



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 12, 2010  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5-7-10 TIME 1:15

SERVED BY

RECEIVED BY

*[Signature]*

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – April 28, 2010
9. PRESENTATIONS
  - a) Employee of the Month for May 2010 – Nick Diaz, Equipment Operator; Solid Waste Division. (5 minutes)
  - b) 2010 Water Conservation Poster Contest. (Randy Sugrue) (5 minutes)
  - c) Muchas Gracias -- Dr. Richard Roth, President Impact DWI. (5 minutes)
  - d) Proclamation -- Bike to Work Week – May 17 -21, 2010. (Rachel Wexler) (5 minutes)
  - e) Santa Fe Indian School Lady Braves 3A State Basketball Champions. (5 minutes)
  - f) St. Michael's High School 3A State Wrestling Champions. (5 minutes)
  - g) Santa Fe Blue Jacket High School Hockey Team – New Mexico High School Champions. (Morey Walker) (5 minutes)



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## 10. CONSENT CALENDAR

- a) Bid No. 10/33/B – Retrofit and/or Replace Existing Lighting at City Facilities with Energy Efficient Lighting; Omega Contractors, Inc. (Nicholas Schiavo)
- b) Bid No. 10/34/B – Water and Sewer Main Extension; Sub Surface Contracting, Inc. (Stan Holland)
- c) Bid No. 10/35/B – Old Pecos Trail Sidewalk Improvements – Cordova Road to Berger Street; Street Widening – Barcelona Road to Coronado Road and Construction Contract; Star Paving Company. (Sandra Winkelmaier)
- d) Request for Approval of Amendment to License Agreement - Use of Upper Deck of the Portal Appurtenant to 60 E. San Francisco Street as a Service to Adjoining Business Named Marble Brewery; 60 East San Francisco Street Ltd. Co. (Edward Vigil)
- e) Request for Approval of Amendment No. 1 to Lease Agreement – Revised Method for Calculating Payment In Lieu of Property Tax (Pilot); New Mexico Ridgetop Road Ltd. (Kelley Brennan)
- f) Request for Approval to Install Street Lights and Postpone Consideration of Electrical Panel; CIP Project #427 – Plaza Improvements. (Chip Lilienthal)
- g) Request for Approval of Grant Agreement – Purchase Equipment for Firefighters; Federal Emergency Management Agency. (Assistant Fire Chief Erik Litzenberg)
  - 1) Request for Budget Increase – Grant Fund.
- h) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_.(Councilor Bushee)  
A Resolution Amending Resolution No. 2003-87 Regarding the Bicycle and Trail Advisory Committee. (Bob Siqueros)



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- i) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_. (Councilor Romero)  
A Resolution Establishing Criteria for the Consideration of Restricted Truck, Truck Trailer and Other Large Vehicle Traffic on City Streets Otherwise Known as Truck Bans. (Rick Devine)
- j) Request for Approval of Memorandum of Understanding – Wastewater Collection System; Santa Fe County. (Marcos Martinez and Bryan Romero)
- k) Request for Approval to Publish Notice of Public Hearing on June 9, 2010:  
  
Bill No. 2010-16: An Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunications Services. (Kelley Brennan)
- 11. CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_. (Councilor Romero)  
A Resolution Repealing Resolution No. 2009-2 Regarding the Creation of a Historian Laureate Program and Establishing a One-Year Honorary, Unpaid, Position Titled City Historian. (Sabrina Pratt)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY  
  
EXECUTIVE SESSION:  
  
Discussion of Current Pending and Threatened Litigation in which the City of Santa Fe is or May Become a Participant, Pursuant to §10-15-1(H)(7), NMSA 1978 and Pursuant to City of Santa Fe Resolution No. 2010-24.
- 14. MATTERS FROM THE CITY CLERK
- 15. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

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



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THE GOVERNING BODY  
MAY 12, 2010  
CITY COUNCIL CHAMBERS

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from The Way of Sake, Corporation for a Wholesaler Liquor License (Beer and Wine Only) to be located at The Way of Sake, 207 North Guadalupe Street. (Yolanda Y. Vigil)
- 2) Request from Conquest Santa Fe, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Hyatt Place, 4320 Cerrillos Road. (Yolanda Y. Vigil)
- 3) Request from Guadalupe, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Dalino Pizzeria, 204 Guadalupe, Suite B. (Yolanda Y. Vigil)
- 4) CONSIDERATION OF BILL NO. 2010-10: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Wurzburger and Councilor Romero)  
An Ordinance Amending Various Sections of Article 26-1 Regarding the Santa Fe Homes Program in Order to Increase the Maximum Income of Eligible Buyers to 120% of Area Median Income; to Allow the Grouping of Santa Fe Homes Program Units; and to Make such other Changes as are Necessary. (Kathy McCormick) **(Postponed at the April 28, 2010 City Council Meeting)**
  - a) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Wurzburger and Councilor Romero)  
A Resolution Amending the Administrative Procedures for the Santa Fe Homes Program in Order to Increase the Maximum Income of Eligible Buyers to 120% of Area Median Income; to Allow the Grouping of Santa Fe Homes Program Units; to Eliminate the First-Time Homebuyer Status Requirement; and to Make Such Other Changes as are Necessary. (Kathy McCormick) **(Postponed at the April 28, 2010 City Council Meeting)**



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MAY 12, 2010  
CITY COUNCIL CHAMBERS

- 5) CONSIDERATION OF BILL No. 2010-11: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_: (Councilor Wurzbarger and Councilor Romero)  
An Ordinance Amending Section 14-5.5 (A) (3) SFCC 1987 Regarding General Standards for the South Central Highway Corridor Protection District. (Jeanne Price)

## I. ADJOURN

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

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

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

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SANTA FE CITY COUNCIL MEETING  
May 12, 2010**

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<b>CALL TO ORDER AND ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>APPROVAL OF AGENDA</b>	<b>Approved</b>	<b>1</b>
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<b>APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 28, 2010</b>	<b>Approved</b>	<b>3</b>
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<b>PROCLAMATION – BIKE TO WORK WEEK – MAY 17-21, 2010</b>		<b>4</b>
<b>SANTA FE INDIAN SCHOOL LADY BRAVES 3A STATE BASKETBALL CHAMPIONS</b>		<b>4-5</b>
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<b>SANTA FE BLUE JACKET HIGH SCHOOL HOCKEY TEAM – NEW MEXICO HIGH SCHOOL CHAMPIONS</b>		<b>5</b>

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	10
<b><u>EVENING SESSION</u></b>		
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PETITIONS FROM THE FLOOR		11-12
<b><u>APPOINTMENTS</u></b>		
400 <sup>th</sup> Anniversary Committee	Approved	12
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<b><u>PUBLIC HEARINGS</u></b>		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM THE WAY OF SAKE CORPORATION, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE WAY OF SAKE, 207 NORTH GUADALUPE STREET	Approved	13
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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
May 12, 2010**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on May 12, 2010, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

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

**Others Attending**

Robert Romero, City Manager  
Geno Zamora, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dominguez, to approve the agenda as published.

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

**7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to approve the following Consent Calendar, as amended.

**VOTE:** The motion was approved on the following Roll Call vote:

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

**Against:** None.

**Absent:** Councilor Wurzburger.

- a) **BID NO. 10/33/B – RETROFIT AND/OR REPLACE EXISTING LIGHTING AT CITY FACILITIES WITH ENERGY EFFICIENT LIGHTING; OMEGA CONTRACTORS, INC. (NICHOLAS SCHIAVO)**
- b) **BID NO. 10/34/B – WATER AND SEWER MAIN EXTENSION; SUB SURFACE CONTRACTING, INC. (STAN HOLLAND)**
- c) **BID NO. 10/35/B – OLD PECOS TRAIL SIDEWALK IMPROVEMENTS – CORDOVA ROAD TO BERGER STREET; STREET WIDENING – BARCELONA ROAD TO CORONADO ROAD AND CONSTRUCTION CONTRACT; STAR PAVING COMPANY. (SANDRA WINKELMAIER)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT TO LICENSE AGREEMENT – USE OF UPPER DECK OF THE PORTAL APPURTENANT TO 60 E. SAN FRANCISCO STREET AS A SERVICE TO ADJOINING BUSINESS NAMED MARBLE BREWERY; 60 EAST SAN FRANCISCO STREET LTD. CO. (EDWARD VIGIL)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – REVISED METHOD FOR CALCULATING PAYMENT IN LIEU OF PROPERTY TAX (PILOT); NEW MEXICO RIDGETOP ROAD, LTD. (KELLEY BRENNAN)**
- f) **REQUEST FOR APPROVAL TO INSTALL STREET LIGHTS AND POSTPONE CONSIDERATION OF ELECTRICAL PANEL; CIP PROJECT #427 – PLAZA IMPROVEMENTS. (CHIP LILIENTHAL)**
- g) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – PURCHASE EQUIPMENT FOR FIREFIGHTERS; FEDERAL EMERGENCY MANAGEMENT AGENCY. (ASSISTANT FIRE CHIEF ERIC LITZENBERG)**
  - 1) **REQUEST FOR BUDGET INCREASE – GRANT FUND.**

