



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

AMENDED – ITEM #12

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 8/29/11 TIME 4:55pm

SERVED BY _____

RECEIVED BY Tina Dominguez

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 – August 10, 2011
9. PRESENTATIONS
 - a) Employee of the Month for August 2011 – Orlando Valdez, Transit Operator, Santa Fe Trails. (5 minutes)
 - b) Muchas Gracias – City of Santa Fe Employees for Organizing Events Honoring SFC Leroy A. Petry. (5 minutes)
 - c) Muchas Gracias – Atalaya Firefighter Handcrew. (Porfirio Chavarria) (5 minutes)
 - d) Smartphone Applications Development Challenge Winners. (Kate Noble) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 09/36/B and Bid No. 08/43/B (Renewal) – Polyelectrolyte Chemicals for Wastewater Treatment Plant and Compost Dewatering Facility; Polydyne, Inc. (Luis Orozco)
 - b) Bid No. 11/44/B – Ashbaugh Park Renovations and Agreement Between Owner and Contractor; Mountain West Golfscapes, Inc. (Ben Gurule)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

- c) Request for Approval of Procurement Under State and Cooperative Agreements – Emergency Vehicle Equipment and Installation for Police Department; Wireless Advanced Communications and MHQ of New Mexico. (Police Chief Raymond Rael)
- d) Request for Approval of Procurement Under Cooperative Agreement – Emergency Medical Supplies for Fire Department; Bound Tree Medical, LLC. (Brian Caldwell)
- e) Santa Fe Municipal Airport (Jim Montman)
 - 1) Request for Approval of Procurement Under State Price Agreement – Pavement Crack Sealing; Dismuke Construction; Grant Fund.
 - 2) Request for Approval of Procurement Under State Price Agreement – Pavement Marking; Highway Supply, LLC; Grant Fund.
- f) Request for Approval of Proposed Santa Fe Trails Service Changes – New Route 26 (South Cerrillos Road) Serving Wal-Mart and Santa Fe Premium Outlets. (Jon Bulthuis)
- g) Request for Approval of Amendment No. 1 to Professional Services Agreement – FY 2010/2011 City-Wide Sewer Line Spot Repair for Wastewater Management Division; Advantage Asphalt & Seal Coating, LLC. (Stan Holland)
- h) Request for Approval of Grant Awards – Planning Funds to Santa Fe Metropolitan Planning Organization; Federal Highway Administration and Federal Transit Administration. (Mark Tibbetts)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- i) Request for Approval of Power Purchase Agreement – Photovoltaic System at Buckman Road Recycling & Transfer Station (BuRRT) (RFP #11/13/P); Renewable Social Benefit Fund Santa Fe I, LLC. (Nick Schiavo)
- j) Request for Approval of Road Impact Fee Credit Agreement – Las Soleras Subdivision; Beckner Road Equities, Inc. (Matthew O'Reilly and Judith Amer)
- k) Request for Approval of Audit Committee Advisory Recommendation No. 1 – City of Santa Fe External Auditing Process. (Audit Committee)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

- l) Request for Approval of Revised Rule 16A Drug and Alcohol Testing Policy Which Includes the Latest Changes in the Federal Transit Administration (FTA) and Department of Transportation (DOT) Updated Drug and Alcohol Testing Program. (Debbie Rouse)
- m) Request for Approval of Findings of Fact and Conclusions of Law for Case #2011-01 Purple Horizon Mobile Home Park General Plan Amendment and Case #2011-02 Purple Horizon Mobile Home Park Rezoning and Development Plan. (Kelley Brennan)
- n) Request for Approval of Appointment of Pro Tem Judges for the City of Santa Fe Municipal Court: Sonya Carrasco-Trujillo, Paul Biderman and Tony Tupler. (Judge Ann Yalman)
- o) Discussion and Request for Approval to Publish Notice of Public Hearing on September 27, 2011:
Bill No. 2011-32: An Ordinance Repealing the City Taxicab Act, Article 18-6 SFCC 1987; Creating A New Article 18-6 Regarding the Licensing of Taxicab Services; and Amending Section 18-8.10 SFCC 1987 to Establish a Business License Fee for Taxicab Services. (Mayor Coss and Councilor Calvert) (Yolanda Vigil and Judith Amer)
- p) Presentation of Best Practices Review – Organizational Performance and Structural Assessment Report for the Santa Fe Convention and Visitors Bureau and Community Convention Center. (James Bradbury)
 - 1) Request for Approval of Proposed Organizational Structure.
 - 2) Request for Approval to Fill Vacant Positions.
- q) Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2010. (Teresita Garcia) (Informational Only)
- 11. **Case #2011-98.** Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Richard Klein and Claire Zoeller from the Issuance of Building Permit #11-864 for Grading at 442 Camino de Las Animas. (Kelley Brennan) (Postponed at August 10, 2011 City Council Meeting) **(Withdrawn by Appellant)**
- 12. CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Bushee and Councilor Trujillo)
A Resolution Directing The City Manager To Establish A Working Group Consisting Of City Of Santa Fe Police, Fire And Affordable Housing Personnel To Explore Incentive Opportunities For Public Safety Employees To Live In The City Of Santa Fe. (Melissa Byers)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

13. MATTERS FROM THE CITY MANAGER

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Collective Bargaining Negotiations Between the City of Santa Fe and All Bargaining Units Representing the Employees of the City of Santa Fe Pursuant to §10-15-1(H)(5), NMSA 1978.
 - b) Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard, with Railyard Company LLC, Pursuant to §10-15-1(H)(8), NMSA 1978; and Discussion of Threatened or Pending Litigation in which the City of Santa Fe Is or May Become a Participant Involving the Railyard Company, LLC in Accordance with §10-15-1(H)(7), NMSA 1978.
 - c) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978
15. Action Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving the Railyard Company, LLC. (Geno Zamora)
16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS:

H. PUBLIC HEARINGS:

- 1) Request from Daisy Lay, LLC, for a Transfer of Ownership and Location of Dispenser License #2665 from HRH, Inc., dba Isaac's Bar and Grill, 200/202 N. Blvd. & 107 E. Broadway, Silver City, to Daisy Lay, LLC, dba the Josh's Barbecue, 2571 Cristos Road. (Yolanda Y. Vigil)
- 2) Request from San Q, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at San Q Japanese Restaurant, 28-32 Burro Alley. (Yolanda Y. Vigil)
- 3) Request from Anasazi Liquor, LLC, for a Transfer of Ownership of Dispenser License #2678 from IOTA Liquor, LLC, dba Inn of the Anasazi, to Anasazi Liquor, LLC, dba Rosewood Inn of the Anasazi. The License will Remain at 113 Washington Avenue. (Yolanda Y. Vigil)
- 4) Request from After Hours Alliance, Inc., for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at El Museo Cultural, 555 Camino de la Familia, which is Within 300 Feet of the Tierra Encantada Charter School at Alvord, 551 Alarid. The Request is for the AHA Festival to be held on September 18, 2011 from 12:00 noon to 11:00 p.m. (Yolanda Y. Vigil)
- 5) Request from Mirador Gallery for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcohol at Mirador Gallery, 616 Canyon Road, which is Within 300 Feet of the Santa Fe Monthly Meeting of Friends Quaker Church, 630 Canyon Road and the Acequia Madre Elementary School, 700 Acequia Madre. The Request is for a Art Gallery Opening to be held on September 9, 2011 from 4:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
- 6) Request for Approval of Amendment No. 4 to Professional Services Agreement – Business Innovation Project (RFP #09/02/P); Santa Fe Complex. (Kate Noble)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

- 7) CONSIDERATION OF BILL NO. 2011-30: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Calvert and Councilor Trujillo)
An Ordinance Amending Article 18-4 SFCC 1987 to Require Core Recyclers, Precious Metals Dealers and Transient Precious Metals Dealers to Obtain a City Business License; and to Require Persons Licensed Under Article 18-4 SFCC 1987 to Comply With Regulations Regarding the Sale or Pledge of Copper, Catalytic Converters, Precious Metals and Other Items as May be Designated by Resolution of the Governing Body. (Melissa Byers) **(Postponed at August 10, 2011 City Council Meeting)**
- 8) Zia Rail Runner Express Station: (Keith Wilson)
 - 1) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Finance Committee)
A Resolution Amending Table 22 (Page 23) of the City of Santa Fe Impact Fees Capital Improvements Plan Regarding Planned Major Road Improvements and Adding "Zia Station Infrastructure Improvements" and "Zia Road Intersection Improvements" As Eligible Projects to Receive "Road" Impact Fees. **(Postponed at July 27, 2011 City Council Meeting)**
 - 2) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Finance Committee)
A Resolution Directing Staff to Submit A Request to the New Mexico Department of Transportation to Open the Zia Station for Rail Runner Express Service. **(Postponed at July 27, 2011 City Council Meeting)**
- 9) Case #H-10-033 (B-F). 801 Griffin Street, St. Catherine's Industrial Indian School. Landmark (Outside of Historic Districts). Patricia Barey, Agent for NM Consolidated Construction Services LLC, Owner, Proposes to Demolish Five (5) City Landmarks on the Campus (#7 Senior High Building, #9 Joe Montoya House, #10 Nat Chavez House, #11 Joe Abeyta House, and #12 Cemetery with 16 Marked Graves). (David Rasch). **(Postponed at July 27, 2011 City Council Meeting)**

I. ADJOURN



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

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.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 8/26/11 TIME 4:23pm

SERVED BY _____

RECEIVED BY Tina Y. Dominguez

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 – August 10, 2011
9. PRESENTATIONS
 - a) Employee of the Month for August 2011 – Orlando Valdez, Transit Operator, Santa Fe Trails. (5 minutes)
 - b) Muchas Gracias – City of Santa Fe Employees for Organizing Events Honoring SFC Leroy A. Petry. (5 minutes)
 - c) Muchas Gracias – Atalaya Firefighter Handcrew. (Porfirio Chavarria) (5 minutes)
 - d) Smartphone Applications Development Challenge Winners. (Kate Noble) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 09/36/B and Bid No. 08/43/B (Renewal) – Polyelectrolyte Chemicals for Wastewater Treatment Plant and Compost Dewatering Facility; Polydyne, Inc. (Luis Orozco)
 - b) Bid No. 11/44/B – Ashbaugh Park Renovations and Agreement Between Owner and Contractor; Mountain West Golfscapes, Inc. (Ben Gurule)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

- c) Request for Approval of Procurement Under State and Cooperative Agreements – Emergency Vehicle Equipment and Installation for Police Department; Wireless Advanced Communications and MHQ of New Mexico. (Police Chief Raymond Rael)
- d) Request for Approval of Procurement Under Cooperative Agreement – Emergency Medical Supplies for Fire Department; Bound Tree Medical, LLC. (Brian Caldwell)
- e) Santa Fe Municipal Airport (Jim Montman)
 - 1) Request for Approval of Procurement Under State Price Agreement – Pavement Crack Sealing; Dismuke Construction; Grant Fund.
 - 2) Request for Approval of Procurement Under State Price Agreement – Pavement Marking; Highway Supply, LLC; Grant Fund.
- f) Request for Approval of Proposed Santa Fe Trails Service Changes – New Route 26 (South Cerrillos Road) Serving Wal-Mart and Santa Fe Premium Outlets. (Jon Bulthuis)
- g) Request for Approval of Amendment No. 1 to Professional Services Agreement – FY 2010/2011 City-Wide Sewer Line Spot Repair for Wastewater Management Division; Advantage Asphalt & Seal Coating, LLC. (Stan Holland)
- h) Request for Approval of Grant Awards – Planning Funds to Santa Fe Metropolitan Planning Organization; Federal Highway Administration and Federal Transit Administration. (Mark Tibbetts)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- i) Request for Approval of Power Purchase Agreement – Photovoltaic System at Buckman Road Recycling & Transfer Station (BuRRT) (RFP #11/13/P); Renewable Social Benefit Fund Santa Fe I, LLC. (Nick Schiavo)
- j) Request for Approval of Road Impact Fee Credit Agreement – Las Soleras Subdivision; Beckner Road Equities, Inc. (Matthew O'Reilly and Judith Amer)
- k) Request for Approval of Audit Committee Advisory Recommendation No. 1 – City of Santa Fe External Auditing Process. (Audit Committee)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

- l) Request for Approval of Revised Rule 16A Drug and Alcohol Testing Policy Which Includes the Latest Changes in the Federal Transit Administration (FTA) and Department of Transportation (DOT) Updated Drug and Alcohol Testing Program. (Debbie Rouse)
- m) Request for Approval of Findings of Fact and Conclusions of Law for Case #2011-01 Purple Horizon Mobile Home Park General Plan Amendment and Case #2011-02 Purple Horizon Mobile Home Park Rezoning and Development Plan. (Kelley Brennan)
- n) Request for Approval of Appointment of Pro Tem Judges for the City of Santa Fe Municipal Court: Sonya Carrasco-Trujillo, Paul Biderman and Tony Tupler. (Judge Ann Yalman)
- o) Discussion and Request for Approval to Publish Notice of Public Hearing on September 27, 2011:

