan to create parkways - that these standards would be approved unless there were - without additional funding and provide as much detailed information as possible. It would provide specific plan characteristics and general descriptions of the standards as opposed to creating a huge document with lots of standards.

The resolution would require staff to give a 60 day report. He said they were working on modifications to the guidelines for these parkways. They completed a survey of best practices in Santa Fe, Albuquerque and surrounding communities on what worked and what didn't. They hoped to come up with best practices so that a developer could come in and staff could inform the developer what the standards for design should be. Staff would bring it back for amendments.

Councilor Romero asked if it would have something like a list of drought resistant plants.

Mr. Chávez agreed. He listed some of them. Size of plants would also be one of them - none that would overgrow the median and impede the right of way or the sight for drivers. It would include a photo

gallery of best practices - examples, etc.

Councilor Chávez said he talked about installation and that was at the front end but maintenance sometimes along a trail or planting strip was also important. He asked if the document would address that.

Mr. Chávez noted that a lot of those standards were already in Chapter 14. With these economic times, they were trying to cut down on the need for detailed standards where the City could not provide them. It was not just the plants. These medians might need one trim a year or two instead of 4-6 that was needed now. The best practices would include minimal maintenance and help understand that, no matter who did it. They would also include the information for trails.

Vice Chair Trujillo thanked him for the information.

#### **CONSENT AGENDA LISTING**

**8. REQUEST FOR APPROVAL OF THE 2010 PUBLIC WORKS/CIP & LAND USE COMMITTEE MEETING SCHEDULE (ROBERT ROMERO)**

**9. CIP PROJECT #879A – SILER ROAD EXTENSION PROJECT**

- **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 30 VARIOUS ADDITIONAL ITEMS NOT IN THE ORIGINAL CONTRACT IN THE AMOUNT OF \$46,399.30 PLUS \$3,740.94 (NMGRT) FOR A TOTAL AMOUNT OF \$30,140.24 (DESIRAE LUJÁN)**

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- **REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT (SPA) – #GS-28F-0016N – WITH CREATIVE INTERIORS IN THE AMOUNT OF \$161,774.29 FOR PURCHASE OF FURNITURE (CHIP LILIENTHAL)**

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- **REQUEST APPROVAL TO DECREASE RAILYARD PARK AND PLAZA BUDGET BY \$10,000 (DAVID CHAPMAN)**

This item was postponed under Approval of the Agenda.

- 13. REQUEST FOR APPROVAL OF 2009 NEW MEXICO LEGISLATIVE GENERAL FUND APPROPRIATIONS IN THE AMOUNT OF \$705,715.04**
  - **REQUEST FOR APPROVAL TO ESTABLISH PROJECT BUDGETS (DAVID CHAPMAN)**
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#### **DISCUSSION**

- 18. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE A REPORT FOR THE GOVERNING BODY REGARDING A PROPOSED PROGRAM TO EDUCATE THE PUBLIC REGARDING THE PROPER DISPOSAL OF PHARMACEUTICALS AND THE FEASIBILITY OF ESTABLISHING CITY SPONSORED DISPOSAL OPTIONS FOR THE PUBLIC (COUNCILOR BUSHEE) (ROBERT GALLEGOS)**

Mr. Gallegos presented this request. He said it requested two things: a public education for the proper disposal of pharmaceuticals and personal care products and the feasibility of a city-sponsors program for disposal of those types of products. He said many other cities had developed such plans and staff felt they could be adapted for use in Santa Fe. They would need to look at a city-sponsored program further before bringing a recommendation.

Councilor Romero mentioned that St. Vincent's Hospital had a program for disposal that was approved by the State and suggested working with them.

Mr. Gallegos thanked her for the information.

Councilor Calvert sought clarification that by approving this resolution they were not saying there would be a city sponsored program for disposal but to look at the pros and cons. Mr. Gallegos agreed.

Councilor Calvert felt there were certainly problems with having the City take on that responsibility so he had some problem with the resolution. It needed to be wise and prudent thing for the city to do.

Councilor Chávez was concerned that the effect that flushing things down the toilet would affect water quality. It was in the City's best interests to protect its drinking water. Those could taint the drinking water and they needed to be cautious about that. He asked how this would address that issue.

Mr. Gallegos said they intended to develop a recommendation for proper disposal, and share it with all residents to hopefully protect water quality. The FDA had recommendations for certain ones to be flushed down the toilet.

Councilor Chávez asked if the City wastewater treatment plant could filter those pharmaceuticals.

Mr. Gallegos said that according to the literature that was not possible. Even with FDA recommendations it didn't keep the City from establishing proper disposal guidelines.

Councilor Calvert said in reading the information, it was evident that they needed to look out for not just our drinking water but other people's drinking water.

Councilor Romero said oxycontin was one of them that needed care in disposal. This resolution calls for an overall effort to deal with all of it and an education component. The goal was educating more people about the pollution to their environment.

**Councilor Romero moved for approval. Councilor Chávez seconded the motion and it passed by unanimous voice vote.**

Councilor Chávez, Councilor Romero and Vice Chair Trujillo asked to be listed as sponsors.

**19. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER NEGOTIATIONS WITH THE SANTA FE RAILYARD COMMUNITY CORPORATION; RAILYARD COMPANY, LLC, SANTA FE SOUTHERN RAILWAY, INC., THE STATE OF NEW MEXICO AND ANY OTHER NECESSARY PARTIES TO DEVELOP A PLAN THAT WOULD PROVIDE FOR THE COMPLETION OF THE UNFINISHED PUBLIC AND PRIVATE SPACES AT THE SANTA FE RAILYARD IN ACCORDANCE WITH THE RAILYARD MASTER PLAN**

**(COUNCILOR ORTÍZ, MAYOR COSS AND COUNCILOR WURZBURGER) (ROBERT ROMERO)**

Mr. Romero presented this request and stood for questions.