- h) **CONSIDERATION OF RESOLUTION NO. 2010-33 (COUNCILOR BUSHEE). A RESOLUTION AMENDING RESOLUTION NO. 2003-87 REGARDING THE BICYCLE AND TRAIL ADVISORY COMMITTEE. (BOB SIQUEIROS)**
- i) ***[Removed for discussion by Councilor Bushee]***
- j) ***[Removed for discussion by Councilor Calvert]***
- k) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 9, 2010:**
  - 1) **BILL NO. 2010-16: AN ORDINANCE REPEALING CHAPTER 27 SFCC 1987, AND CREATING A NEW CHAPTER 27 SFCC 1987, REGARDING TELECOMMUNICATIONS SERVICES. (KELLY BRENNAN)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 28, 2010**

**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of April 28, 2010, as presented.

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

**9. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR MAY 2010 – NICK DIAZ, EQUIPMENT OPERATOR; SOLID WASTE DIVISION.**

Mayor Coss read the letter of nomination into the record and presented Mr. Diaz with a plaque and a check for \$100.00 from the Employee Benefit Committee.

Mr. Diaz thanked his coworker, Randall Marco, for the nomination, saying everyone works hard in his Division, and it is good to be recognized

- b) **2010 WATER CONSERVATION POSTER CONTEST. (RANDY SUGRUE)**

Mayor Coss, assisted by Councilor Bushee and Vicki Gage, presented trophies and gift bags to the winners as Randy Sugrue announced the winners of the poster contest.

Mr. Sugrue said the poster of the grand prize winner will be reproduced and placed on the back of one of the City buses for one year.

Councilor Bushee said she has been a judge of this contest for many years, and the entries get better every year. She congratulated the young artists in our community.

*Councilor Wurzbarger arrived at the meeting during this presentation*

**c) MUCHAS GRACIAS – DR. RICHARD ROTH, PRESIDENT IMPACT DWI.**

Margaret Oster, Impact DWI, introduced Dr. Richard Roth for his outstanding efforts in dramatically reducing DWI traffic related accidents in New Mexico.

Dr. Roth said many people are involved in this effort. He said New Mexico has moved from the top to below the national average in DWI traffic related accident. He said there has been tremendous cooperation from the Governor and the Legislature. Dr. Roth said we as a community must not let any person leave our home or business who is too alcohol impaired to operate a vehicle, and if we do this we will eliminate DWI.

Councilor Bushee thanked Dr. Roth for his efforts, especially on the DWI forfeiture bill which was adopted by the City.

Mayor Coss thanked Dr. Roth for all of his service.

**d) PROCLAMATION – BIKE TO WORK WEEK – MAY 17-21, 2010. (RACHEL WEXLER)**

Mayor Coss read the Proclamation into the record proclaiming May 17-21, 2010 as Bike to Work Week in Santa Fe, and presented it to Rachel Wexler.

Mayor Coss said participation in Bike to Work Week activities is a good way to remember Gail Ryba who was so actively involved in many projects in our community.

Councilor Chavez asked people in automobiles to be very careful of bicyclists and pedestrians this summer while operating a motor vehicle.

Councilor Bushee urged everyone to attend, saying there are lots of events. She said a list of the events are listed on the City website.

**e) SANTA FE INDIAN SCHOOL LADY BRAVES 3A STATE BASKETBALL CHAMPIONS.**

Mayor Coss introduced Coach Cindy Roybal and the Lady Braves. He congratulated the Lady Braves on their accomplishment.

Coach Roybal thanked the Mayor and Council for this tremendous honor and for the support of the Governing Body and the community for the team.

Mayor Coss said it is good to have State champions here, and wished them good luck for next year. He thanked them for the care they provided for the Peshlakai family during their tragedy in Santa Fe.

**f) ST. MICHAEL'S HIGH SCHOOL 3A STATE WRESTLING CHAMPIONS.**

Mayor Coss, assisted by Councilor Ortiz, presented a plaque to the members of St. Michael's High School 3A State Wrestling Champions and Coach Pat Aranda.

Coach Aranda thanked the Mayor and Council, noting only 2 seniors are graduating this year, so they should continue with a strong team into the future. He said 72 kids 7-12th in varsity.

Geno Zamora, City Attorney, said he proud of everyone, noting he was a member of the Class of 1987, and the 1987 State Wrestling Champion team.

**g) SANTA FE BLUE JACKET HIGH SCHOOL HOCKEY TEAM – NEW MEXICO HIGH SCHOOL CHAMPIONS. (MOREY WALKER)**

Mayor Coss presented awards to Coach Paul DeVincentis, Assistant Coaches Dave and Danny Gonzales, and the members of the Santa Fe Blue Jacket High School Hockey Team, the New Mexico High School champions for the 5<sup>th</sup> consecutive year, with a record of 21-0-2. Mayor Coss presented Muchas Gracias certificates to the coaches.

Coach DeVincentis said this is his 10<sup>th</sup> year coaching the Blue Jackets and the 5<sup>th</sup> championship team he's coached.

The Mayor and City Councilors presented the coaches and each member of the team with a plaque.

Larry Walker, a member of the team, said it is very special for those players who have been on all 5 championship teams.

**CONSENT CALENDAR DISCUSSION**

**10(i) CONSIDERATION OF RESOLUTION NO. 2010- 34 (COUNCILOR ROMERO). A RESOLUTION ESTABLISHING CRITERIA FOR THE CONSIDERATION OF RESTRICTED TRUCK, TRUCK TRAILER AND OTHER LARGE VEHICLE TRAFFIC ON CITY STREETS OTHERWISE KNOWN AS TRUCK BANS. (RICK DEVINE)**

**MOTION:** Councilor Bushee moved, seconded by Councilor Romero, to adopt Resolution No. 2010-34.

**VOTE:** The motion was approved on the following Roll Call vote:

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

**Against:** None.

**10 (j) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – WASTEWATER COLLECTION SYSTEM; SANTA FE COUNTY. (MARCOS MARTINEZ AND BRYAN ROMERO)**

Councilor Calvert said on page 2 of the Memorandum, one of the bullets says, "Wastewater treatment charges will be based on 90% of an entity's metered water usage."

Bryan Romero said that was changed to 100% and the agreement was amended.

Councilor Calvert said this refers to the City's wastewater treatment charges, and Mr. Romero said yes.

Responding to Councilor Calvert, Mr. Romero said the County will keep the meters and provide the meter readings to the City. He said the agreement states the County will pay the City for that use of the wastewater, based on the water use.

Council Calvert said this is intended as an agreement that might be duplicated in the future. He asked if the County automatically gives the information to the City on a timely basis so we can bill those charges.

Mr. Romero said he will be working with the County billing person to get everything coordinated before this happens, noting it will take some time to construct the pipeline.

**MOTION:** Councilor Calvert moved, seconded by Councilor Bushee, to approve this request.

**VOTE:** The motion was approved on the following Roll Call vote:

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

**Against:** None.

**Absent:** Councilor Chavez

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**END OF CONSENT CALENDAR DISCUSSION**

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**11. CONSIDERATION OF RESOLUTION NO. 2010-35 (COUNCILOR ROMERO). A RESOLUTION REPEALING RESOLUTION NO. 2009-2 REGARDING THE CREATION OF A HISTORIAN LAUREATE PROGRAM AND ESTABLISHING A ONE-YEAR HONORARY, UNPAID POSITION TITLED CITY HISTORIAN. (SABRINA PRATT)**

Sabrina Pratt said this would be an honorary position, and provide the opportunity to have a person who is interested in the City's history and would be doing presentations in the community and such. She said this won't cost the City, and would be for things such as lectures and inspiring projects to happen, so we don't have to put City funds into it at a time when they're not available.