Bill No. 2011-32: An Ordinance Repealing the City Taxicab Act, Article 18-6 SFCC 1987; Creating A New Article 18-6 Regarding the Licensing of Taxicab Services; and Amending Section 18-8.10 SFCC 1987 to Establish a Business License Fee for Taxicab Services. (Mayor Coss and Councilor Calvert) (Yolanda Vigil and Judith Amer)
- p) Presentation of Best Practices Review – Organizational Performance and Structural Assessment Report for the Santa Fe Convention and Visitors Bureau and Community Convention Center. (James Bradbury)
 - 1) Request for Approval of Proposed Organizational Structure.
 - 2) Request for Approval to Fill Vacant Positions.
- q) Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2010. (Teresita Garcia) (Informational Only)
- 11. **Case #2011-98.** Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Richard Klein and Claire Zoeller from the Issuance of Building Permit #11-864 for Grading at 442 Camino de Las Animas. (Kelley Brennan) (Postponed at August 10, 2010 City Council Meeting) **(Withdrawn by Appellant)**
- 12. MATTERS FROM THE CITY MANAGER



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Collective Bargaining Negotiations Between the City of Santa Fe and All Bargaining Units Representing the Employees of the City of Santa Fe Pursuant to §10-15-1(H)(5), NMSA 1978.
 - b) Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard, with Railyard Company LLC, Pursuant to §10-15-1(H)(8), NMSA 1978; and Discussion of Threatened or Pending Litigation in which the City of Santa Fe Is or May Become a Participant Involving the Railyard Company, LLC in Accordance with §10-15-1(H)(7), NMSA 1978.
 - c) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978
14. Action Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving the Railyard Company, LLC. (Geno Zamora)
15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS:

H. PUBLIC HEARINGS:

- 1) Request from Daisy Lay, LLC, for a Transfer of Ownership and Location of Dispenser License #2665 from HRH, Inc., dba Isaac's Bar and Grill, 200/202 N. Blvd. & 107 E. Broadway, Silver City, to Daisy Lay, LLC, dba the Josh's Barbecue, 2571 Cristos Road. (Yolanda Y. Vigil)
- 2) Request from San Q, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at San Q Japanese Restaurant, 28-32 Burro Alley. (Yolanda Y. Vigil)
- 3) Request from Anasazi Liquor, LLC, for a Transfer of Ownership of Dispenser License #2678 from IOTA Liquor, LLC, dba Inn of the Anasazi, to Anasazi Liquor, LLC, dba Rosewood Inn of the Anasazi. The License will Remain at 113 Washington Avenue. (Yolanda Y. Vigil)
- 4) Request from After Hours Alliance, Inc., for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at El Museo Cultural, 555 Camino de la Familia, which is Within 300 Feet of the Tierra Encantada Charter School at Alvord, 551 Alarid. The Request is for the AHA Festival to be held on September 18, 2011 from 12:00 noon to 11:00 p.m. (Yolanda Y. Vigil)
- 5) Request from Mirador Gallery for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcohol at Mirador Gallery, 616 Canyon Road, which is Within 300 Feet of the Santa Fe Monthly Meeting of Friends Quaker Church, 630 Canyon Road and the Acequia Madre Elementary School, 700 Acequia Madre. The Request is for a Art Gallery Opening to be held on September 9, 2011 from 4:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
- 6) Request for Approval of Amendment No. 4 to Professional Services Agreement – Business Innovation Project (RFP #09/02/P); Santa Fe Complex. (Kate Noble)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

- 7) CONSIDERATION OF BILL NO. 2011-30: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Calvert and Councilor Trujillo)
An Ordinance Amending Article 18-4 SFCC 1987 to Require Core Recyclers, Precious Metals Dealers and Transient Precious Metals Dealers to Obtain a City Business License; and to Require Persons Licensed Under Article 18-4 SFCC 1987 to Comply With Regulations Regarding the Sale or Pledge of Copper, Catalytic Converters, Precious Metals and Other Items as May be Designated by Resolution of the Governing Body. (Melissa Byers) **(Postponed at August 10, 2011 City Council Meeting)**
- 8) Zia Rail Runner Express Station: (Keith Wilson)
 - 1) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Finance Committee)
A Resolution Amending Table 22 (Page 23) of the City of Santa Fe Impact Fees Capital Improvements Plan Regarding Planned Major Road Improvements and Adding "Zia Station Infrastructure Improvements" and "Zia Road Intersection Improvements" As Eligible Projects to Receive "Road" Impact Fees. **(Postponed at July 27, 2011 City Council Meeting)**
 - 2) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Finance Committee)
A Resolution Directing Staff to Submit A Request to the New Mexico Department of Transportation to Open the Zia Station for Rail Runner Express Service. **(Postponed at July 27, 2011 City Council Meeting)**
- 9) Case #H-10-033 (B-F). 801 Griffin Street, St. Catherine's Industrial Indian School. Landmark (Outside of Historic Districts). Patricia Barey, Agent for NM Consolidated Construction Services LLC, Owner, Proposes to Demolish Five (5) City Landmarks on the Campus (#7 Senior High Building, #9 Joe Montoya House, #10 Nat Chavez House, #11 Joe Abeyta House, and #12 Cemetery with 16 Marked Graves). (David Rasch). **(Postponed at July 27, 2011 City Council Meeting)**

I. ADJOURN



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2011
CITY COUNCIL CHAMBERS

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.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
August 30, 2011**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING –AUGUST 10, 2011	Approved	4
<u>PRESENTATIONS</u>		
EMPLOYEE OF THE MONTH FOR AUGUST 2011 – ORLANDO VALDEZ, TRANSIT OPERATOR, SANTA FE TRAILS		4
MUCHAS GRACIAS – CITY OF SANTA FE EMPLOYEES FOR ORGANIZING EVENTS HONORING SFC LEROY A. PETRY	Postponed	4
MUCHAS GRACIAS – ATALAYA FIREFIGHTER HANDCREW		4-5
SMARTPHONE APPLICATIONS DEVELOPMENT CHALLENGE WINNERS		5
<u>CONSENT CALENDAR DISCUSSION</u>		
BID NO. 11/44/B – ASHBAUGH PARK RENOVATIONS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; MOUNTAIN WEST GOLFSAPES, INC.	Approved	5-6
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – FY 2010/2011 CITY-WIDE SEWER LINE SPOT REPAIR FOR WASTEWATER MANAGEMENT DIVISION; ADVANTAGE ASPHALT & SEAL COATING, LLC	Approved	6

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF AUDIT COMMITTEE ADVISORY RECOMMENDATION NO. 1 – CITY OF SANTA FE EXTERNAL AUDITING PROCESS	Approved	6-7
REQUEST FOR APPROVAL OF APPOINTMENT OF PRO TEM JUDGES FOR THE CITY OF SANTA FE MUNICIPAL COURT; SONYA CARRASCO- TRUJILLO, PAUL BIDERMAN AND TONY TUPLER	Approved	7
PRESENTATION OF BEST PRACTICES REVIEW – ORGANIZATIONAL PERFORMANCE AND STRUCTURAL ASSESSMENT REPORT FOR THE SANTA FE CONVENTION AND VISITORS BUREAU AND COMMUNITY CONVENTION CENTER REQUEST FOR APPROVAL OF PROPOSED ORGANIZATIONAL STRUCTURE	Approved [amended]	7-13
REQUEST FOR APPROVAL TO FILL VACANT POSITIONS	Approved [amended]	7-13

END OF CONSENT CALENDAR DISCUSSION		

<u>CASE #2011-98.</u> REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF RICHARD KLEIN AND CLAIRE ZOELLER FROM THE ISSUANCE OF BUILDING PERMIT #11-864, FOR GRADING AT 442 CAMINO DE LAS ANIMAS	Withdrawn by Appellant	13
CONSIDERATION OF RESOLUTION NO. 2011- 43 A RESOLUTION DIRECTING THE CITY MANAGER TO ESTABLISH A WORKING GROUP CONSISTING OF CITY OF SANTA FE POLICE, FIRE AND AFFORDABLE HOUSING PERSONNEL TO EXPLORE INCENTIVE OPPORTUNITIES FOR PUBLIC SAFETY EMPLOYEES TO LIVE IN THE CITY OF SANTA FE	Approved [amended]	14-19
MATTERS FROM THE CITY MANAGER	None	19
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	19-20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	20
ACTION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING THE RAILYARD COMPANY, LLC	Approved [exception]	20-21
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	22
PETITIONS FROM THE FLOOR		22-24
<u>APPOINTMENTS</u>		
Santa Fe Water Conservation Committee	Approved	25
Immigration Committee	Approved	24-26
Santa Fe City and County Advisory Council on Food Policy	Approved	26
Planning Commission	Approved	26-27
Business Capitol District/Design Review Committee	Approved	27
Board of Adjustment	Approved	27
Santa Fe Civic Housing Authority	Approved	27
Telecommunications Advisory Committee	Approved	28
<u>PUBLIC HEARINGS</u>		
REQUEST FROM DAISY LAY, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #2665, FROM HRH, INC., D/B/A ISAAC'S BAR AND GRILL, 200/202 N. BLVD. & 107 E. BROADWAY, SILVER CITY, TO DAISY LAY, LLC, D/B/A THE JOSH'S BARBECUE, 2571 CRISTOS ROAD	Approved	28-29
REQUEST FROM SAN Q, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SAN Q JAPANESE RESTAURANT, 28-32 BURRO ALLEY	Approved	29
REQUEST FROM ANASAZI LIQUOR, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2678 FROM IOTA LIQUOR, LLC, D/B/A INN OF THE ANASAZI TO ANASAZI LIQUOR, LLC, D/B/A ROSEWOOD INN OF THE ANASAZI. THE LICENSE WILL REMAIN AT 113 WASHINGTON AVENUE	Approved	30

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM AFTER HOURS ALLIANCE, INC., FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF THE TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD, 551 ALARID. THE REQUEST IS FOR THE AHA FESTIVAL TO BE HELD ON SEPTEMBER 18, 2011 FROM 12:00 NOON TO 11:00 P.M.	Approved	30-31
REQUEST FROM MIRADOR GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOL AT MIRADOR GALLERY, 616 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE MONTHLY MEETING OF FRIENDS OF QUAKER CHURCH, 630 CANYON ROAD AND THE ACEQUIA MADRE ELEMENTARY SCHOOL, 700 ACEQUIA MADRE. THE REQUEST IS FOR AN ART GALLERY OPENING TO BE HELD ON SEPTEMBER 9, 2011, FROM 4:00 P.M. TO 8:00 P.M.	Approved	31-32
REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS INNOVATION PROJECT (RFP #09/02/P); SANTA FE COMPLEX	Approved	32-34
CONSIDERATION OF BILL NO. 2011-30: ADOPTION OF ORDINANCE NO. 2011- 29. AN ORDINANCE AMENDING ARTICLE 18-4 SFCC 1987, TO REQUIRE CORE RECYCLERS, PRECIOUS METALS DEALERS AND TRANSIENT PRECIOUS METALS DEALERS TO OBTAIN A CITY BUSINESS LICENSE; AND TO REQUIRE PERSONS LICENSED UNDER ARTICLE 18-4 SFCC 1987, TO COMPLY WITH REGULATIONS REGARDING THE SALE OR PLEDGE OF COPPER, CATALYTIC CONVERTERS, PRECIOUS METALS AND OTHER ITEMS AS MAY BE DESIGNATED BY RESOLUTION OF THE GOVERNING BODY	Approved	35-36

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
ZIA RAIL RUNNER EXPRESS STATION:		
CONSIDERATION OF RESOLUTION NO. 2011-44. A RESOLUTION AMENDING TABLE 22 (PAGE 23) OF THE CITY OF SANTA FE IMPACT FEES CAPITAL IMPROVEMENTS PLAN REGARDING PLANNED MAJOR ROAD IMPROVEMENTS AND ADDING "ZIA STATION INFRASTRUCTURE IMPROVEMENTS" AND "ZIA ROAD INTERSECTION IMPROVEMENTS" AS ELIGIBLE PROJECTS TO RECEIVE "ROAD"IMPACT FEES	Approved [amended]	37-68
CONSIDERATION OF RESOLUTION NO. 2011- 45. A RESOLUTION DIRECTING STAFF TO SUBMIT A REQUEST TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO OPEN THE ZIA STATION FOR RAIL RUNNER EXPRESS SERVICE	Approved [amended]	37-72
CASE #H-10-033 (B-F). 801 GRIFFIN STREET, ST. CATHERINE'S INDUSTRIAL INDIAN SCHOOL. LANDMARK (OUTSIDE OF HISTORIC DISTRICTS). PATRICIA BAREY, AGENT FOR NM CONSOLIDATED CONSTRUCTION SERVICES LLC, OWNER, PROPOSES TO DEMOLISH FIVE (5) CITY LANDMARKS ON THE CAMPUS (#7 SENIOR HIGH BUILDING, #9 JOE MONTOKA HOUSE, #10 NAT CHAVEZ HOUSE, #11 JOE ABEYTA HOUSE AND #12 CEMETERY WITH 16 MARKED GRAVES)	Denied	72-80
MATTERS FROM THE CITY CLERK	None	80
COMMUNICATIONS FROM THE GOVERNING BODY	Introductions	80-82
ADJOURN		82

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
August 30, 2011**

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 August 30, 2011, 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 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 Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Robert Romero said staff would like to postpone Item 9(b). He said staff is requesting to postpone Item 10(c) and send it back to Finance, noting staff has found discrepancies in the Memorandum. He said staff is requesting to postpone Item 10(i) to the next meeting of the Council. Mr. Romero noted Item #12 was added to the agenda.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the Amended Agenda as amended.