Councilor Romero said she had four proposed amendments and presented them in a handout. She noted there was a lot of confusion about the need for it. [Attached as Exhibit A]

The first amendment was on page 1 which would delete lines 11 through 17 and insert, "Authorizing and directing the City Manager to initiate discussions with the Santa Fe Rail Yard Community Corporation; Rail Yard Company, LLC, Santa Fe Southern Railway, Inc., The State of New Mexico and other possible entities to develop a variety of ideas and viable financial options for development of the public and private spaces at the Santa Fe Rail Yard in accordance with the Rail Yard Master Plan."

Councilor Calvert agreed that clarification helped. It also put the procedure in the proper order.

Councilor Chávez thought "negotiations" was a better word than "initiate a discussion." It still pointed to the completion of the Railyard MP that was already approved.

Councilor Calvert noted this included for public and private spaces. There were some things that were public in the MP and this intended to look at that in a comprehensive manner and how to finance that. It was not called out here but in the lease.

Councilor Chávez said it was called out in the whereas statements and he appreciated those comments. For several reasons, the completion had not happened and everyone was grasping for straws to figure out how to fill the gaps. He was trying to grasp the suggestion.

Councilor Romero drew attention to the rest of her amendments. Her second amendment was because it wasn't clear to her what was to be in that figure. They just didn't know and she was uncomfortable putting in a figure. So her recommendation was to investigate the possibility of issuing and selling gross receipts tax revenue bonds and other options for the purpose of facilitating the completion of the Master Plan for the Railyard.

Councilor Chávez said that reminded him of the referendum they did for GO Bonds that increased property taxes. He didn't know how much longer they could keep doing that. Taking the dollar amount out that might soften it was an interesting point.

Councilor Romero said adding other options would give them some other opportunities.

Her third amendment was page 2, lines 21-24. It would authorize the City Manager and direct him to begin discussions with the Railyard Company, LLC, the Santa Fe Rail yard Community Corporation, Santa Fe Southern Railway, Inc, the State of New Mexico to determine the most viable options for meeting the Railyard Master Plan goals and City of Santa Fe economic development goals.

The last amendment was on page 3 of the resolution. Her amendment would delete lines 3 through 5

and insert, "The plan should provide a prudent level of assurance acceptable to the governing Body that direct contributions of resources by the City would not be required except for direct costs such as the analysis to develop the plan, legal fees and appraisal fees." This was an analysis to develop a plan because it would cost the City to do that. It would provide assurances to the public.

**Councilor Calvert moved for approval of the resolution with the amendments presented by Councilor Romero. Councilor Romero seconded the motion.**

Councilor Chávez explained that he would abstain. With the new information, it might be better but he was still not totally comfortable even with the amendments. It would go to Finance so he agreed to study it a little bit more.

Councilor Calvert added that before going to Finance it would require an FIR.

Councilor Chávez hoped there would be no other costs besides legal fees. So they were allocating some city resources. If the timing didn't come around, they would have another project. So as a cautious person, he would abstain.

**The motion passed by majority voice vote with all voting in favor except Councilor Chávez who abstained.**

## **20. MATTERS FROM STAFF**

Mr. Romero said they would have a Public Works Committee meeting on November 16th. It had not been scheduled before. The Chair asked that they have the meeting then.

## **21. MATTERS FROM THE COMMITTEE**

Councilor Romero cautioned that during this difficult time, people were looking at the park bond money with hungry eyes. An update to the plan was proposed. It would be good to look by district where the expenses compared to budget were coming in.

Mr. Romero agreed to do an update. The last one was in February. He would bring that back and recommend changes at the November meeting.

Councilor Romero added that the Parks Advisory Committee was working on getting to the public. She thanked Mr. Romero for the update in District 2. It was helpful.

Mr. Romero asked for any specific changes so that he could take them to the Parks Advisory Committee and ask for their blessing and then to Public Works. He asked that those items be on the next agenda for Parks which would meet before the Public Works meeting on November 16th.



Mr. Romero said staff were trying to be diligent about how they spent the money. It was not big money but they used the City's own crews to save money. They were not doing things without Council approval. He said he could report next time on the savings they had achieved.

Councilor Chávez said there was also a resolution that came to mind to be added to the Master Plan for Tierra Contenta. Councilor Dominguez introduced it after the Master Plan was adopted. They were now playing catch up.

Mr. Romero said they were moving along very well on the completion of those projects and could have the majority of them finished in a year.

Councilor Chávez said he had been asked about dates for the bridge on Carlos Rael and did not want to give an answer on it.

Mr. Romero said they were working with the County on it and they had to go through a formal process to close the road.

Vice Chair Trujillo mentioned a trail he was walking and noticed a lot of cracks in it. He asked if it was time to resurface it.

Mr. Romero suggested they could include it in the next CIP bond cycle coming up soon.

## **22. NEXT MEETING: MONDAY, OCTOBER 26, 2009**

## **23. ADJOURN**


Councilor Calvert moved to adjourn the meeting. Councilor Chávez seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 6:45 p.m.

Approved by:

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Ronald S. Trujillo, Vice Chair

Submitted by:

  
Carl Boaz, Stenographer