Councilor Romero said this is an opportunity to spread the word about the 400<sup>th</sup> Celebration, as well to work on behalf of the City., noting the proposed poet laureate position didn't work. She said anything we can do to further the 400<sup>th</sup> celebration would be greatly appreciated.

Councilor Wurzbarger asked to be a cosponsor.

**MOTION:** Councilor Romero moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2010-35.

**VOTE:** The motion was approved on the following Roll Call vote:

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

**Against:** None.

**Absent:** Councilor Chavez.

**12. MATTERS FROM THE CITY MANAGER.**

Robert Romero said, as requested at the last Council meeting, he has provided the status of Councilor's requests or communications to the City Manager, and is following this up with an email.

Mr. Romero said Saturday is Community Day, and he urged everyone to go to the Plaza on Saturday morning.

*Mayor Coss asked to hear Items #14 and #15 prior to Executive Session*

**14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.



## **15. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of , is incorporated herewith to these minutes as Exhibit "1."

### **Councilor Dominguez**

Councilor Dominguez had no communications.

### **Councilor Wurzbarger**

Councilor Wurzbarger had no communications.

### **Councilor Trujillo**

Councilor Trujillo introduced a Resolution supporting the New Mexico Litter Control and Beautification Act of 1985 which provides public funds to enhance local litter control and beautification programs. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Trujillo reminded everyone that the sign-up for the Summer Youth Program is on Saturday.

### **Councilor Ortiz**

Councilor Ortiz said the Finance Committee meeting on Monday, May 17, 2010, will begin at 4:00 p.m., instead of 5:15 p.m. He said it is hoped the Committee will finalize its recommendations for the FY10/11 Budget. He said the majority of the Governing Body has been attending these meetings. He said there has been significant progress due to the different direction taken by the City Manager and the Administration regarding the budget process.

Councilor Ortiz said the Council passed the Newborn Resolution, and the baby shower for newborns will be on Thursday, May 27, 2010 at 12:00 noon or 1:00 p.m. He would like very much if Carla Lopez or someone from Constituency Services can issue a press release and do a PSA.

### **Councilor Bushee**

Councilor Bushee introduced a Resolution which is cosponsored by Mayor Coss and Councilor Romero, naming that portion of the City's Rail Trail between Siringo Road and Zia Road, and the future extension of the trail under St. Francis Drive connecting to St. Michael's Drive, in honor of Gail Ryba. A

copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

### **Councilor Romero**

Councilor Romero introduced a Joint Resolution directing Staff to update the MOU with the Public Schools which expires at the end of June 2010, noting she will provide copies to the Mayor and Council tomorrow.

### **Mayor Coss**

Mayor Coss introduced a Resolution approving participation in the program of the North Central New Mexico Economic Development District. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Mayor Coss introduced an Ordinance amending Exhibit A of Chapter XIII, SFCC 1987, Stormwater Utility, to increase the monthly Stormwater Utility Service Charge. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "5."

Mayor Coss said the graduation for the College of Santa Fe is Saturday at 10:00 a.m., at Shellabarger Tennis Center at the College.

Mayor Coss thanked the members of the Finance Committee, City Councilors and City Manager Robert Romero who are having a pretty good budget process, and he appreciates that very much.

## **13. MATTERS FROM THE CITY ATTORNEY**

### **EXECUTIVE SESSION:**

#### **DISCUSSION OF CURRENT PENDING AND THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, PURSUANT TO §10-15-1(H)(7) NMSA 1978, AND PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24.**

**MOTION:** Councilor Bushee moved, seconded by Councilor Ortiz, that the Council go into Executive Session for the purpose of discussion of pending or threatened litigation in which the City is or may become a participant, pursuant to §10-15-1(H)(7) NMSA 1978, and pursuant to City of Santa Fe Resolution No. 2010-24..

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

**Absent:** Councilor Chavez

The Council went into Executive Session at 5:55 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:15 p.m., Councilor Calvert moved, seconded by Councilor Bushee, that the City Council come out of Executive Session and stated that the only item which was discussed in executive session was the item which was on the agenda, and no action was taken.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against, and Councilor Chavez abstaining because he didn't attend the Executive Session because he was excused to attend a neighborhood association meeting.

**END OF AFTERNOON SESSION AT 7:15 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor David Coss, at approximately 7:15 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

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

#### **Others Attending**

Robert P. Romero, City Manager  
Geno Zamora, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

A copy of "Which ADA Parking Sign are you," presented for the record by David McQuarie, is incorporated herewith to these minutes as Exhibit "6."

**David McQuarie** presented the information in Exhibit "6," calling for replacement of all ADA parking signs throughout the City to give one simple message in this respect. He invited the Mayor and Council to attend an ADA Parking Sign Exchange on Friday, June 4, 2010, from 10:00 a.m. to 2:00 p.m., at the parking lot west of the Masonic Temple.

Mr. McQuarie said he had hoped to give an idea of the cost, but was unable, noting he previously requested an audit of the CIP funds for ADA purposes, but has never received a response.

**Bill Bruno** said he is here to update the City Council on a few things. He said in the last week the Canadian Parliament has had hearings in its standing Health Committee on cell phone safety. The Committee heard from a researcher who has been experimenting for years, and found that, even the equivalent of a cell phone tower 100 meters away, causes cell death among ants, reduces the fertility and

after a few generations they are no longer able to reproduce. Mr. Bruno said the person said it is hard to extrapolate from ants to humans, but we know from other types of radiation that humans are more vulnerable than most insects. Mr. Bruno said the person raised a point that bee populations are declining and he thinks "that that's the reason," noting we are dependent on bees and other insects. Mr. Bruno said he also thinks it is very plausible that people are getting sick from microwaves. Mr. Bruno said another researcher presented experimental evidence supporting that, and one of the members of the Canadian Parliament said he had to stop carrying his cell phone because it was "causing too many problems for me."

Mr. Bruno said next week the largest study of cell phones and tumors is going to be published and he is anxiously waiting for that. Bruno said the study has been delayed for five years, because the researchers were arguing over the interpretation of the results.

Mr. Bruno said the two town hall meetings were held on the antenna ordinance, and there were a lot of great speakers and new faces. He said one of the most important was Richard Lillenberg who the Mayor appointed to be on the pro-wifi side of the argument for the libraries. He said Mr. Lillenberg said that we need to have a coordinated plan and the City shouldn't let the antennas go just anywhere, and the City should have a plan as to where antennas should go. He said Mr. Lillenberg also said there are no model ordinances in the country that he thinks are good, so the City shouldn't just copy another ordinance. He said the ordinance which the Council voted to publish this evening is modeled on the Albuquerque ordinance. Mr. Lillenberg is a top expert in this area and we're lucky to have him in Santa Fe. Mr. Bruno said, in his opinion, the current ordinance about to be published has at least 12 serious shortcomings.

## **G. APPOINTMENTS**

### **400<sup>th</sup> Anniversary Committee**

Mayor Coss made the following appointments to the 400<sup>th</sup> Anniversary Committee:

Eric J. Lujan; and  
Pawan Singh Dhindsa

**MOTION:** Councilor Ortiz moved, seconded by Councilor Trujillo, to approve these appointments.

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

### **Parking Advisory Committee**

Mayor Coss made the following appointments to the Parking Advisory Committee:

Georgia Maryol – Appointment as Chair; and  
Larry Keller (At-Large) to fill unexpired term ending 03/2011.

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

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

#### **H. PUBLIC HEARINGS**

- 1) REQUEST FROM THE WAY OF SAKE CORPORATION, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE WAY OF SAKE, 207 NORTH GUADALUPE STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting that the business is not within 300 feet of a church or school, there are staff reports in the packet regarding litter, noise and traffic and staff requests the business be required to comply with all City ordinances.

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to approve the request from The Way of Sake Corporation, for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at The Way of Sake, 207 North Guadalupe Street.