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

Councilor Dominguez arrived at the meeting

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Bushee moved, seconded by Councilor Romero, 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, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, August 29, 2011, regarding Item 10(j) is incorporated herewith to these minutes as Exhibit "1."

- a) **BID NO. 09/36/B AND BID NO. 08/43/B (RENEWAL) – POLYELECTROLYTE CHEMICALS FOR WASTEWATER TREATMENT PLANT AND COMPOST DEWATERING FACILITY; POLYDYNE, INC. (LUIS OROZCO)**
- b) ***[Removed for discussion by Councilor Bushee]***
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE AGREEMENTS – EMERGENCY VEHICLE EQUIPMENT AND INSTALLATION FOR POLICE DEPARTMENT; WIRELESS ADVANCED COMMUNICATIONS AND MHQ OF NEW MEXICO. (POLICE CHIEF RAYMOND RAE)**
This item was postponed and sent back to the Finance Committee
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – EMERGENCY MEDICAL SUPPLIES FOR FIRE DEPARTMENT; BOUND TREE MEDICAL, LLC. (BRIAN CALDWELL)**

- e) **SANTA FE MUNICIPAL AIRPORT (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – PAVEMENT CRACK SEALING; DISMUKE CONSTRUCTION; GRANT FUND.**
 - 2) **REQUEST FOR PROCUREMENT UNDER STATE PRICE AGREEMENT – PAVEMENT MARKING; HIGHWAY SUPPLY, LLC; GRANT FUND.**
- f) **REQUEST FOR APPROVAL OF PROPOSED SANTA FE TRAILS SERVICE CHANGES – NEW ROUTE 26 (SOUTH CERRILLOS ROAD) SERVING WAL-MART AND SANTA FE PREMIUM OUTLETS. (JON BULTHUIS)**
- g) ***[Removed for discussion by Councilor Bushee]***
- h) **REQUEST FOR APPROVAL OF GRANT AWARDS – PLANNING FUNDS TO SANTA FE METROPOLITAN PLANNING ORGANIZATION; FEDERAL HIGHWAY ADMINISTRATION AND FEDERAL TRANSIT ADMINISTRATION. (MARK TIBBETTS)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- i) **REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT BUCKMAN ROAD RECYCLING & TRANSFER STATION (BuRRT) (RFP #11/13/P); RENEWABLE SOCIAL BENEFIT FUND SANTA FE I, LLC. (NICK SCHIAVO)**
This item was postponed to the next Council Meeting on September 14, 2011
- j) **REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDIT AGREEMENT – LAS SOLERAS SUBDIVISION; BECKNER ROAD EQUITIES, INC. (MATTHEW O'REILLY AND JUDITH AMER)**
- k) ***[Removed for discussion by Councilor Bushee and Councilor Chavez]***
- l) **REQUEST FOR APPROVAL OF REVISED RULE 16A DRUG AND ALCOHOL TESTING POLICY WHICH INCLUDES THE LATEST CHANGES IN THE FEDERAL TRANSIT ADMINISTRATION (FTA) AND DEPARTMENT OF TRANSPORTATION (DOT) UPDATED DRUG AND ALCOHOL TESTING PROGRAM. (DEBBIE ROUSE)**
- m) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2011-01 PURPLE HORIZON MOBILE HOME PARK GENERAL PLAN AMENDMENT AND CASE #1011-02 PURPLE HORIZON MOBILE HOME PARK REZONING AND DEVELOPMENT PLAN. (KELLY BRENNAN)**
- n) ***[Removed for discussion by Councilor Wurzbarger]***

- o) **DISCUSSION AND REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 27, 2011:
BILL NO. 2011-32: AN ORDINANCE REPEALING THE CITY TAXICAB ACT, ARTICLE 18-6 SFCC 1987; CREATING A NEW ARTICLE 18-6 REGARDING THE LICENSING OF TAXICAB SERVICES; AND AMENDING SECTION 18-8.10 SFCC 1987, TO ESTABLISH A BUSINESS LICENSE FEE FOR TAXICAB SERVICES. (MAYOR COSS AND COUNCILOR CALVERT). (YOLANDA VIGIL AND JUDITH AMER)**
- p) *[Removed for discussion by Councilor Bushee and Councilor Chavez]*
- q) **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2010. (TERESITA GARCIA) (INFORMATION ONLY)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING –AUGUST 10, 2011

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve the minutes of the Regular City Council meeting of August 10, 2011, as presented.

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

9. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR AUGUST 2011 – ORLANDO VALDEZ, TRANSIT OPERATOR, SANTA FE TRAILS.**

Mayor Coss read the letter of nomination into the record, and presented Mr. Valdez with a plaque and a check for \$100. He thanked him for his outstanding service to the City.

- b) **MUCHAS GRACIAS – CITY OF SANTA FE EMPLOYEES FOR ORGANIZING EVENTS HONORING SFC LEROY A. PETRY.**

This item was postponed.

- c) **MUCHAS GRACIAS – ATALAYA FIREFIGHTER HANDCREW. (PORFIRIO CHAVARRIA)**

Mayor Coss presented Muchas Gracias certificates to Porfirio Chavarria and the members of the Atalaya Firefighter Handcrew for their outstanding service to the City during the recent fires in the Santa Fe area, noting Mr. Chavarria created a wildland crew this past summer who worked on fire prevention and fire protection, as well as helped to fight the fires in the Ski Basin and the Las Conchas Fire.

Mr. Chavarria thanked everyone for their hard work, and said, although they were part time workers, they are leaving the City with one year of experience.

Chief Salas thanked them for their dedication and hard work in keeping the community safe, noting these workers are from Santa Fe, Los Alamos, Mora and elsewhere in the State.

Mayor Coss again thanked them for their service, and said he hopes they continue in the firefighting field.

d) SMARTPHONE APPLICATIONS DEVELOPMENT CHALLENGE WINNERS. (KATE NOBLE)

Mayor Coss, assisted by Kate Noble, presented awards to the winners of the Smartphone Apps Development Challenge. The challenge was a partnership between MIX Santa Fe, the New Mexico Tech Council and SantaFe.com, with other partners the Santa Fe Complex, Santa Fe Business Incubator, CoLab, the New Mexico Angels, *The Santa Fe Reporter* and the Onion. Mayor Coss introduced the winners, gave a brief overview of their winning application, and presented them with the cash prizes.

CONSENT CALENDAR DISCUSSION

10(b) BID NO. 11/44/B – ASHBAUGH PARK RENOVATIONS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; MOUNTAIN WEST GOLFSCAPES, INC. (BEN GURULE)

Councilor Bushee said they were going to relocate various things from the playground, and asked where they are to be relocated, or if the items stay on site for reuse.

Ben Gurule none of it is reusable. He said when a consumer audit finds that playground equipment is no longer safe, we get rid of that equipment. He said there will be brand new playground equipment.

Councilor Bushee said on a recent trip to New York she noticed a lot of recycled items underneath the equipment – like mats, and wanted to see if this equipment could be reused. She asked if he would keep a pump track in mind.

Mr. Gurule said he would do so.

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

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(g) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – FY 2010/2011 CITY-WIDE SEWER LINE SPOT REPAIR FOR WASTEWATER MANAGEMENT DIVISION; ADVANTAGE ASPHALT & SEAL COATING, LLC. (STAN HOLLAND)

Councilor Ortiz said he has to recuse himself on this item because Advantage Asphalt was one of his clients.

Councilor Bushee said she pulled this item so she can vote against it, because the original contract was for \$59,000 and the new total contract is for \$105,000, commenting that she does understand Mr. Holland's rationale.

MOTION: Councilor Romero moved, seconded by Councilor Wurzbarger, to approve this request.

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

For: Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Chavez and Councilor Bushee.

Abstaining: Councilor Ortiz

10 (k) REQUEST FOR APPROVAL OF AUDIT COMMITTEE ADVISORY RECOMMENDATION NO. 1 – CITY OF SANTA FE EXTERNAL AUDITING PROCESS. (AUDIT COMMITTEE)

Councilor Bushee said Councilor Chavez has questions and she has comments.

MOTION: Councilor Chavez moved, seconded by Councilor Bushee, to approve Audit Committee Advisory Recommendation No. 1 – City of Santa Fe External Auditing Process, and commended them for their work.

DISCUSSION: Councilor Chavez said we need to be more timely in submitting the external audits to the State Auditor's Office, noting it is contrary to the State Auditor Rule and State Audit Act. It also frustrates the timely review and evaluation of the City's fiscal affairs, diminishing the usefulness of the audits. He said

it can also adversely impact the City's bond and other financial ratings. He said the recommendations direct us to execute a plan for the timely review of External Auditing Contracts and annual preparation of the CAFR..." He said the recommendation is to give this a high priority in the budgeting and financial reporting.

Councilor Bushee said the Committee made a good presentation at the Finance Committee. She suggested that the Audit Committee might develop concrete steps, including a review of the Internal Auditor and the correlation with the External Auditor. She would like these two entities to be as independent as possible and work with us to make any needed corrections. She would like to know when the Committee meets again so she can talk to the members, saying she is interested in their work.

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

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

Against: None.

Absent for the vote: Councilor Romero.

10(n) REQUEST FOR APPROVAL OF APPOINTMENT OF PRO TEM JUDGES FOR THE CITY OF SANTA FE MUNICIPAL COURT; SONYA CARRASCO-TRUJILLO, PAUL BIDERMAN AND TONY TUPLER. (JUDGE ANN YALMAN)

Councilor Wurzbarger said she pulled this item to recuse herself.

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

DISCUSSION: Councilor Bushee said she is glad to see these people come back into the City service.

Mayor Coss agreed and thanked Judge Yalman for bringing this forward.

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.

Recused: Councilor Wurzbarger

10(p) PRESENTATION OF BEST PRACTICES REVIEW – ORGANIZATIONAL PERFORMANCE AND STRUCTURAL ASSESSMENT REPORT FOR THE SANTA FE CONVENTION AND VISITORS BUREAU AND COMMUNITY CONVENTION CENTER. (JAMES BRADBURY)

- 1) REQUEST FOR APPROVAL OF PROPOSED ORGANIZATIONAL STRUCTURE.**
- 2) REQUEST FOR APPROVAL TO FILL VACANT POSITIONS.**

Councilor Bushee said this is shown as a net savings to the CVB, but it is not a net savings to the General Fund, assuming the other 7 positions will be supported by the General Fund.

Mr. Romero said they would look for opportunities anywhere in the City where they can move these people into vacant positions which already are funded, so this wouldn't create new positions. He said all of these moves could take up to a year, noting they will be moved into other funded positions which are critical vacancy needs..

Councilor Bushee asked if we can assume that the new marketing and sales positions won't be filled for a year.

Mr. Romero said he would like to fill the marketing and sales positions as soon as possible, noting these positions are critical in trying to improve the economy and book the convention center.

Councilor Bushee asked the source of funds to hire those new positions.

Councilor Romero said the positions would be funded from the \$5 million CVB reserves, noting that by the time the positions are filled it probably would be only about \$150,000 instead of the estimated \$334,000.

Councilor Bushee said there were issues raised in the Report, and she asked how we can keep up with those changes. She said in the past we have tried to set up criteria to track the effectiveness of the marketing and the results. She wants to know if this is "promotion, rebranding and marketing" to fill hotel rooms, if it also is aimed at trying to fill the Convention Center, or is it to bring people here and fill hotel rooms. She asked if it is to be a break even effort.

Mr. Romero said the recommendations in the report are to develop measurements. He said there are two different ways to bring people to Santa Fe. One is the leisure market which are people which come to visit Santa Fe to visit and not to attend a convention or meeting. Secondly, there is the effort to book conventions and fill hotel rooms. He said he will be working with the staff and consultants to develop these measurements. He said he would be happy to report quarterly to Finance and the Council on the measurements and how we're meeting the measurements. He said they will begin working on this immediately.

Councilor Bushee wants to be sure we are measuring and targeting the right things. She wants to see the goals in writing and to the Finance Committee as soon as possible.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve Item 10(p)(1) and 10(p)(2).

DISCUSSION: Councilor Wurzbarger said she had intended to make the motion and would like to comment as soon as it's appropriate.