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

**Absent:** Councilor Wurzbarger.

**2) REQUEST FROM THE CONQUEST SANTA FE, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT HYATT PLACE, 4320 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is not within 300 feet of a church or school, and there are staff reports in the packet regarding litter, noise and traffic. She said as part of the request, liquor will be consumed in the patio area which is fully enclosed. Staff recommends that the business be required to comply with all City ordinances.

**Public Hearing**

**Michael Smith was sworn.** Mr. Smith said he is the Attorney for the Applicant, and the resident agent is in attendance and can answer any questions about the application.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Romero, to approve the request from Conquest Santa Fe, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Hyatt Place, 4320 Cerrillos Road.

**DISCUSSION:**

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

**Absent:** Councilor Wurzbarger..

**3) REQUEST FROM GUADALUPE, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT DALINO PIZZERIA, 204 GUADALUPE, SUITE B. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is not within 300 feet of a church or school, and there are staff reports in the packet regarding litter, noise and traffic. She said as part of the request, liquor will be consumed in the patio area which is fully enclosed. Staff recommends that the business be required to comply with all City ordinances.

## **Public Hearing**

There was no one speaking for or against this request.

## **The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Romero, to approve the request from Guadalupe, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Dalino Pizzeria, 204 Guadalupe, Suite B.

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

**Absent:** Councilor Wurzbarger.

*Councilor Wurzbarger arrived at the meeting*

- 4) **CONSIDERATION OF BILL NO. 2010-10; ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_ (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 26-1 REGARDING THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY. (KATHY McCORMICK). (Postponed at the April 28, 2010 City Council Meeting).**
  - a) **CONSIDERATION OF RESOLUTION NO. 2010- \_\_\_\_ (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; TO ELIMINATE THE FIRST-TIME HOMEBUYER STATUS REQUIREMENT; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY. (KATHY McCORMICK). (Postponed at the April 28, 2010 City Council Meeting)**

A copy of the text of the power point presentation, "Proposed Santa Fe Homes Program Changes," is incorporated herewith to these minutes as Exhibit "7."



A copy of a letter dated May 12, 2010, to Mayor David Coss and City Councilors, from Jay Gillian, Division President, Pulte Homes of New Mexico, regarding Proposed Affordable Housing Program Changes, is incorporated herewith to these minutes as Exhibit "8."

Melissa Dailey, presented information via power point, demonstrating the various configurations of affordable homes in this development, and noting staff doesn't see a huge mono-level in what is being proposed. Please see Exhibit "7," for the text of this presentation.

#### **Questions and comments from the Governing Body prior to the Public Hearing**

- Councilor Bushee asked, regarding changing the mix of income levels, what is the experience on the ground for people that make \$72,600, in terms of impacting the lower income negatively. She asked if we are finding that a lot of people are coming to look for affordable homes in that income level and being turned away.

Ms. Dailey said this is a reaction to the Housing Needs Assessment showing that this is the income category that we're losing the most to Rio Rancho. These are the people who've worked here for 5-10 years, will still work here, but decide to move to another community where the housing is cheaper.

- Councilor Bushee said her experience is that they get more for the dollar, than it is the amount of money they take home in their paycheck.

Ms. Dailey said we could say that about any one of us who own a home here. We're all making a choice, but at the end of the day, the person really has to want to be here.

- Councilor Bushee said her question is why this change other than the economic study that said we are losing that income level, and if the buyer making \$72,600 annually actually will go to Homewise or Community Housing Trust to look for affordable homes, and are they being turned away and are we finding that this income level is seeking a Homes Program home..

Ms. McCormick said part of the response is what Ms. Dailey was saying, terms of understanding that that's the income group "we're losing a lot of." She said they also are hearing there is not product in a price point that they would be able to consider, even here in Santa Fe. She said this at least opens the door so that there is some new product from which these families would be able to choose – that's part of it.

- Councilor Bushee said the question is whether people from the other income levels are stepping away. She isn't opposed to having more market level homes. However, staff is saying there's a demand for this, and she is uncertain that is true for the affordable housing market.

Ms. McCormick said the only way she can respond is that the needs assessment showed that this wasn't a group that was looking in Santa Fe, and we know there is limited housing at that price point in this market. So, it does create an opportunity for them to choose to purchase a home in Santa Fe at that price through the Homes Program.

- Councilor Bushee asked what they will get from going through the Homes Program at that income level, and what that offers them that would then take away from the lower income tiers, and that they won't go out and find a home on their own. She is uncertain about creating this new category, and what it does for the Homes Program.

Ms. McCormick said they also will have access to down-payment assistance, which they don't have currently.

- Councilor Bushee asked if the Program still is providing down-payment assistance.

Ms. McCormick said yes, through the CDBG Program and the Trust Fund. She said the County program has four tiers. She said the 3<sup>rd</sup> and 4<sup>th</sup> are tougher because these are more market priced homes, but this does show that at least part is being built at that price point. She said they met today with Pulte homes before the meeting to discuss a number of things. She said Pulte is finding that the pricing proposed in the 4<sup>th</sup> tier has been missing from the Santa Fe market and it is a pricing point they want to be able to build to, and they are interested in how to get people coming through the Homes Program. There are questions about whether these people would want to go through a home-buyer program, and we told them it is a requirement.

- Councilor Bushee asked Ms. McCormick if she did a survey of the real estate market right now, what range would be for that income level.

Ms. McCormick said it would be in the \$300,000 range, which tends to be a smaller home, smaller attached.

- Councilor Bushee said then she's saying people aren't building those homes and you want to provide some incentive, and Ms. McCormick said yes.

Councilor Bushee asked if this is a true statement. She said they currently are not building that range of homes.

Councilor Bushee asked if there are many homes in this range on the market. She said for a period of time there was a shortage of mid-level priced homes. She understands over the last decade, more and more of those homes came on line – \$250,000.

Ms. McCormick said consistently in working with Michael Halsey, staff and had him look at all of the different information which was in prior packets, which showed there wasn't a lot of supply for homes priced under \$250,000. She said if it was available, it tended to be small 1-2 bedroom units or needed a lot of work. She said typically, at 120% of AMI, people are looking at homes of \$250,000 to \$300,000.

- Councilor Bushee wants to be sure we aren't taking away from where the demand really is or should be placed, in terms of incentives. She would like a better way to put that together in her mind than just the Housing Needs Assessment which is sort of generic.
- Councilor Chavez said this is not the first time the City has offered incentives to get people to do something. In the past, the City has provided incentives such as density bonuses, water to affordable units, waived impact fees and such. He said the builders agreed to do something in return for the incentives – the 30%, the concept that we would follow inclusionary zoning and now allow clustering. He said this is how it has been to now. He asked what is the new incentive package, what we expect it to do and if it includes all of the other incentives people have been receiving to this time.
- Ms. Dailey said all incentives currently offered by the City will remain in place. The clustering is the additional incentive. At the last Finance Committee a two-year sunset clause was added to the clustering. She said it is more of an immediate reaction to get the construction industry started and jobs going, in the short term. The other incentives would remain in place after the two-year sunset on clustering.
- Councilor Chavez said, as a footnote, there is a proposal to allocate \$1 million from the CIP bond cycle to be issued as an incentive, and asked if that is part of this incentive package.

Ms. Dailey said she believes it is an incentive, and staff was asked to approach it separately because the CIP discussions hadn't happened when this was brought forward.

- Councilor Chavez said then right now, the only incentive is that they don't have to agree to the 30% distribution and the inclusionary zoning.

Ms. Dailey said inclusionary zoning, technically, is the 30% requirement, so that's always applicable. It's just the clustering versus distributing.

- Councilor Chavez said those have to be disbursed throughout the subdivision as well. He said the inclusionary zoning said we are concerned about the socioeconomic impact the real estate market has on a certain percentage of the population and we would like to do something about it. We took a leap of faith – we did annexation, we bought Bellamah out of receivership, created

programs such as Tierra Contenta as a model which he believes is a showcase. He said those mean a lot to him now, and inclusionary zoning is significant to him.

- Councilor Dominguez asked when the report was done by Michael Halsey.

Ms. McCormick said staff asked him to do an update of the report 2-3 months ago, and then the Governing Body and staff started on these discussions, noting they have doing them consistently since we looked at the Northwest Quadrant.

- Councilor Dominguez asked if the update was given to the Council.

Ms. McCormick said yes and was in the initial packet information. She said the update was to ground the discussion and rationale about why you could go to 4 tiers, and part of it is to match what the County is offering, as well as to demonstrate there's something missing in the market.

- Councilor Dominguez asked if the update was more focused on this proposal, or was it broad in general like the original.

Ms. McCormick said staff asked Michael to look at everything priced at \$300,000 and under, and it wasn't as broad as what he did for the Northwest Quadrant which looked at all price points.

- Councilor Dominguez asked if the County is getting ready to amend its affordable housing market, amending its ordinance.

Ms. McCormick said she would defer to Councilors Romero and Wurzbarger right now, but she doesn't know what the County is planning to do with its program.

- Councilor Dominguez said if this is true, then any statement that we are consistent with the County ordinance wouldn't be correct.

Ms. McCormick said the County is recommending the same changes in terms of pricing which is before you this evening, as well as adopting the same income and asset limits in our program, and the County also has recommended adopted the City's shared appreciation approach. However, she doesn't believe the County Commissioners have acted on the proposed changes.

- Councilor Dominguez said then this income range brings us into alignment with the Santa Fe County Housing Program to date.

Ms. McCormick said not to date, because the County hasn't adjusted its pricing. She said we adjusted the pricing to take into consideration the lower interest rate. She said she is unsure whether the County has adjusted its prices for the new interest rate.

- Councilor Dominguez asked how the ranges were established.  
  
Ms. McCormick said it is consistent with the County's program and approach.
- Councilor Dominguez said then there was no other rationale behind the ranges, other than to bring it into alignment with the County's program, and Ms. McCormick said yes.
- Councilor Dominguez asked the County's rationale for this scenario.  
  
Ms. McCormick said she would be hesitant to say what the County's rationale was, because she wasn't part of when it first adopted its program. She said, with regard to the four pricing points, everything staff is proposing is geared to encourage the developer to build affordable units today.
- Councilor Dominguez said he understands, and to a large degree agrees with this. His concern is whether the County's program is the best, and he doesn't know.  
  
Ms. McCormick said the City's program is best.
- Councilor Dominguez said he is speaking as to whether it is best to bring the City's program into alignment with the County. He asked why the County isn't bring its program into alignment with the City. He wants to understand the argument.  
  
Ms. McCormick said the only things we're really doing to change our program are the four pricing tiers. She said the staff looks at this as an economic initiative – what are the things we can do so the local builders would start building homes. One, is to allow them to build all their affordable units today to address the demand which exists and to provide a better range of pricing, so they could mitigate potential losses within the current 3 tiers. She said in talking with Pulte today, they said they lose money on the entry level tier, barely break even on the second tier, are doing okay on the third tier, but they could not build all of the affordable units without also building market rate units at the same time. The four tiers helps to cover that.
- Councilor Dominguez asked if this is the only input staff has gotten.  
  
Ms. McCormick said no, she has spoken with the Santa Fe Homebuilders, Kim Shanahan, Homewise.
- Councilor Dominguez asked if that was in conjunction with this proposal, and Ms. McCormick said yes, noting she also spoke with the realtors who have developers represented.
- Councilor Dominguez asked, with regard to the different percentages in ranges, why do they all have to be 75%. Is there evidence or indication that 65-80 should be 15% or 80-100 should be some variation to get to the 30%. He said he lives in Tierra Contenta, and walks the

neighborhood. He can see more public safety officers moving into TC than in the past, noting that the salaries of public safety officers have been adjusted over the years. He to understand why the City doesn't become a little more creative, for example, perhaps the 120% AMI is 15% if there is a different demand at that income level than at others.

Ms. McCormick said there is nothing to prevent the City legally from adjusting those pricing points or having more in one tier than another. She would caution before going down that path to do an economic and impact analysis to understand exactly what the economic impact is to the developer, particularly in going in the other direction which might have a heavier economic burden which could raise some issues of takings which something we always watch in inclusionary zoning programs. However, she doesn't think there is anything which would prevent building more at the higher tier.

- Councilor Dominguez noted the proposal is 7.5%.

Ms. McCormick said they are proposing to stay consistent with the County, as well as to provide an economic incentive and to have the same set of rules for developers working with both the City and County.

- Councilor Chavez said he has always been interested in the County's program which has the right to transfer development rights elsewhere. If they decide or are unable to build the affordable units in a development, they can transfer the rights and build elsewhere.

Ms. McCormick said she believes the County still has the TRD as part of its program. She said the further away from the City, the greater likelihood the County would allow a TRD, but the County is having trouble finding receiving sites for that. She said the City doesn't allow this unless it is by special exception by the Council.

- Councilor Calvert said with regard to why staff chose equal percentages of each, he would think the Housing Needs Assessment would be somewhat instructive as to how to characterize each of the categories. He said if it is equal, that's fine. He believes that Assessment should guide the City.

Ms. McCormick said this is a fair feedback, and something staff would be willing to look at. However, they were simply following the County program in how we design ours.

- Councilor Bushee asked the City Attorney to weigh in on Ms. McCormick's statement about potential "takings," and asked her to rephrase her statement.

Ms. McCormick said it has been her experience, after working in this area for 25 years, when you are looking to impose any kind of land use requirement on a developer, particularly in inclusionary zoning programs, it is necessary to ensure that the property owner has some economic benefit.

So, if you go over and they can't get economic use of their property it is known as a "takings." This was the subject of the lawsuit against the City and the County – the one which was struck down for the City. She believes we can easily defend the 30% set aside requirement, even though it makes it very difficult for the developer, but it meets all the rational nexus requirement tests. It does not constitute a takings because these developers can still have economic benefit from the project.

- Councilor Bushee asked if she is suggesting by switching the weight and emphasis in the categories that we could get into a takings situation.

Ms. McCormick said if there is a 30% set aside, and of that 80% is required to be priced for households that are 50% of the AMI, we would need to do a financial analysis to ensure we aren't broaching on any kind of takings. She gave additional examples of potential takings.

- Councilor Bushee said perhaps we'll strike that argument from the record. However, we are going down a rocky road here.
- Councilor Bushee asked if the City still has a contract with the Enterprise Foundation and if they've done a more elaborate, specific analysis to understand if this really is the market trend or if this is what we want to do.

Ms. McCormick said staff didn't ask the Enterprise Foundation to do a special study for this.

- Councilor Romero said they have been looking at the various alignments around the financial aspects and the different types of building, and changing things so they were more in alignment, but not necessarily on par with the County. She spoke about the two-year sunset amendment, and said the problem is that builders can't get financing.

Councilor Romero continued, "The two-year sunset makes me wonder if we are going to lose face in clustering when we may not get it. Do we have anybody lined up to come in today. Pulte sent a letter in support, but are they ready to move on this. Are there other builders who are ready to sign on, knowing that this two-year time frame is kind of a "pie-in-the-sky." I heard from Matt O'Reilly in the Land Use Subcommittee that we don't have permits in the pipeline for developments, we have permits in the pipeline for additions. So, I'm wondering how realistic this two-year time frame is."

- Ms. McCormick said she has talked with local builders, noting she met with Pulte today, which said it would be ready to move forward with its development and it is self-financed, so it is not looking to go to a local lender. She also spoke with developers who have 2-3 homes to build and would be building affordable homes who have access to financing. She said she met with the Realtors, noting Councilor Wurzbarger attended, and talked about the difficulty of obtaining construction loans in particular to generate this affordable housing. She said the Realtors are working with First National Bank to put together a consortium of lenders to talk about whether it is possible to do

consortium lending for construction loans. She said it would help if loan guarantees were provided through the CDBG program, or even if the County were to have the actual dollars. She said the financing is an obstacle. She said the Realtors have agreed to take the lead in this regard.

- Councilor Romero said the last letter she received from the Realtors Association said it is in support of everything except the clustering. She asked if the Realtors Association is now changing its position and are in support of everything including clustering.

Ms. McCormick said the feedback she got was that the Realtors felt this is a good way to go, and she is somewhat surprised.

- Councilor Romero asked the best examples of clustering in the City and the County.

Ms. McCormick said she doesn't know, but perhaps something in Rancho Viejo, noting Isaac Pino did some clustering at Rancho Viejo. She said there are several examples including La Cienegita with 80 affordable units, noting Mike Lofton is building 50 homes on Old Pecos Trail, and all but 11 are in affordable pricing range, and Tierra Contenta has areas of clustering which are all townhomes.