Councilor Chavez said he understands it will take about a year to move the 7 positions elsewhere.

Mr. Romero noted two positions already are vacant which are the Duplicating Tech and one of the Convention Center Specialists, commenting those two positions will be eliminated, so there already are savings.

Responding to Councilor Chavez, Mr. Romero said there are two remaining employees in the mail room, and Councilor Chavez asked if they will stay in place for at least a year.

Mr. Romero said he will begin looking for places to move the employees right away, noting it may take two months or a year, although he definitely can find places for these employees within one year.

Councilor Chavez asked who will be doing the work of the two eliminated positions in the mail room.

Mr. Romero said there will be one position left that can handle the work, and they may use some of the Convention Specialists to help where needed. He said it is the feeling of Mr. Bradbury and staff that the one person can handle the work.

Councilor Chavez asked if this action was recommended in the Report.

Mr. Romero said some were specifically recommended, but others staff put together, although he thinks in general they were, but he can't say each position was called out in the report. He said we also could ask the existing mail room staff to help on special occasions.

Councilor Chavez said at some point there will be a cause and effect, but we will be okay if we are following the premise of asking less staff to do more work. However, that will carry us only so far. He said keeping it in house is better than contracting it out which is the other option.

Mr. Romero said this is not the intent of anything being proposed.

Councilor Wurzbarger commended Robert Romero and Jim Bradbury for this study, which provides a good template for moving forward, particularly in terms of identified issues, as well as trying to operationally define the criteria we will use for measuring performance.

Councilor Trujillo expressed concern that there are three employees in the mail room and the proposal is to move to one employee to do all of this work, and asked if that person really will be able to do all of the work, noting he would like Mr. Bradbury to speak to this.

Mr. Bradbury said there will be times when there will be a need to fill the gap, for example for bulk mailings, which is a two person job, but it is only a 1½ hour job once a week, and they can provide someone internally to help with this.

Councilor Trujillo said he just want to be sure we aren't under-staffed.

Councilor Ortiz said as he understands, in adopting this plan, philosophically we are eliminating these positions which have been on the operations side in order to fund an increase on the sales side.

Mr. Romero said he guesses he could look at it that way.

Councilor Ortiz said to fund this change, Mr. Romero is proposing to eliminate these positions and try to find places for these employees which could take up to a year, and during this time period we will be double-filling positions – using Lodger's Fund Reserves to be able to fund the new positions.

Mr. Romero said, "Yes. That's what I'm proposing."

Councilor Ortiz said, hopefully, we are selling a Convention Center with a clean and efficient operation. He asked Mr. Romero if it is his opinion and Mr. Bradbury's opinion that the staffing levels at the Convention Center are complete "for where it is now."

Mr. Bradbury said yes, and they are operating with what is listed with the 6 employees, noting there is one temporary employee who currently is filling gaps during the busy times.

Councilor Ortiz said, "Then it's your answer Jim, that we have enough employees on the operations side to handle the kinds of conventions that we have and that we hope to bring in with these new sales staff."

Mr. Bradbury said that is correct.

Councilor Ortiz said, "And you haven't had any problems with short staffing or under staffing during this summer period."

Mr. Bradbury said, "Yes, during this summer period we had to use some overtime. We had to use some temporary workers. Correct."

Councilor Ortiz asked, "So if we had to use temporary workers or we had to use overtime, and we're proposing to eliminate positions, what is the operational plan to adjust for operations. We're eliminating two of the four people that were shown for operations."

Mr. Romero said the spreadsheet they provided shows that they had 3-5 temporary convention specialists during the peak time.

Councilor Ortiz said, "Then you are removing full time employees and replacing them with temporary employees," and Mr. Bradbury said yes, as needed.

Councilor Ortiz asked who makes that decision, and Mr. Bradbury said he and the staff.

Councilor Ortiz said at Finance there was a request by the Committee that the contract sales persons would be held to private sector standards, and we were told that they would have to earn their salary to justify their existence. He asked if there is anything in the new positions which speaks to that.

Mr. Romero said yes, they will be developing measurements. He said these will be exempt employees, and if they don't meet the goals they will be held accountable, and could be terminated.

Councilor Ortiz asked, "Given that we are in a process of expanding sales staff, is there going to be a reconsideration of the contracts that we are giving out to third parties for marketing and sales."

Mr. Bradbury said, "They are a bit different. The advertising contract, for example, is based on leisure sales and there will be measurements for the advertising as well. He said Steve Lewis, a public relations contractor, already measures the worth of his contract in terms of the amount of impressions around the country that his various articles receive."

Councilor Ortiz said, "Okay, I'll make my comments by saying I don't miss having to miss the Finance Committee meetings to teach classes, but on this particular item, I would have liked more, I guess not substance to the report, but the methodology, and I guess, the decision points that were given to this contractor to give his basis for the report. I know that when you're under contract, that you pay someone to give a report and they will typically give the report that you're paying for. And I think that's what we're doing here. I don't know if this is a successful strategy or not. I have heard, anecdotally, that we have struggled with some of the bigger conventions that have been in the Civic Center. The SOFA convention, the SWAIA Convention... we have had operational hiccups, putting it kindly, with the way that the Civic Center is operating. And so what you are proposing here is we're going to take some of that operational staff, we're going to make it temporary, we're going to make it transitional, and we're going to put our resources into selling and booking the Civic Center. If we're selling and booking an operation that is under-staffed, that is not doing its job, then we are not serving the interests of the City, we're not serving the interests of the Civic Center so they can bring people in and have a crappy experience."

Mr. Bradbury said, "The SOFA convention had to do with the AC. The staff performed admirably both for SOFA and for SWAIA and the other summer markets. They did a wonderful job. We had an AC glitch for SOFA which didn't have anything to do with the staffing levels."

Councilor Bushee said she has heard similar things, and it comes through in the Report in terms of duplication of effort, and the need for cross-training, and different mind-sets and lingo that's in the Report. She said the Report also asks for a more formal support and advisory role from the industry. She asked if perhaps a sub-committee could be formed of OTAB and/or the BQL to survey the larger and smaller convention center users to see what is and isn't working. She has heard that getting a contract up and running could be complicated. She said the Report suggests some of the staffing may be at odds because of the two branches – the CVB and the building itself. She hears from people who put on events, but she feels there are some things in the Report which aren't being addressed, and asked if Mr. Romero has a plan.

Mr. Romero reiterated that he is requesting approval to move forward with what is proposed in the Report, and he can come back as soon as possible to brief the Council on how they plan to implement the recommendations in the Report. He said if this is approved this evening, he wants to advertise the full time, permanent CVB Director. He said he and Mr. Bradbury can continue to move forward with what is in the report, and come back as soon as possible to talk about all of the issues.

Councilor Bushee said there are three points in the Report, noting two paragraphs which struck her as follows. Quoting from the Report, "Several staff positions and the associated responsibility, appear to have evolved over time and without structural justification. TRC suggests this evolution has been, at least in part, to accommodate long term employees and not necessarily with a mind set associated with organizational excellence." She said she would like Mr. Romero to address this.

Councilor Bushee said the other paragraph which struck her, quoting from the Report, "The current operating environment within the context of the CCC and the CVB relationship is dysfunctional and wrought with inefficiency. Significant duplication of functions and services are apparent across organizational lines and some important functions are significantly under-resourced, while others lack clarity." She believes these are simple nuts and bolts that can be addressed easily. She said we have been trying to tackle the measures and marketing pieces "forever." She honestly doesn't know what has worked after we have thrown more money at it. Councilor Bushee believes that the questions about the facility are valid.

Councilor Chavez said this is not the first report in this regard, and asked if anything was done with the first report, and Mr. Bradbury said he doesn't know the answer. Responding to Councilor Chavez, Mr. Bradbury said the Report cost \$18,500.

Councilor Chavez said one of the findings in this report had to do with transparency between the different functions, management and operations, as well as information to the public. He asked how they will address this finding.

Mr. Romero said it is his opinion that everything we do is transparent. He'll look into it more to get more details, and come back with an answer.

Councilor Chavez said the issue was transparency around pricing and policy.

Councilor Chavez asked if the sales person we hired under contract will be eliminated.

Mr. Romero said that person, Chris Madden, is now an employee of the City, and that contract has been eliminated, noting she is filling a position which was vacant at the time. He said she lives in Santa Fe.

Councilor Chavez said then there is no cost savings. We have eliminated the contract, but we are paying this person as an employee.

Mr. Romero said there is a savings, because Ms. Madden filled a vacant position, and we are no longer paying her contract amount.

Councilor Chavez thanked him, and said this clarifies this for him.

FRIENDLY AMENDMENT: Councilor Wurzbarger would like to amend the motion to direct Mr. Romero to report quarterly during the next year to the Finance Committee on the progress of implementing these changes, noting the Committee can decide how to move the report forward to the Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, BUT THERE WAS AN OBJECTION BY COUNCILOR CHAVEZ BECAUSE HE ISN'T ON FINANCE AND IF IT DOESN'T GO TO FINANCE HE WON'T HEAR THE REPORT.**

FRIENDLY AMENDMENT: Councilor Wurzbarger amended the motion to provide that the Report will be moved forward to the Council as well. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COUNCIL.**

FRIENDLY AMENDMENT: Mayor Coss suggested amending the friendly amendment to provide there be a report to the Finance Committee and City Council in two months because of the economic situation, and the report will be made quarterly thereafter to the Finance Committee and City Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COUNCIL.**

Councilor Bushee suggested consideration be given to the Audit Committee looking at the findings with regard to the financial operations at the Community Convention Center.

VOTE: The motion, as amended, was approved on the following Roll Call vote:

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. **CASE #2011-98. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF RICHARD KLEIN AND CLAIRE ZOELLER FROM THE ISSUANCE OF BUILDING PERMIT #11-864, FOR GRADING AT 442 CAMINO DE LAS ANIMAS. (KELLY BRENNAN). (Postponed at August 10, 2011 City Council Meeting). (Withdrawn by Appellant)**

This item was withdrawn by the Appellant.

12. CONSIDERATION OF RESOLUTION NO. 2011- 43 (COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING THE CITY MANAGER TO ESTABLISH A WORKING GROUP CONSISTING OF CITY OF SANTA FE POLICE, FIRE AND AFFORDABLE HOUSING PERSONNEL TO EXPLORE INCENTIVE OPPORTUNITIES FOR PUBLIC SAFETY EMPLOYEES TO LIVE IN THE CITY OF SANTA FE (MELISSA BYERS)

A copy of an Action Sheet from the Finance Committee meeting of August 22, 2011, for the City Council Meeting of August 30, 2011, with attachments, is incorporated herewith to these minutes, as Exhibit "2."

Councilor Dominguez said he would like to be added as a cosponsor.

Councilor Romero said she had postponed this item at the Finance Committee for a variety of reason.

Councilor Romero said, "There was not a good opportunity to look at it and add to some of the issues I had specific to this Resolution. So, let me put those out and I'll add some amendments and see if they are friendly to the folks signing on to this. I think a tremendous amount of time has been spent on affordable housing for our service community, our Fire and Safety folks. I am happy to see that it now includes 'directing the City Manager.' But I think there also needs to be some representation from the economic development folks. There was a whole year and a half, almost two years, of a working group the Realtors had pulled together, a very diverse group of people who were working on affordable housing issues and they've produced a report. It was very clear that a good part of the information was around financing, so I know that there's going to be some additions to this, but I just.. I didn't want to make all of my changes by the seat of my pants which is where we're kind of ending up tonight in making some of these changes."

Councilor Romero continued, "But, I'd like to include in here that the affordable housing folks include economic development. I'd like to include coordination with County efforts, given the Resolution to align policies that we had. I think that was over... almost two years ago with the County. I'd like to, on the third page, I'd like to include that folks participating in this include the Santa Fe Realtors Association and departments would be "participating," not "facilitating," are the initial comments. I'd like to include the banking institutions because I think that every report has indicated that this is a financial issue. We can come up with all the incentives we want, but if people can't come up with the down payment, it doesn't do any good."

Councilor Romero continued, "And then, I'm not quite clear from the folks that are introducing this Resolution, if this is also affecting the take home policy which the original task force was given that task, which was to coordinate all efforts around take-home policy, and that's not included in here either. So, those are my initial comments."

Councilor Romero continued, "And I would have liked to have been added as a sponsor, but I just didn't feel it was ready for prime time, given some of the other issues that are being brought up. So, on the last page, I'd note on page 3, that this Resolution needs to coordinate with the County and the Resolution

which was introduced surrounding policies. So, I had a lot of... I feel like I still have a lot of comments on this, and I'd hope by tabling it, we'd have an opportunity to actually add to it. That was my concern. It's not around trying to figure out what to do around safety, but I just thought it didn't include all of the people who are going to be making a difference and bringing us forward some policies. And efficiency around staff time... I'm concerned that we're taking away from safety folks to participate. And I know it's sixty days we're looking at, but I don't think it's really as clear as it could have been. It's better than when it first came to finance because it directs the City Manager. But I think there's still a lot of alignment. There's a lot of information that was already done, and it didn't include that. So, I'm worried that we're going to get a report that's not going to give us what we need to move forward."