Ms. McCormick said it is important to understand, regarding clustering, they don't expect a lot of developers to come forward and build all units at one time, and it probably will be 2-15. She said there will be pricing as low as \$100,000 up to \$162,000, which is a wide range of pricing and home types within a 30 unit development. She said it reflects the mix we currently have in many of our neighborhoods. These tend to be middle income, middle class neighborhoods, such as Casa Allegra and that area. She said the market has outstripped the ability of people to buy those entry level homes. She is comfortable with the 30% because of the wide pricing points, and there will be a requirement to distribute within that pricing which she believes makes a big difference.

- Geno Zamora said he wants to clarify the "takings" discussion which happened earlier. He said a taking represents basically removing property value from private owners without adequate compensation, and there's not really a bright line rule. He said he wants to be very careful of putting anything on the record that any particular action creates a takings. He said, from Legal Department's perspective, this isn't something we should be discussing in open conversation. He reiterated that there is not a bright line rule to say shifting it this way creates a taking, and shifting the other direction doesn't. He said it is something which has to be analyzed on a case-by-case basis, and he wants to be sure that we don't create future liability by representing what is and what isn't a takings here, because there isn't a bright line rule.

Ms. McCormick said this is consistent with what she is trying to convey.



- Councilor Trujillo said in looking at the examples of clustering which were used in the power point, Barrio la Canada and such, he wished one of those would have been Phase 1 in Tierra Contenta which shows you what clustering does, which is his fear about clustering.

### **Public Hearing**

**Colleen Dearing, Chair, Government Affairs, Association of realtors.** Ms. Dearing said she is here to make a statement on behalf of the Realtors, as follows:

"On behalf of the Association, I urge you to support several of the amendments to the Santa Fe Homes Program under consideration this evening. Specifically, the Santa Fe Association of Realtors supports the following: Amending the Santa Fe Homes Programs to increase the maximum income of eligible buyers to 120% of the Area Median Income, and to eliminate the first time homebuyers status requirement. The Santa Fe Association of Realtors believes these program changes will increase access to affordable housing. The Association does not support the grouping of affordable home units in City developments. The Association believes this proposed change runs counter to the desire to create diverse communities where affordable units are fully integrated into the development. Thank you for the opportunity to share our input on these important issues."

**Richard Martinez** said he is here to speak against clustering. He grew up on the east side of town and there was never any clustering there. He said Casa Solana and that area was built as 100% affordable housing, now it is no longer 100% affordable and is still mixed, so it is no longer a clustered area. It is Santa Fe. He said this is the City different, and he wants to keep it that way without clustering and grouping of homes by income. He said the construction jobs are part time jobs, and the contractors are still coming from Albuquerque to build the houses. He said the City needs to be sure it is Santa Fe people building these homes, and are not coming from Albuquerque and going home at the end of the day to spend their money in Albuquerque or Rio Rancho.

### **The Public Hearing was closed**

*The Governing Body commented, made suggestions and asked questions as follows:*

- Councilor Trujillo asked how many homes Ms. McCormick thinks would be built in 2 years, before this provision sunsets.

Ms. McCormick said the anticipation is 100 homes, or 50 a year.

- Councilor Trujillo asked if the only developer is Pulte.

Ms. McCormick said they have talked with Pulte, as well as Homewise and others. She has had

preliminary conversations with builders interested in building in Tierra Contenta, as well as with Jeff Branch.

- Councilor Trujillo asked if all of them have funding.

Ms. McCormick said there are different phases – Pulte is self-financed and Jeff Branch is working with local banks to move forward with one of his projects.

- Councilor Trujillo reiterated his concerns about clustering and the first phase of Tierra Contenta which demonstrates his concern. He said he and his wife looked for their first home in Tierra Contenta, the first phase was a “turn-off” to him because of the clustering and the way they were built. He asked if this is going to happen in District 4. He said the Council has worked for years, even before he came on Council, to prevent clustering. He thinks not doing clustering has caused the program to flourish.

**MOTION:** Councilor Chavez moved to approve the ordinance without the grouping of the Santa Fe Homes Program Units.

**EXPLANATION PRIOR TO SECOND:** Councilor Trujillo asked for an explanation of the motion. Councilor Chavez said it would approve the ordinance, but not the grouping of the Santa Fe Homes Program Units. Mayor Coss said the motion is to approve everything but the amendment to permit clustering.

**SECOND:** The motion was seconded by Councilor Trujillo.

**DISCUSSION:** Councilor Wurzbarger said she would speak against the motion. She said the purpose of the ordinance had no intention with respect to making synchronicity between the City and County which is a secondary issue. She said her primary reason for working on this ordinance is that she was inspired by a meeting she attended with the Mayor with the bankers. The bankers made it very clear that because of the increased regulations the only way we would be able to move construction forward in this community was if the City developed incentives for getting the affordable housing market started again. She said the affordable housing market has identified buyers who can be approved and then the bank can make a loan. She said if we don’t have money, “30% of nothing is nothing.”

Councilor Wurzbarger said she has been an advocate, from the very beginning, for 8 years on this Council, for distributed, affordable housing. She said we are talking about an economic crisis in Santa Fe where we are not getting affordable housing and the construction industry is at the bottom. She said if clustering is removed, despite what the Realtors say, the issue is getting the houses built, and the houses won’t be built if there is no money to build the houses. She said every major banker was at the meeting she attended with the Mayor, and the bankers told them that this the nature of the problem, and this is what she is trying to address. She supports the concerns expressed by Councilors with regard to clustering. She believes it will make a difference if 100 homes can be built over the next year, and we can get people housed and working here, and get the impact from the additional GRTs. She said she spoke to Ike and the issue is not

just clustering, it is the CC&Rs that we put in place. She said in many places where there is clustering you don't see the difference between houses. She implores the Council not to throw out the reason for doing this, which is an economic stimulus that will provide the housing that is needed, jobs and the opportunity to turn our City around. She said if the product isn't available, there won't be homes to buy.

Councilor Dominguez thanked the Councilors who brought this bill forward. He said, because of the state of the market and the economy, it is a good time to redefine affordable housing. He appreciates, understands and respects this approach. He said there are some things in the bill which he supports, primarily it is the economics, and he understands the need to jump-start the economy and this is one way to do that, and providing incentives is something which we do on occasion for different things. He understands this rationale.

Councilor Dominguez said, "Some things I thought I was in support of, and I'm not so sure now, and that is why I am going to speak against the motion. In terms of the tiering or the grouping, not the grouping but the different levels of income, I don't see anything that really justifies those percentages, or even... I don't even see the County's rationale for it. I just don't understand it. I thought I did, but I don't, especially given some of the responses I received from staff. The biggest part for me has been the clustering. That's the one that's given me the heartburn the most. And this is a very progressive community and we've been very progressive in this housing policy. Inclusionary zoning is something that is just a dream in parts of, even California. And so, we've come a long way in terms of affordable housing. And I know that every single one of us up here, and many people in the community and many people in the industry, support affordable housing and have shown their support for affordable housing. But, the reality is that some people do not have a choice as to whether or not they live in Santa Fe. I'm one of those people who believes that he doesn't have a choice. It is a mandate to some degree that I have the ability to carry on the roots that make this community as special as it is. So, some people do not have that choice, maybe they do, some people do not."

Councilor Dominguez continued, "My experience in Tierra Contenta which has CC&Rs... there are covenants and restrictions in Tierra Contenta. And, overall, Tierra Contenta is mixed. But, there are pockets of clustering of affordable homes and it's very apparent where those clusters exist. And I think that that is taking a step backwards in terms of being a diverse, dynamic progressive community. I know that there's different things that you can do to make the esthetics seem to make things blend in. I know there's architectural components that you can incorporate that will hide, if you want to even call it that, or mask the affordable units or allow them to blend in more. But, the fact is, in the attempts that we've had in the past to do that 'it is what is,' and there's no denying that – it is what it is, and people know. People know who live in the affordable units. Like I said before, nobody knows you better than your neighbor sometimes."