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to adopt Resolution No. 2011-43.

DISCUSSION: Councilor Bushee said, "To be clear, Councilor Romero, I'm sorry there was confusion at finance. It wasn't even clear to Melissa that anything occurred. I thought we were just setting the agenda. So, just so you understand... I don't think you are reading this as accurately as one might be able to. If you look at the title, it's directing the City Manager to establish a working group consisting of the Santa Fe Police and Fire, basically public safety, and Affordable Housing personnel to explore incentive opportunities, and that includes any alternatives to the existing Take Home Policy. And if you'll look on page 3, in the Therefore Be It Resolved, it says, and believe me, nothing has changed from Finance to here... this is the same Resolution. It says, 'The City Manager shall establish a working group consisting of City Police, Fire, Housing and Community Development Employees.' This is going to be headed up by Nick Schiavo. It also involves the Legal Department. Right now, it's not a problem to bring in all existing data and input from the Realtors group. What this really is, initially, in this working group, is we know there's a problem. We know we have a McCune study that says money is rushing down toward Rio Rancho or Bernalillo in that corridor in terms of our employees not living here. We know that our original public safety efforts of having vehicles in driveways as a deterrent is not working, once it was extended from 20 miles out to 60."

Councilor Bushee continued, "And so, taking those problems, and putting in as many whereases as anybody wants to put in, we're really just trying to... there's 3 or 4 things we want to achieve here, which is to start by surveying existing public safety employees, and the one meeting I had with a few people to put this together, working with Melissa, the gentleman that had been representing Fire came forward and said I'm a pretty good example. I had a Homewise home, an affordable home. I moved up here from Rio Rancho or somewhere, I had a Homewise home, and now I'm seeking a foreclosure, because all those possibilities existed out there as possible incentives. And the discussion went around, well is it just the housing stock and the cost of it, or is it that your families are now living in the Albuquerque area and you want to stay and commit to that part of town. Is it that we just want to deal with new recruits, you know. There was a lot of things bandied about, including, you know, is it the schools. Everything was put on the table, and that continued, and that dialogue needs to continue to happen."

Councilor Bushee continued, "And so really this Resolution is an attempt to try to... on one page, and of course, several pages.. You can't put everything in one resolution, but I'm certainly willing to add some things to try to capture the discussion we started during the budget cycle, which was essentially we would like to... and our new Chief has talked about, and I don't know how far reaching it's going to be, but his

new policy is to try to extend the allowance of cars to 20 miles for new recruits. And so, that's all this is saying is, we've asked... dealing with this problem and the entire Council raised this during our budget cycle and I worked with Trujillo who chairs the Public Safety to try to put this together working with Melissa, and that's all this is. It doesn't really have a fiscal impact. It's just saying, you know, to try and put this together so that we can change our ever-evolving policy around the Take Home vehicles and how do we actually solve the problem of getting our Public Safety... start with public safety... it might morph into a greater situation around teachers and nurses and whoever else is in the community. If you want to extend it out later, it might even morph into something that could be tackled at the Legislature. But for right now, we know we have a problem in this community with regard to both our Fire and Police members, primarily as a majority, not even residing in this town. And it started around the vehicles that are no longer here as a deterrent. So, that's all I can tell you there, but it does involve our Economic Development staff, that's what we now call Community Development, and that's primarily charged with both housing and economic development and our public safety staff. And I've got cosponsors that I'm sure want to talk to us."

Councilor Chavez said on page 4, line 4, one of the directives to the City Manager is, "The working group shall explore and make recommendations to the Governing Body regarding a number of things. One of them is the existing City of Santa Fe incentive offer to Public Safety employees, including the Police Departments Vehicle Take Home Policy. And I hope that at some point we can not only deal with new recruits because that will be easier but we need to deal with current employees who want to continue using the company car, when I'm sure they probably own a pretty decent car themselves. And those are the discussions we need to have. We've had those discussions off and on for as long as many of us have been here, and it keeps gets further, further and further away." He said he believes the Resolution is a good start, and maybe the working group can come to reasonable solutions which will work in the short and long term.

Councilor Trujillo said this was supported by all the members of the Public Safety Committee. He said Councilor Romero has problems with the time frame, but he doesn't know how far out we want to stretch this. He said Councilor Romero wants to bring in the banking industry, but he doesn't know what they would add. He wants to hear from the employees because those are the ones who are impacted. He commented that last month in *The Santa Fe Reporter* it asked, "Where is the best place to find off-duty Santa Fe Police officer, and the answer was in Rio Rancho." He said he wants to see more policemen living in Santa Fe and living in the neighborhoods. He wants to start this process and let them speak, and said perhaps we'll get some good feedback and perhaps we can stop the trend.

Councilor Romero said, "This is like being against daycare, and I'm not there. I think this is an important step. It's another step, and I worry that we're not going to get the material. I'm willing to support this, because I think there's already been a tremendous amount of work that's been done. I don't think 60 days is plenty. I don't think that's enough to do the kind of work that's been done, having sat on that roundtable with the Realtors and others. There are other people who hold important keys to this discussion. So, if it included the Santa Fe Realtors folks who actually have some ideas around these incentives. Their roundtable that met for a year came up with recommendations. The Strategic Home Ownership Initiative two years ago came up with a lot of great ideas. I think all of those will feed in here. If it was 90 days, I think maybe there's more of an opportunity for success, but I think we're going to get right back to the beginning, which is we're right back to the future which is around what does a down payment look like.

And when there's not banking institutions or people that have access to the money, we may be spinning our wheels again, but I'm supportive of this effort. I think 90 days is a better timeline. So what I'll do, is I'll write up my changes to this at the Finance Committee when it comes back to Finance..... Oh, it's not coming back, you're just moving it forward from here."

Councilor Romero continued, "All right, so then I guess if I'm going to make changes this is my one and only opportunity to make changes before it moves forward, so I would like for it to include the Realtors Affordable Working Group Report. I'd like it to coordinate with the County around our Resolution on alignment of policies."

Councilor Bushee said, "I'm not sure how that works in this... this is specifically around incentives for public safety in the City, so I'm not sure how that interlocks."

Councilor Romero said, "I'm not either, but I know folks who are living in Rio Rancho who are looking for a variety of opportunities to live in Santa Fe and Santa Fe County where it's cheaper to live, so if we want to get people back into the metropolitan area as it says here, then maybe figuring out some of those incentives with the County. I think it's pretty narrowly focused on the City which is why people don't live here because it's expensive."

Councilor Bushee said no one is opposed to looking at any other report or working with any other staff, but "I don't understand that request, to be honest."

Councilor Romero asked if she is speaking of the alignment with Santa Fe policies, and Councilor Bushee said yes.

Councilor Romero said, "Well, you don't need to understand it. I think this will move forward. Let's hope for the best, and within 60 days, I don't even think 90 days, but within 60 days... go for it."

Councilor Chavez said, page 4, line 2, of the Resolution says, "Public Safety Incentive Programs established by other municipalities across the County."

Councilor Romero said that is "country" not "County."

Councilor Bushee said she doesn't believe it leaves out Santa Fe County.

Councilor Wurzbarger said, "The strength of this Resolution comes down to one thing that is not explicitly stated, it's implied, [which] is that this may be our first time to actually ask the opinions. And I think that rather than 1,2,3,4,5 bullets, we could spend a lot of time looking at employee programs elsewhere, rereading reports. I would like to know once and for all, from as many people as possible, what would it take for you to move back here. And that is the singular question that I would ask. Would it help if, as we have jokingly said in planning groups with the County, would it help if we gave you \$30,000 that you could spend, yourself, on anything you wanted. Because the fact is, in one year, we could have that back, in terms of income. That comes from the McCune Study. So again, I'm just hoping that... I don't know if we need to add that clarity."

FRIENDLY AMENDMENT: Councilor Wurzbarger would like to amend the motion that we would have an answer to question of, "What it would take to have people who currently live in Rio Rancho to move back here." She would like to say it like that, rather than do the study, do this. I want a report that comes back, here's what people said. And they would move back if they got this. **[STENOGRAPHER'S NOTE: There was no response to the proposed Friendly Amendment.]**

Councilor Wurzbarger said she assumes Councilor Bushee is suggesting a study, and she doesn't want to talk to Mr. Schiavo now. She said if we are going to have a survey, she would like to spend the 60 days getting as many people as possible who don't live here, to answer that question. She said she isn't interested as much in hearing the ideas and incentives from other place. She said the key is the reasons people don't live here, and we need to hear that and then look at the incentives.

Councilor Bushee said this Resolution was written by this committee of people. She was trying to put what has been bandied about in one Resolution. She said the idea of surveying came from the employees.

Councilor Wurzbarger looks forward to hearing from employees what it would take to get them to move back to Santa Fe.

Mayor Coss said he supports the policy goal, and would like as many public safety employees as possible to live in Santa Fe. However, he said he is pushing the Police Chief very hard to fill the 14 current vacancies. He said we are in competition with Rio Rancho and Albuquerque. He said when we talk about the incentives and what we use or don't use, we need to be careful, commenting this is a public policy thing if we want them to live in Santa Fe and not so much a financial thing. He said when we recruit new officers, they are not represented by the union, because they're probation and not in the union for a year. However, the Resolution says to negotiate all of this with the Union. He likes the respect and the signal to the Union, but he doesn't want to do collective bargaining via the Resolution on the vehicle take home policy, and he wants to preserve the Chief's ability to recruit. He is concerned when we start saying, "What will it take to get you to move here." He said this is a caution about mixing where people live with collective bargaining.

FRIENDLY AMENDMENT: Councilor Bushee said she is willing to strike that language on pages 3 and 4, and anywhere it says that in the Resolution. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Bushee said it was mentioned in the meeting that the Chief could remove the vehicle take home policy administratively to old and new officers. She said we've said we don't want to hamper the ability to get new officers. She said it was discussed at that meeting that the incentive bonuses of \$10,000 weren't that effective and weren't sustainable. They discussed trying to have a sustainable effort, and the reason everything in the tool kit was included as possibilities. She said, "If you would let Mr. Schiavo speak to this, he would tell you the direction he would like to move, and the work he may already have done knowing this is a problem. This is in response to the fact that the new Chief is saying his policy for new recruits will be 20 miles only for take home vehicles." She said they thought it was wise to get input from public safety employees and try and craft a direction, because "that policy is going to happen."

Mayor Coss said he understands, but he was only cautioning.

CLARIFICATION OF FRIENDLY AMENDMENT: Mr. Zamora asked, for clarification on the point of striking language, and asked if the suggestion is to strike lines 13-19 on page 4 of the Resolution, and Councilor Bushee said yes. He asked if she would also like to strike the language on lines 15-17 on page 3 of the Resolution, and Councilor Bushee said yes.

Councilor Dominguez said the part that piques his interest is that they are looking at incentives. He said from his perspective, and it is his opinion that public safety employees can live in Santa Fe, commenting there are people living here who make less than they do. He said some of it is a choice. He wants to see where we go in terms of incentives, and what we come up with, and this is the reason he supports the Resolution and would like to be a cosponsor.

VOTE: The motion, as amended, 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.

13. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **DISCUSSION OF COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF SANTA FE AND ALL BARGAINING UNITS REPRESENTING THE EMPLOYEES OF THE CITY OF SANTA FE, PURSUANT TO §10-15-1(H)(5) NMSA 1978.**
- b) **DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY BY THE CITY OF SANTA FE, OFFICE SPACE LEASE AGREEMENT, 500 MARKET STREET, SUITE 200 AT THE RAILYARD, WITH RAILYARD COMPANY LLC, PURSUANT TO §10-15-1(H)(8), NMSA 1978, AND DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING THE RAILYARD COMPANY, LLC, IN ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.**
- c) **PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24, DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.**

MOTION: Councilor Wurzburger moved, seconded by Councilor Dominguez, that the Council go into Executive Session for the purpose of:

1. discussing collective bargaining negotiations between the City of Santa Fe and all bargaining units representing the employees of the City of Santa Fe, pursuant to §10-15-1(H)(5) NMSA 1978;
2. discussion of the purchase, acquisition or disposal of real property by the City of Santa Fe, office space lease agreement, 500 Market Street, Suite 200 at the Railyard, with Railyard Company LLC, pursuant to §10-15-1(H)(8) NMSA 1978, and discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant involving the Railyard Company, LLC, in accordance with §10-15-1(H)(7) NMSA 1978; and
3. pursuant to SF Resolution No. 2010-24, discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant, in accordance with §10-15-1(H)(7) NMSA 1978.

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

For: Councilor Bushee, Councilor Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Chavez.

Absent for the vote: Councilor Calvert.

The Council went into Executive Session at 6:35 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:35 p.m., Councilor Wurzburger moved, seconded by Councilor Romero, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion and no one voting against.

15. ACTION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING THE RAILYARD COMPANY, LLC. (GENO ZAMORA)

MOTION: Councilor Bushee moved, seconded by Councilor Wurzburger, to approve the recommendation of staff, with the exception that there is no extension of time for the theater.

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.

Abstaining: Councilor Chavez said he will abstain because he didn't attend the executive session.

MAYOR COSS MOVED ITEMS 15 AND 17 TO THE END OF THE EVENING SESSION

END OF AFTERNOON SESSION AT 7:35 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:35 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca 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 statement for the record by Rick Lass, entered for the record by Rick Lass, is incorporated herewith to these minutes as Exhibit "3."

Mayor Coss gave each person 2 minutes to petition the Governing Body

Joseph Lovato said he is a City employee at the Convention Center. He said he has an issue with the Resolution sponsored by Councilor Bushee and Councilor Trujillo and supported by Councilor Dominguez, directing the City Manager to establish a working group consisting of City of Santa Fe Police, Fire and Affordable Housing personnel to explore incentive opportunities for Public Safety employees. He said he has concerns because he represents Local 3999, and they do have some public safety employee members. He said in talking about the future, noting when budget comes around "we are talking pay cuts and furloughs." He said there are employees that fall in the category of fixing streets, fixing the water pipes, cleaning the wastewater system, cleaning solid waste. It would be nice for AFSCME 3999 employees to be considered in this Resolution as well. He said 80% of AFSCME employees live in Santa Fe, and in talking about economics, that keeps the money in Santa Fe. He said they have employees who don't make much money and because of the economic situation, who may be looking to move to Rio

Rancho or Espanola or Pecos or elsewhere. He asked that all City employees be looked at when you talk about incentives like that. He is agreement with Councilor Chavez on the Convention Center, and thinks you should talk with the staff that do the operations work. He said there are duplications in administration. He has an administrative position, and believes they should talk to the employees. He represents operations employees who are over-worked, who haven't had weekends off and are putting in a lot of overtime. He said Mr. Bradbury said he and the staff decide who works overtime, but it is Mr. Bradbury making the decision and he doesn't always talk with staff. He would recommend that you talk to the operations staff. He said what City Manager Romero is right, but they would like to talk about some of the positions on the operations side.

Adrian Dalton said he represents himself, but first and foremost he represents AFSCME Local 3999 as the Acting President. He said he appreciates public safety and has a retired policeman in his family and 5 close relatives on the police force, so he has ties to the police and public safety. However, when he looks at Public Safety back in the years when police vehicles were parked in the neighborhood it was a homegrown idea for the most part. Now, it has morphed into something that is very unwieldy and expensive. He said when the Council adopts resolutions to help recruiting for public safety employees, or nurses or teachers it is great. He said he is a blue collar worker for the City. He said a transportation worker just received an award earlier, but that employee makes only \$14 an hour just like he [Dalton] does. He said the bottom line is we always speak about public safety, fire police, nurses, teacher and always trying to help them. He said, "First responders are great, I love them all, they're part of my family, but the bottom line for me is this, we have constant responders – the guys that pick up the trash, treat the water, take care of the parks and everything else. Please take into consideration those people when you're trying to give incentives."

Rick Lass read his statement into the record in support of implementing ranked choice voting in 2012. Please see Exhibit "3" for the text of Mr. Lass's statement.

Marian Seymour said she supports what Mr. Lass just said. She would like to feel that the people who represent her in government receive more than 50% of the vote, and that will happen once we have ranked choice voting.

Rick Fabrick, Green Party Chair, said he is here to speak for rank choice voting. He said we should have it if it's part of the Charter. It helps the majority position to come through so we don't have an election where people are elected with less than 50% of the vote such as in the case of Carol Miller when she ran for Congress. She got 17% of the vote, the Democrat 36% and the Republican 38%, so the Republican won. However, if those voting for the Green Party candidate could list their second choice, they would have voted Democrat and we would have elected a Democrat instead of a Republican. He really hopes that you can get ranked choice voting for the City elections.

Elizabeth West said she came here in 1966, her children and grandchildren were born here and her husband is a native Santa Fean, and she votes. She would like to add her name to the list of people

who think rank choice voting a good idea. She said, "In fact, I think it's such a good idea, that if we don't look into this and successfully work to do this, voting gets even ranker."

Dave McQuarie said he is here about two items. One is 500 Market Place in the Railyard. He understands the City plans to move there, and asked if it has been brought to full compliance with ADA standards, saying, "I doubt it." Secondly, he asked why the City opened the Depot for public information when CVB is supposed to take care of that, and they don't have money for their own operations. He said the current Depot isn't ADA compliant. He asked where are the handrail and the ramp, and where is the parking. He asked the Governing Body to address these issues and said he doesn't want to hear the Governing Body say "we don't have the money." He said you should have money to fix the building so people can use it.

Joe Villarreal said he is a staff representative for AFSCME representing City employees in Santa Fe. He said there was a discussion in Executive Session regarding collective bargaining between the City and various unions. He said things have looked promising over the last few weeks and they appreciate the City working with them. He said, "One thing I do want to reiterate though. In regards to the positions that are being requested to be filled in the CVB, we just want you guys to know it's one of the examples that reiterates some of the things that we go through here. There are 4 positions there that are bargaining unit positions that are looking to be eliminated and being replaced by contractors. Those kind of actions, I don't know philosophically how people feel about them. On our side, these are the kinds of things that do deteriorate our bargaining units, and I want you to know that during this processes, we are willing to make those sacrifices to get the City where it needs to be with it's budget. But, we would also ask that the City respect our bargaining unit, and granted, some of these positions are vacant, but we would hope that you guys maintain at least the positions that are there for possible reemployment at the time that the economy does begin to pick up."

Mr. Villarreal continued, "I don't believe that sitting there destroying bargaining unit positions and having them replaced with contracted workers that may or may not do some of the concerns that you guys had earlier. I mean, how do you sit there and contract out someone that's just come on, as the basis to be able to do some of the work that you guys have going on there. We are asking, respectfully, that these positions be maintained there for the possibility that you are able to rehire at some point. We have no problem with you guys actually trying to expand and look into some of the marketing things that you guys are looking at, to try to bring in revenue for the City. But we would also ask that you guys respect the bargaining unit that we do have, and worst case scenario, when things like that are eliminated that they are looked at when they're dealing as the sacrifices we're making too. We're losing our members in order to be able to balance this budget, and I would hope in the discussions that are coming through at the City, that that gets taken into consideration. I mean a lot of the time that gets lost in the wind with the sacrifices that are being asked of our bargaining unit, but people have to know that our guys are working with less people and they're still having to do the same job, and we would ask that you guys just preserve those people."

G. APPOINTMENTS

A copy of a resume submitted to City Clerk Yolanda Vigil from Jana M. Lujan is incorporated herewith to these minutes as Exhibit "4."

Santa Fe Water Conservation Committee

Mayor Coss made the following appointment to the Santa Fe Water Conservation Committee:

Tim Michael (Water Related Technical Expertise)

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve this appointment.

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

Immigration Committee

Mayor Coss made the following appointments to the Immigration Committee:

Maria Christina Lopez – Reappointment – term ending 02/2013;
Marcela Diaz – Reappointment – term ending 02/2013;
Betty Jean Shinas – Reappointment – term ending 02/2013;
Elizabeth R. Hemmer – Reappointment – term ending 02/2013;
Jewel Cabeza de Vaca – Reappointment – term ending 02/2013;
Miguel Angel Acosta – Reappointment – term ending 02/2013;
Amparo Guerrero – Reappointment – term ending 02/2013;
Erwin Julian Rivera – Reappointment – term ending 02/2013; and
Chester Craig Topple – Reappointment – term ending 02/2013.

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

DISCUSSION: Councilor Bushee asked if this is an unusually large Committee, or if all of the terms end at the same time. She asked the Mayor if we want the terms to be staggered.

Mayor Coss said this is the way it has been done since 1999.

Mr. Zamora said it is the creating resolution that determines whether terms are staggered.

Councilor Bushee said she knows that, and suggested relooking to see if staggered terms would help the Mayor.

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

Santa Fe City and County Advisory Council on Food Policy

Mayor Coss made the following appointments to the Santa Fe City and County Advisory Council on Food Policy:

Maria Elena Bustamante-Bernal – to fill unexpired term ending 01/2014;
Katherine Mortimer – Reappointment – term ending 01/2014; and
Terrie Rodriguez – Reappointment – term ending 01/2014.

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

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

Planning Commission

Mayor Coss made the following appointments to the Planning Commission:

Angela Schackel Bordegaray – Reappointment – term ending 06/2013;
Lawrence E. Ortiz – Reappointment – term ending 06/2013;
Renee Villarreal – Reappointment – term ending 06/2013; and
Michael A. Harris – to fill unexpired term ending 06/2013.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve these appointments.

DISCUSSION: Councilor Bushee said, "I assume you'll have Michael Harris off Building Design Review, because of this appointment."

Mayor Coss said yes.

Councilor Bushee said nobody let her know that, and Mayor Coss apologized.

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

Business Capitol District/Design Review Committee

Mayor Coss made the following appointments to the Business Capitol District/Design Review Committee:

Councilor Bushee – Reappointment – term ending 03/2012; and
Douglas Maahs (Contractor) – to fill unexpired term ending 12/2012.

MOTION: Councilor Wurzburger 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, Trujillo and Wurzburger voting for the motion and none against.

Board of Adjustment

Mayor Coss made the following appointment to the Board of Adjustment:

Patricia M. Hawkins – term ending 09/2014.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to approve this appointment.

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

Santa Fe Civic Housing Authority

Mayor Coss made the following appointments to the Santa Fe Civic Housing Authority:

Virginia Soto – Reappointment – term ending 03/2015; and
Jana Lujan – to fill unexpired term ending 03/2016.

MOTION: Councilor Wurzburger 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, Trujillo and Wurzburger voting for the motion and none against.

Telecommunications Advisory Committee

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

Richard Carlisle, Chair – term ending 09/2013;
Ralph W. Vincent – term ending 09/2013;
Dustin Gentry – term ending 09/2012;
Dr. Stephen Easley – term ending 09/2012; and
Gar Clarke – term ending 09/2013.

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

DISCUSSION: Councilor Bushee said this is the Committee she created, noting there is one member from Albuquerque and one member from Espanola.

Mayor Coss said he was just trying to get good technical expertise.

Councilor Bushee asked if he wants to change what this Committee looks at, and Mayor Coss said no.

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM DAISY LAY, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #2665, FROM HRH, INC., D/B/A ISAAC'S BAR AND GRILL, 200/202 N. BLVD. & 107 E. BROADWAY, SILVER CITY, TO DAISY LAY, LLC, D/B/A THE JOSH'S BARBECUE, 2571 CRISTOS ROAD. (YOLANDA Y VIGIL)**

The staff report was given by Tina Y. Dominguez, Assistant City Clerk, noting the business is not within 300 feet of a church or school, the patio bar will be completely enclosed with a five-foot wall, and noting that the building is under construction. Ms. Dominguez said the business is required to comply with all City ordinances as a condition of doing business in the City and staff anticipates no unacceptable impacts due to the approval of this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzburger moved, seconded by Councilor Dominguez, to approve the transfer of ownership and location of Dispenser License #2665 from HRH, Inc., d/b/a Isaac's Bar and Grill, 200/202 N. Blvd. & 107 E. Broadway, Silver City, to Daisy Lay, LLC, d/b/a the Josh's Barbecue, 3671 Cristos Road. (Yolanda Y. Vigil)

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 Wurzburger.

Against: None.

2) REQUEST FROM SAN Q, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SAN Q JAPANESE RESTAURANT, 28-32 BURRO ALLEY. (YOLANDA Y. VIGIL)

The staff report was presented by Tina Y. Dominguez, Assistant City Clerk, noting the business is not within 300 feet of a church or school. Ms. Dominguez noted that the business is required to comply with all City ordinances as a condition of doing business in the City and said staff anticipates no unacceptable impacts due to the approval of this request.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to approve the request from San Q, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at San Q Japanese Restaurant, 28-32 Burro Alley.

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 Wurzburger.

Against: None.

- 3) **REQUEST FROM ANASAZI LIQUOR, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2678 FROM IOTA LIQUOR, LLC, D/B/A INN OF THE ANASAZI TO ANASAZI LIQUOR, LLC, D/B/A ROSEWOOD INN OF THE ANASAZI. THE LICENSE WILL REMAIN AT 113 WASHINGTON AVENUE. (YOLANDA Y. VIGIL)**

The staff report was presented by Tina Y. Dominguez, Assistant City Clerk, noting the business is not within 300 feet of a church or school. Ms. Dominguez said the business is required to comply with all City ordinances as a condition of doing business in the City and staff anticipates no unacceptable impacts due to the approval of this request.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request from Anasazi Liquor, LLC, for a transfer of ownership of Dispenser License #2678 from IOTA Liquor, LLC, d/b/a Inn of the Anasazi, to Anasazi Liquor, LLC, d/b/a Rosewood Inn of the Anasazi, the license to remain at 113 Washington, Avenue.