Councilor Dominguez continued, "And so I think that getting away from being diverse and dynamic and different, even, is not something that I'm comfortable with. In today's economy, the economics make sense, but what we do in today's economy, the clustering for example, those are things that we have to live with for the rest of our lives. These fixes are good for today. And when I think about the big picture, the

big picture is not necessarily the state of the economy today. It is important, very important. It is something that we have to consider. But the big picture is, what about 15 years from now, 20 years from now, and how is it that we are going to be able to say this Governing Body stood strong and persevered through those tough times and did not give in to the economic pressures that the rest of the country is facing for these times. That's kind of what I'm looking at, in terms of economic development and in this proposal."

Councilor Dominguez continued, "I think that maybe there's some things that are doable, or something that can be fixed overall with regard to the economics and the pricing, etc., but.... and even with the clustering, I think that there may even be some things to do to make it so that it's not so clustered, if that makes sense. But I don't see that. I'm not comfortable with what's being proposed to get us there today. And I think that with this... with what's being proposed, in many ways I think, takes a step backwards. And, I want to be able to take a step forward."

Councilor Calvert said the City is projecting that it will continue to have strong sales in the affordable category, based on the recent past which has been fueled a lot by the tax credit which has now expired. He asked Ms. McCormick if we are not projecting falsely based upon something that doesn't continue to exist.

Ms. McCormick said part of the reason they think there is demand is because there is continuing enrollment in the home ownership classes at Homewise, and continuing maintenance of a list of qualified homebuyers who are looking. She said almost 400 families are enrolled in the homebuyers training and classes that are graduating from that, so they see this as evidence of continued demand for housing product.

Councilor Calvert commented that desire to purchase and ability to purchase are two different things.

Councilor Calvert said Ms. McCormick alluded to the fact that some builders would not want to, necessarily, cluster, because they already have laid-out the subdivision and they don't want to alter their lots. He said it sounds like some of the builders would not need the clustering.

Ms. McCormick said this is correct. She said, "The ones that we talked with today, is Pulte... said they had one project that they would only build out if they could cluster, and another one in which the lots have already been laid out and distributed, and they would build their 30 units up front. So, it wouldn't be built in phases. You know, that's another current requirement we have. Santa Fe Estates would build with their current plat, it's a very small number of units, maybe 2-4 units, and they would just continue to locate [inaudible] where those were at. With regard to Jeff Branch, he would prefer to cluster over trying to distribute it through a project. So, it depends on who the developer it is, and what they're trying to achieve, and how much market rate they are proposing to build. For example, Santa Fe Estates tends to build higher end product."

Councilor Calvert said what he is getting to is instead of allowing for clustering, allowing for all of the

affordable to be built up front could accommodate some of the situations and would not necessarily take us down that path.

Ms. McCormick said it would accommodate some of it, but it wouldn't take advantage of all the opportunity that's available.

Councilor Romero said, "This one is a hard one for me, because it becomes a black and white issue of either you're for or against something. And sometimes it's parts of something are better than the whole. It seems to me that, having looked carefully, doing enough *field trips*, this *morning* and spending a quite a bit of time in Rio Rancho over the last two weeks, I can tell you that the two projects that I looked at locally, and this was my question to you earlier, Kathy... our two prime examples are Tierra Contenta, and actually was really surprising to me, it was less than what I expected a clustered development would look like. And, quite frankly, the Santa Fe County project off Highway 14 was challenging for me to look at, that one also. It stood out and it was really difficult to say well, is this what I'm supporting is this kind of clustering."

Councilor Romero continued, "So I want to state quite clearly that sometimes something that looks like we're helping out in the short term, really doesn't help us in the long term. I will say that these projects are forever and sometimes the short term may help solve one small project, but the forever was what started bothering me today, was looking at these clustered projects. I had a lot of heartburn about it, because I thought, is the example, when we as a Council sometimes say, live/work. We need to revisit that. It didn't quite work the way we thought it would. I have to admit that looking at the places that were the two prime examples did not work for me. And, so, if there was the way to look at a project-by-project basis, so that developers who I don't always trust how they're going to design something, or that we've had heartburn about the ways that they've done things... maybe a way that things can be brought forward through a project-by-project basis that was a variance... I'm not suggesting that, but something like that, that would give us an ability to really understand what it is that they're proposing, rather than always saying that as part of this whole package that the clustering is part of it."

Councilor Romero continued, "When we first looked at alignment with the County, I'll say it again, it was looking at alignment in order... so that people weren't flooding the County with projects. And, so I think that the alignments are still working in parity. I didn't expect that the clustering would be part of that as it came forward. So, if there was ways to make that be even different or looking at a project-by-project basis, it might be more palatable. I hesitate to use up our political chips, again, which we did last year, on something that may not even come to fruition, given that it is a two-year sunset. So, there's a reality check for me on that two years. Our choices are pretty limited of what can be done in a 2-year time frame, and we would up political chips, for people saying that the clustering really is going to create something we may not like in the long run. So, Mayor those are my comments, and I hope that we might figure out a way to compromise somewhere in the middle, because it doesn't quite feel like it's workable, understanding what we're trying to accomplish around getting the economy jump-started. Bankers right now will say, 'it's not all our fault,' but yet they're not willing to be creative. So, I'm glad to see that there's some creativity coming forward. It may not be soon enough."

Responding to Mayor Coss, Councilor Bushee said she is still wanting to listen to what everyone has to say.

Councilor Ortiz said, "I'll speak to the bill and I'll get to some of the concerns. I think it is surprising that, if we are concerned now with the law of unintended consequences, and with our legacy and what we do or don't do and how that affects the future, I would go back to the night we passed the original bill in the Santa Fe High gym, in front of a lot of people who didn't want to see this happen, and some people who wanted it. And that was a different environment then. And the only reason in some ways that we had the bill that we have now is because we were in different economic times. And I think we need to be flexible enough to believe that the goals that we passed back then, are now still embedded in what we're trying to do now."

Councilor Ortiz continued, "It is surprising that Rick Martinez gets up and says that Casa Solana was built as 100% affordable housing, which it really wasn't, because there really wasn't affordable housing then, it was just providing homes for families – meeting the demand of where the housing market was at the time. And, I think what this bill, in the aggregate, tries to do, is try and meet that again. Again, we're in an economic circumstance where, for whatever reason, there is still a demand for houses here. People still want to live, despite maybe even their best intentions, in their own home. And they are seeing surprisingly shrinking opportunities to do that in the market and income level we're talking about. Their choices are becoming very limited. And it is really is only becoming centered on one particular area. And I think without the ability to have these houses to come on line, those people in this time frame are going to not have this choice. That is they're not going to have the ability to say any more, well we can go out to a County project and we can get a house and we can stay relatively close to home, or we can get a house and cut our commuting to our jobs and to our schools, unfortunately, by one-half, because we want to remain here in Santa Fe, where our parents are and where we still have family ties, or for whatever reasons. And, without giving people the opportunity to get more housing stock choices, their choice is going to continue to be on Airport Road, Tierra Contenta or Rio Rancho, period. And, there's not anything else – 2 or 4 houses in Santa Fe Estates and 11 houses out on Old Las Vegas Highway, and the rest in Branch's project and in Las Soleras, maybe, and in the developments there by Nava Adé and Tierra Contenta, period. And that doesn't seem to me to make that much sense. And, it seems to me that if we continue on this 30% distributed throughout, then there's no houses, and the project that's across from E.J. Martinez School is not going to be built, right. Because they have to distribute throughout their phases, and those houses are not going to be built."

Councilor Ortiz continued, "The time to keep thinking that there is a stigma associated with affordable housing is over. And I think we need to start thinking, do we have sufficient houses for people who can, (a) qualify for financing, (b) want to get financed, and (c) want to remain here in Santa Fe. And, for whatever reason, the economy is dictating that there is a relative portion of the market. And if we, again, taking the developers at their word and the bankers at their word.... and we haven't had any testimony from the bankers. It would have been nice if we'd have gotten something from them to verify what they told the Mayor and Councilor Wurzbarger. We didn't get it. But, we see the circumstances. We see it our budget that our Building Permit Fees and construction starts are down. We're not seeing houses being built. So

do you want to see houses built or not. And I guess what you're hearing from staff, what you're hearing is that not making this decision, we're rolling the dice to hope that the economy gets better, that developers get back on their feet, that they can abide by what was, at the time, a sort of onerous requirement. A requirement that was put in place at a time when the market was good and we thought that we could absorb it. And if it doesn't happen in a year, we'll see the same starts that we've seen for the past 18 months, because it's been about a year and a half since the housing market sort of, not cratered, but stymied. Then we know that our policy, for whatever good intention is not producing results and that would be a shame, because I don't see why these changes took as long as they did. They're relatively minor compared to the language that we adopted when we first adopted them."