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

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

Against: None.

Absent for the vote: Councilor Dominguez.

- 4) **REQUEST FROM AFTER HOURS ALLIANCE, INC., FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF THE TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD, 551 ALARID. THE REQUEST IS FOR THE AHA FESTIVAL TO BE HELD ON SEPTEMBER 18, 2011 FROM 12:00 NOON TO 11:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Tina Y. Dominguez, Assistant City Clerk, noting there is a letter in the packet from Daniel P. Benavidez, Director, Tierra Encantada Charter School @ Alvord, stating they

have no objection to the request. Ms. Dominguez noted that the business is required to comply with all City ordinances as a condition of doing business in the City, and staff anticipates no unacceptable impacts due to the approval of this request.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at El Museo Cultural, 555 Camino de la Familia, which is within 300 feet of the Tierra Encantada Charter School, for the AHA Festival to be held on September 18, 2011 from 12:00 noon to 11:00 p.m.

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.

- 5) **REQUEST FROM MIRADOR GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOL AT MIRADOR GALLERY, 616 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE MONTHLY MEETING OF FRIENDS OF QUAKER CHURCH, 630 CANYON ROAD AND THE ACEQUIA MADRE ELEMENTARY SCHOOL, 700 ACEQUIA MADRE. THE REQUEST IS FOR AN ART GALLERY OPENING TO BE HELD ON SEPTEMBER 9, 2011, FROM 4:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Tina Dominguez, Assistant City Clerk, noting there are letters in the packet from Bobbie J. Gutierrez, Superintendent, Santa Fe Public Schools and Robert Gaines, Presiding Clerk, Santa Fe Monthly Meeting of Friends, stating they have no objection to the request. Ms. Dominguez noted that the business is required to comply with all City ordinances, including the litter and noise ordinances, as a condition of doing business in the City.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at Mirador Gallery, 616 Canyon Road, for an art gallery opening to be held on September 9, 2011, from 4:00 p.m. to 8:00 p.m.

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.

6) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS INNOVATION PROJECT (RFP #09/02/P); SANTA FE COMPLEX. (KATE NOBLE)

Kate Noble presented information from her Memorandum of August 30, 2011, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Public Hearing

Speaking to the request

Mayor Coss gave each person 2 minutes to speak to this request.

Nicole Rasmussen, said she is here to represent the Santa Fe Complex Board. She asked everyone to stand up who is here to support the Santa Fe Complex this evening. She said the Complex creates space for innovation in science or technology. She said we need to offer young, creative persons, such as herself, a place to create their unique and diverse ideas. She said the goal is to make the Santa Fe Complex a uninxus for technology and science. She said, as President Obama says, we need to educate and allow for innovation within science and technology to keep our economy growing in Santa Fe.

Cody Smith said Shakespeare said brevity is the soul of wit. He discovered the Complex one year ago and since that time he has participated in two projects and quite a few interesting lectures. He would like to offer his support to the Santa Fe Complex.

Chip Garner said he has a small consulting business in Santa Fe, and most of his income for the past 1½ years has come from spin-off projects from Complex. More importantly, right now, he is looking for the next thing to do, and the Complex is the main place he is looking for talent to get things done and for the ideas for interesting and promising projects to work on which he hopes can put people to work.

Scott Whittenberg, said he is a lifetime New Mexico resident, a software entrepreneur, a graduate student in Computer Science at the UNM. He said he has been involved with the Complex for a year, and they kept his business going that entire time, "kept my kids fed and my mortgage paid, and I'd like to see it go on just a little bit longer."

Eric Renz-Whitmore, Executive Director, New Mexico Technology Council, said the Council is working on partners to build up the community of information technology, software and other developers in Santa Fe and Northern New Mexico. He said one of the big challenges has been to gather some critical mass in order to create a project economy as noted previously by Ms. Noble. He said he has seen a lot of progress with groups such as Santa Fe MIX, and a lot of progress for a strong partnership with the Santa Fe Complex, noting it is a key partner and offers a great opportunity for creating a hub for tech innovation in Santa Fe and Northern New Mexico..

Henry Brown said he has worked with Steve [?] for years, has worked at the State and presently is working on some things to help to build sustainability at the Santa Fe Community College, and without this impetus, we probably wouldn't have some of the great tools that we're going to start using with the college kids to learn simulation. He thanked Santa Fe Complex for being such a big part of his son's life, noting he taught his son both processing and blender, which his son is using in many of his classes at the Santa Fe Community College.

The Public Hearing was closed

Councilor Wurzbarger acknowledged the tremendous growth and development of the Complex, and how grateful we are for the Complex setting a model for sustainable economic development in Santa Fe.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve this request.

DISCUSSION: Councilor Ortiz said the original bid awarded for this contract was \$165,000, and Ms. Noble said this is correct.

Councilor Ortiz said with this, 4th amendment we are now approaching a total compensation of \$415,000, and Ms. Noble said this is correct.

Councilor Ortiz said in the 3rd amendment, we eliminated the option to renew, and committed ourselves to a multi-year process with this organization to continue funding it for a period of time, and asked if this is a correct reading of the 3rd amendment.

Ms. Noble said the 3rd amendment was simply an extension of the time period, because we were working on this 4th amendment.

Councilor Ortiz said the contract date was extended so that it wouldn't expire so we could do an amendment to give this organization more money.

Ms. Nobel said, "What we elected to do was extend only the term of the contract, because we were still working on the negotiations for scope and compensation for the 4th amendment, and you are correct, we did not want it to expire."

Councilor Ortiz said at the hearing for the 2nd amendment they came to the Council asking for more money, saying that would be the last request for more money. He asked if this is the last request for more money or if we will see a 5th amendment to a contract that started at \$165,000 and now with 4 amendments, has tripled in size.

Ms. Noble said it shrunk this time.

Councilor Ortiz said it shrunk in terms of the request for money, but the contract is still three times the amount that went out for an RFP.

Ms. Noble said this is the last time. She said the request at the Civic Center, about which Councilor Ortiz spoke, was the original contract approval.

Councilor Bushee said she is concerned about the next time they come forward, because "we did try to wean them off of only City government funding. I do think they've done phenomenal work, and I believe that in reducing this contract, it's been commendable, and in fact I think they're going to produce just as much with a lot less, and I'm thrilled about that. I had concerns previously that the facility has very high rent." She would like to see what else can be done, commenting that she doesn't know how to keep them sustainable.

Ms. Noble said they do have revenue streams identified, none of which involve the City.

Stephen Guerin said the plan for the end of the 3-year contract was to be self-sustaining. He said they reduced the request to the City by 40% and the rent has been reduced by 45%. He said the revenue streams are 1/3 project based on 20% overhead, philanthropic, a National Science Foundation Grant and more traditional grant sources of revenue.

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.

- 7) **CONSIDERATION OF BILL NO. 2011-30: ADOPTION OF ORDINANCE NO. 2011- 29 (COUNCILOR CALVERT AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLE 18-4 SFCC 1987, TO REQUIRE CORE RECYCLERS, PRECIOUS METALS DEALERS AND TRANSIENT PRECIOUS METALS DEALERS TO OBTAIN A CITY BUSINESS LICENSE; AND TO REQUIRE PERSONS LICENSED UNDER ARTICLE 18-4 SFCC 1987, TO COMPLY WITH REGULATIONS REGARDING THE SALE OR PLEDGE OF COPPER, CATALYTIC CONVERTERS, PRECIOUS METALS AND OTHER ITEMS AS MAY BE DESIGNATED BY RESOLUTION OF THE GOVERNING BODY. (MELISSA BYERS) (Postponed at the August 10, 2011 City Council Meeting)**

The staff report was presented by Melissa Byers from her Memorandum prepared August 25, 2011, for the meeting of August 30, 2011, with attachments. Please see this Memorandum for specifics of this presentation. Ms. Byers noted there are a handful of amendments in the packet, and she reviewed those amendments. Please see the Committee packet for the text of the amendments. She noted Deputy Chief Alessio did a lot of work on the bill and is here to answer questions as well.

Councilor Chavez asked if the \$50 license fee is in addition to the standard business license of \$35.

Ms. Byers said no, noting the City can charge only a business registration or a business license fee, and the business would be required to pay only the business license fee.

Councilor Chavez asked what happens to those already doing business which already have a business license to accept this recycled material..

Ms. Byers said the bill as drafted, would require anybody doing business as a precious metals to get a license to purchase precious metals or catalytic converters.

Councilor Chavez said Capital City Scrap has been in business for many years, and asked how the City will treat them.

Mr. Zamora said once the ordinance would go into effect, they would have to come into compliance immediately, including upgrading their license.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert said the purpose of this ordinance amendment is to help law enforcement to provide another tool. It is not intended to be a "silver bullet," but it is another tool law enforcement can use to help track and recover stolen property and, in some cases, to help catch the thieves. As we know, we do have a burglary problem in Santa Fe, so we are looking to help, in any respect possible, to abate that problem.

Councilor Calvert said the ordinance will help protect business owners, because it will standardize the process and have an even playing field for all people involved in this type of business. It also will keep the business from having its goods confiscated because it will make them more aware of what to be looking for. He said this isn't intended for revenue, noting it is a \$50 fee versus a \$35 fee or a \$15 increase. He said there is more administration involved in this type of business.

Councilor Calvert thanked the business community for cooperating in this regard, and for helping us to combat this burglary problem. He said some of the business and record keeping is detailed, but a lot of the businesses already were doing a lot of the work for their own protection. He thanked Melissa Byers, Deputy Chief Alessio and Lt. Carlos who was doing a lot of the community outreach that got the input that got everybody working together and on the same page. He said the ordinance will be reviewed in a year to evaluate the effects and change anything that we find that needs to be changed.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2011-29 with all amendments.

DISCUSSION: Councilor Bushee thanked Councilor Calvert for taking the time to work with the business people.

Mayor Coss thanked Councilor Calvert, Melissa Byers and the Police Department for their work on this bill.

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.

8) ZIA RAIL RUNNER EXPRESS STATION (FINANCE COMMITTEE). (KEITH WILSON)

Items #H(8)(1) and (2) were combined for purposes of presentation and discussion, but were voted upon separately.

1) CONSIDERATION OF RESOLUTION NO. 2011-44. A RESOLUTION AMENDING TABLE 22 (PAGE 23) OF THE CITY OF SANTA FE IMPACT FEES CAPITAL IMPROVEMENTS PLAN REGARDING PLANNED MAJOR ROAD IMPROVEMENTS AND ADDING "ZIA STATION INFRASTRUCTURE IMPROVEMENTS" AND "ZIA ROAD INTERSECTION IMPROVEMENTS" AS ELIGIBLE PROJECTS TO RECEIVE "ROAD"IMPACT FEES. (Postponed at July 27, 2011 City Council Meeting)

A copy of *Conceptual Plan of Zia Station Temporary Parking and Transit Facilities* distributed by Keith Wilson, is incorporated herewith to these minutes as Exhibit "5."

A packet of information prepared by Keith Wilson for this presentation, including a Memorandum dated August 25, 2011, to the Governing Body, from Keith Wilson, MPO, Senior Planner, with attachments, regarding the Zia Station Public Hearing, is incorporated herewith to these minutes as Exhibit "6."

A statement for the record from Peggene Bishard, dated August 30, 2011, entered for the record by Peggene Bishard, is incorporated herewith to these minutes as Exhibit "7."

A statement for the record from the Candlelight Steering Committee, entered for the record by James O'Hara, is incorporated herewith to these minutes as Exhibit "8."

A statement for the record from James O'Hara, dated August 30, 2011, entered for the record by James O'Hara, is incorporated herewith to these minutes as Exhibit "9."

Keith Wilson acknowledged City staff who have been involved in this process: Matthew O'Reilly, Land Use Director, John Romero, City Traffic Engineer, Jon Bulthuis and Mike Kelly, Santa Fe Trails, Nick Schiavo and Melissa Byers, noting these individuals are in attendance to answer any questions.

Mr. Wilson presented information from his Memorandum dated August 25, 2011, with attachments, to the Governing Body, regarding the Zia Station Public Hearing, using the overhead. Please see Exhibit "6," for specifics of this presentation.

Mr. Wilson said staff recommends adoption of both Resolutions.

Councilor Bushee said Mr. Bulthuis is recommending additional buses, and asked if we have the money to do that, commenting this has never been part of the discussion.

Jon Bulthuis said at present, there is no funding in the budget to add new service that could serve the Zia Station directly. However, as mentioned in Mr. Wilson's presentation, we could do a deviation to bring service closer to the station, or increase the pedestrian crossing time so people could move from existing stops on the east side of St. Frances, across St. Francis to the station.

Councilor Bushee asked Mr. Bulthuis if he is recommending one over the other.

Mr. Bulthuis said if we had the money to ramp up service and provide direct connections at the station, that would be ideal, reiterating there are no funds in the current budget to do this.