Councilor Ortiz continued, "If it took this long for this, which is seemingly on the rocks, then we've got another year in which to revise our program which puts us into 2013. So, we have a period of time here, 3-5 years, in which this opportunity has been lost. And, that's our choice. And we can stick to our principles, or we can see if we can produce more housing stock. And, that's how I saw these bills. I saw these bills as an opportunity to increase our housing stock in the City limits, because it would have matched what the County was doing. But, I think really what we're facing here is a philosophical question: do we believe that we can stand our ground and hope that the developers get back the economics so they continue to build market and affordable. Or, do we say, really the chance to build is in affordable now and we should seize the opportunity. And that's sort of how I see this sort of question. I don't see it as black or white. I see it as do we want to see this as an opportunity, or do we want to see this as really a blimp on our economic radar and can we continue to weather it. Because I know the lists are there. I know that the people who want to get in, not just the Homewise projects, but the Housing Trust projects are there. They're lined up and ready to go. And they can only build so fast. And, if they have contracts with developers who aren't building their phases, therefore they're not building affordable units, then those people remain on the list. And, they remain on the list to the point where they say, you know, we can't wait any longer, our families can't wait."

Councilor Ortiz continued, "We're either going to make a choice or we're going to lose out. And I think that is where we're at on this, and I think that it is a hard choice, and I know the clustering issue, and I see the alleged stigma. But, I also think that, for whatever reason, those of us who have decided to stay, are staying for non-housing reasons. We're staying because, for better or worse, we think that family means more to us, and we think that it is better to be closer to our relatives than not. And, it's better to have the chance at raising our kids here like we were raised. I think that's what keeps people here. And those people who can't, or think that the schools are better down south, go to Rio Rancho. And so, do we want to give them more opportunities, more choices, or do we want to just to continue to say, 'well, what we've got now, is what we've got now. And you stay on the list if you want to be satisfied with those choices.' And that's how I see this opportunity. So, I don't know how I'm going to vote on the motion, because the motion is to approve these without the clustering. And to me, keeping the tiers and percentages is some minor stuff. It's not earth-shattering at all. But again, if that's sort of all we have, then that's all that we have. Again, do we want to continue to limit our housing choices and that's how I see this particular proposal – to strike out the ability to have people cluster."



Councilor Bushee thanked the sponsors for at least opening the dialogue, saying she doesn't question their intentions which she believes are good.

Councilor Bushee said, "What is happening for me tonight as I listen to people speak, is a serious disconnect from what we would like to achieve from what's proposed before us. It's the idea that we want... because I don't hear these changes as affordable housing policies. I've been told up front that this is economic stimulus projects, so I'm looking at it that way. And, I'm wondering, you know I've got a letter from Pulte and I've gotten no promise that they're stepping in to do something if we make these changes, nor do I have anyone, but one person from the public – no developers, no bankers, nobody from the building industry coming forward and saying these are the incentives that we need to be able to jump-start the housing industry again in the City."

Councilor Bushee continued, "I know the demand is there and I don't question that people are lined up and ready to try to buy a home. What nobody's done for me, is go back and review what's out there in the market, what is really missing and what incentives could we provide to actually get them to go in this direction. And we know that we [inaudible] all the time with our policies. We did it the first time, even before the Homes program when we started with the inclusionary zoning ordinance. And we had people come out of the woodwork and say we are going to ruin their businesses and everything was going to fail. And it took a long time with a lot of expertise to develop that concept and the rational nexus to make it something acceptable to me. And Councilor Ortiz hearkened back to that hearing in the gym, and a lot of folks stood up and said 30% will kill us. You're killing us. Is the answer to take out and suspend the 30% requirement for two years. Will we even have anyone to step forward."

Councilor Bushee continued, "I think we need to go back to the drawing board. I think there's a need for refinement on the tiers. I don't think it harms anything, except where you could de-emphasize those buyers that really need the assistance. What I have seen lately is that there is much less of the down payment assistance program available. People go through the training and they go for conventional funding. And the housing might be there in the market already. I think it's laudable to try and jump start the affordable housing industry again, but I don't think clustering is necessarily getting people to bang down the doors to get here. Maybe there are other incentives that we can get 100% affordable projects to come forward. But, I don't think we've really hashed this out. I mean the one thing I think you can do tonight without any hesitation is to open it up to more than first time homebuyers. I mean the other tier, I don't think it's so harmful, but it's just that I don't think it's been really refined to the point that it's doing what you intended to do. I don't think those that make \$72,000 plus are going to jump and say, oh this is the kind of home I'm going to buy because they're giving us so much."

Councilor Bushee continued, "I am just concerned that we're really trying to... I think we're grasping at straws a little bit. And, I really hope that.... but again, I go back to I'm glad we're talking about some things that could go there, but I don't know that this is the package, and I would really like to see us hear from more of the entities that are responsible for trying to make this happen in this community, and more of the folks that we even have on contract that study these issues. I just... I don't know that we've had the right [inaudible], and I don't think that trying to align with the County is necessarily going to get you the results



either. So, if I were the sponsor of this, I would say that I want to take a time out and go and explore some options."

Councilor Wurzbarger said, "I am about to remove the straw that was offered and would like to encourage those of you who care about this issue, and who care about their community and who care about people, as Councilor Ortiz so eloquently described the problem. I regret that we didn't have more people who have been involved the process talk about the fact that bottom line is that there's no money. And the bankers did tell us that if they could make affordable housing available and had the rest and made that match it could happen."

She said she said she doesn't know the proper procedure motion.

Councilor Ortiz said it is a motion to table.

Councilor Wurzbarger said she would like to move to table this proposition, until someone else picks it up and works on in this, so they can decide the time, and present their ideas on how to do this.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Romero, to table this item to the second meeting in June., June 30, 2010, with the understanding that there are people on the Council who want to work on this and will come back with their advice that they think works.

Councilor Chavez said a motion to table supercedes the main motion.

Mayor Coss said it does, but people can speak to the motion to table.

Geno Zamora said there is no discussion on a motion to table.

Mayor Coss said there is a Councilor asking Councilor Ortiz, the Parliamentarian if he agrees with the City Attorney.

Councilor Ortiz said that is what Robert's Rules of Order says.

Mayor Coss said the Governing Body follows Robert's Rules.

**VOTE:** The motion to table was approved on the following roll call vote:

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

**Against:** None

**5) CONSIDERATION OF BILL NO. 2010-11; ADOPTION OF ORDINANCE NO. 2010-9 (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). AN ORDINANCE AMENDING SECTION 14-5.5(A)(3) SFCC 1987, REGARDING GENERAL STANDARDS FOR THE SOUTH CENTRAL HIGHWAY CORRIDOR PROTECTION DISTRICT. (JEANNE PRICE)**

The staff report was presented by Jeanne Price from her Memorandum dated March 16, 2010 for the meeting of March 29, 2010, to the Public Works Committee. Please see this document for specifics of this presentation.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Romero moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2010-9.

**DISCUSSION:** Councilor Trujillo asked about the one house at on the corner of Old Pecos Trail which was in this realm, and asked if would be grandfathered-in.

Ms. Price said non-conforming uses and structures which don't comply can continue, but they can't add to the non-conformity. If the property owner wanted to add to the house, it would have to be set-back the full distance.

Councilor Romero said the Planning Commission was concerned about the public involvement, and wanted more meetings. She said we complied with that and she and Councilor Wurzbürger attended a neighborhood meeting and people were unanimously in congruence with this. She said they "crossed every T" they could, to ensure that the Planning Commission was comfortable with the notification and outreach which was done.

Ms. Price said this is correct.

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

**Pass:** Councilor Wurzbürger.

**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:00 p.m.

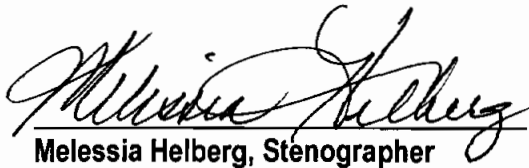
**Approved by:**

\_\_\_\_\_  
**Mayor David Coss**

**ATTESTED TO:**

\_\_\_\_\_  
**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**