Councilor Bushee asked the plans to serve Zia Station.

Mr. Bulthuis said he worked with the design team in terms of improvements that are going to be made, if this item is approved, so that any infrastructure improvements which exist will accommodate buses, so that once we decide to make that site a destination or a stop on Route 6, we could do that. However, he reiterated there are not operating dollars available at this time to provide that level of service to the system.

Councilor Bushee said then there are no funds left over, or shifting of funds to do this.

Mr. Bulthuis reiterated there is nothing that is currently in the budget.

Councilor Chavez said Mr. Wilson provided a conceptual plan for temporary parking and transit facilities, noting he counts 30 parking spaces and Mr. Wilson said this is correct.

Councilor Chavez asked what is the basis of that number of spaces.

Mr. Wilson said they looked at the Las Soleras station which would be located in the median of I-25, between Richards Avenue and Cerrillos Road, which did a ridership study as part of its approval process for station location in that vicinity. He said the overall buildout of that project is far larger than anything in this vicinity relating to employment and housing. He said the Las Soleras study identified only 25 parking spaces needed for park and ride use for people originating in Santa Fe, and taking the train and heading south. He felt that 30 spaces was a decent number based on the analysis conducted for that project.

Councilor Chavez asked what if 30 spaces is not sufficient for a park and ride stop.

Mr. Wilson said there have been discussions with the property owner there and there is the potential to expand the parking to accommodate additional parking spaces if it was deemed necessary.

Councilor Chavez asked the estimated cost to make the improvements for parking and for the Santa Fe Trails buses as well.

Mr. Wilson said the estimate is between \$50,000 and \$150,000, to develop the parking, depending on materials used, and whether the City used in-house resources or bid the project and hired a private firm to do the work.

Councilor Chavez said the cost estimate in the Resolution is \$180,000, but that could fluctuate, depending on how it's done. He said if the \$180,000 is spent to make the improvements "that's all the credit they'll be eligible for."

Mr. Wilson said his understanding is that they will be eligible for a credit for the amount they actually spend to make the improvements, which will be covered in the Impact Fee Credit Agreement.

Councilor Ortiz said there was "some teaser that the Traffic Engineer was going to talk to us about closing the left turn access on Galisteo Road." He said he presumes it is both east and westbound, so no one can take a left getting onto Zia Road off Galisteo, and no one can turn any more onto Galisteo.

John Romero said that is correct.

Councilor Ortiz asked if there will be some traffic improvement to the intersection to prevent that from happening.

John Romero said it would be the extension of the median, the dual left and closure of that median by extending the dual left. He noted he provided a color copy of that in the Council packet this evening. He said, "Basically, we're going to extend the median that's currently the skinny median on the left hand side of the dual left... we're going to extend it west past the Galisteo intersection, and make that one, long, dual left. The purpose for that... the signal right now, although there is a very short dual left, it basically accesses a single left because people stack single file. There are very few people that get in that lane, and once the arrow turns green, the single file people just shuffle through there."

Councilor Ortiz said, "Then the people living off South Galisteo Road on Camino Luminoso and the other streets, then their access to their homes has to be down St. Francis to Sawmill to Rodeo Road, taking a right."

John Romero said yes.

Councilor Ortiz asked, "Are those costs part of the costs that are built into these particular improvements."

John Romero said, "The median extension cost is my understanding."

Councilor Ortiz said, "That's part of this \$180,000 of improvements that are going to be done by the developer."

Mr. Wilson said, "The cost for the intersection improvements are the second item to be added at the intersection improvements in the Resolution, and we assigned a cost of \$150,000 to those, because we didn't have a good handle on exactly how it would be done at that time."

Councilor Ortiz said, "Those are also to be done by the developer in advance with an understanding that those costs that are up front by the developer are then put into this Impact Fee Agreement that's also under consideration."

Mr. Wilson said, "That was the intent."

Councilor Trujillo said, "My concern with that is that you put the median all the way through, but now are we encouraging people that won't take the time to drive all the way over there to Sawmill, to just make their u-turns right there at Brillante and all that is there. How are we going to work on that."

John Romero said, "That is a possibility, that people would make a u-turn there. Traffic studies have shown that u-turns are safe maneuvers."

Councilor Trujillo asked, "In that section."

John Romero said, "This is based off of non-subjective, empirical data, based off of national studies that have been done by numerous transportation officials, by reputable transportation organizations, so..."

Councilor Trujillo said, "I've seen it happen there many times. I drive that road every day, so I just wanted to be sure."

Councilor Bushee said, "We have to petition the State to open this station. Do we have any requirements, or the DOT, is there any requirement from them... do they conduct any kind of traffic studies, or is it just the City submits what we studied now and then the Mayor asks that we do again in six months."

John Romero said, "The Department of Transportation has been involved with this process, mainly with helping us... since St. Francis is owned by them, the signals are owned by them, although we are charged with its maintenance and operation. So they're been helping us with timing the signal and getting the gates to work with this train stopping at the train station. They have not at any time, indicated any concerns as far as how this station will affect the capacity of their signal."

Councilor Bushee said, "You mean the train or just the traffic signal at that intersection."

John Romero said, "They have not explained to me any concerns regarding added traffic at their signal and how that would impact their signal."

Councilor Bushee said, "Again, I'm just going back to... I don't know if it's because I've dealt with

this so often with regard to bicycle issues you know, but it's considered a failed intersection to start and I guess I want to know, does the State then require some additional study or any kind of additional requirements or ameliorations."

John Romero said, "They haven't thus far, but they have acknowledged that with the gates coming down for an extended period of time, it will impact the efficiency of that signal."

Councilor Bushee said, "I read in the slide show that was presented to people, that one of the reasons for the station location was its good bicycle and pedestrian connections. I mean, that's been one of the things we've been dealing with over in the Bicycles and Trails Advisory Committee is the fact that this is a pretty deadly intersection as it stands, you know, for bicycles, pedestrians and I guess, often cars. So, there's no additional requirements from the State. Okay."

Public Hearing

Speaking to the request

Mayor Coss gave each person 2 minutes to speak to this request.

Merritt Brown, Representative of one of the landowners, said they have been dealing with this property for more than a decade. He one of the things they hear in reading the minutes of different meetings is that this discussion about the train station opening has something to do with the eventual development plans, that it's a rubber stamp, that it's something that's going to happen. He said, "We made the commitment at the MPO hearings in 2007, that we will go through the full hearing process when our development plans do come forward and that remains unchanged. We're unwavering in that. The reasons for the delays are multitude. We were involved in a protracted condemnation proceeding with DOT for the right of way when they moved the tracks to the eastern edge of our property. It took over 2½ years to get that facilitated. We could not submit the plans until our land was legally described properly, so in mid 2010, we began redesigning and tweaking things as we went forward. As traffic was a major consideration, probably the largest consideration with the neighborhoods and ourselves, we started a new traffic study last fall with quite reduced densities and we peeled off portions of the project to not even consider at this point in time. And we were nearing a draft submittal of that traffic study to the City when all the discussions took hold about getting the station open, and we were asked to hold this out, let's keep these issues separate. Let's keep this development.... We're committed to going through the full process. We have a traffic study that's in draft form that we're ready to move forward with. If these Resolutions are proposed [approved?], we have to provide engineering drawings and we have to bond and design, get those approved and construct those improvements."

Mr. Brown continued, "And I want to make one quick comment about, a clarification, mostly for the neighborhood or other concerned citizens, impact fees versus public improvements. No matter what we show on our development plans if they're ever approved, we have to go out and get all those things built regardless. The Impact Fee Credit is a way for us to recoup some of those monies that we would be

paying for twice within the development plan. "If we have to build a 50 space parking garage, this little parking lot is going to come out, and we don't think we should have to pay for it twice. That's really what it is. We're committed to the process and we'll be transparent about those fees and what we spend, and that's the only part we'll be asking to get recouped back. There's quite a bit more to talk about, but I'll keep it simple for now, and stand for questions later."

Mark Berttram, Member & Manager, Zia Station, LLC, said, "Tonight we have a unique opportunity to begin to move this station forward after watching it stagnate for quite a long time, by approving the Resolutions and helping the overall functionality of the Rail Runner, and the accessibility for many more Santa Fe residents to the Rail Runner system. Councilor Bushee spoke of multi-modal access, cars, bicycles. As you may know and are aware, and can see under construction right now, there is approximately a \$1 million trail extension being built, as we speak, down St. Francis Drive that will come underneath St. Francis Drive and tie into the existing trail system and Zia Station and the train."

Mr. Berttram continued, "Earlier this year, for a period of 30 days, we put up a website to try to gauge the interest in terms of opening Zia Station. Almost 800 people responded and over 90% were in favor of opening it. And these were from all walks of life – nurses, elementary high school students, UNM students, employment centers in the area, all seem to want this station open, and that's exactly what we've been hearing over the last two or three years. Over the last four years, we've done a lot, in our opinion, to improve this neighborhood. When many of these people first purchased their homes in the area, they did so with the knowledge that they would be living next door to a major State Highway in St. Francis Drive, they were living adjacent to a set of railroad tracks, and of course, the pumice plant which we all remember."

Mr. Berttram continued, "In these four years, we, Zia Station, LLC, have moved the pumice plant, we convinced the State to realign the railroad tracks closer to St. Francis Drive to move those tracks further away from the residents in Candlelight, and we took the initiative to get a station designation there so those people could also have easy access on and off the train. Since I'm running out of time, I would just ask, Mayor, given the length of some of these processes, that if you'd go forward with the amendment that you had put forward. We would ask that it be absolutely clear that it is... that that timeclock would not start until the station was up and functional, as well as we would ask that we might extend that period of time, not from 6 to 12 months, but from 12 to 18 months. And as Merritt said, we stand for any questions."

Tom Agard said he is here representing the Steering Committee for the Candlelight Neighborhood Association. He said it has been implied that this Steering Committee does not represent the opinions of the neighborhood. He said as a member of the Steering Committee, it has to be mentioned that this Steering Committee has an open door policy and everyone is welcome to participate in hearty discussions of neighborhood matters, noting they have made this clear in emails as well as in neighborhood meetings. He said they respect the opinions of all of the neighbors, as they try to represent the collective group. He said in 2010, the Steering Committee conducted a neighborhood survey in compliance with the CASRO Code of Standards and Ethics for survey research, to establish a strong correlation of consensus among neighbors. The results are statistically sound and significant. 97% of the respondents reported traffic and

safety as the most important issues surrounding the opening of Zia Station. There has been exhaustive and heated discussion on opening Zia Station in their Steering Committee. They agree that the lack of clarity as to what the station and the surrounding development are to be and how they will function to resolve traffic and safety problems on the corner of Zia and St. Francis is the greatest issue. The station and development are contingent on each other. The issues of traffic and safety remain unanswered and have not been completely vetted through traffic impact or traffic demand analyses. He said they urge the Governing Body to postpone any decision on opening the Zia Rail Station until the development plans have gone completely through the open and transparent public process and all issues of traffic and safety have been thoroughly addressed.

Albert Gallegos said he lives on Brillante Street which is 200-300 yards from the railroad tracks on Zia. His concern is, during the time the gates are down, the train is stopped, and traffic will back up past his street, he will be unable to get out of his street, commenting other streets will be blocked as well. He said when the train is in there, the cars will back up beyond Candlelight, which he says will happen, and when the light turns red it backs up past his street. It backs up on St. Francis as well. He said when the gates go up, the cars will go up to St. Francis and the cars will come down and turn right onto Zia, then the cars will be going in the opposite direction, so if you want to make a right turn from Brillante, you have to wait for the cars coming from St. Francis. So, you're there waiting and waiting and waiting, and it happens today. He said if they're going to have 30 parking spaces, that means there will be 30 people getting on the train, and asked who is it serving. He said the opening of the train will benefit people from outside their neighborhood, not the people in the neighborhood. He said there are a few of the people in the neighborhood who want the station open, but he doesn't see how it will benefit the majority of the people living in their area.

Kevin Patterson said he lives in the Candlelight neighborhood off Galisteo. He said this has been promoted as a neighborhood station with a purpose to alleviate traffic. It was never intended to be a park and ride, and that is what is being proposed here tonight. He said there already are 3 operating platforms within an 8 mile radius of Zia, and another one is planned at Las Soleras. He said the commuter rail was to expedite traffic between Santa Fe and Albuquerque, and was not intended to be a trolley service. He does not believe a commuter train needs 5 platforms in a 5 mile stretch of track. He said with regard to the proposed amendment to the capital improvement plan to add Zia Station infrastructure and road improvements, the Zia Station infrastructure isn't a road by any definition of the roadway facilities. He said he read the CIP document and can't find where road impact fees should be credited back to a developer in the future to build a parking lot on private land for any purpose. He thinks this is an over-reach. He said this is zoned R-1, and asked what will be done to change the zoning to allow parking lot. He said in his reading of Chapter 14, a parking lot is not allowed in R-1 without special exception. He asked if there will be public hearings to allow a parking lot to be built. He said, in reference to those who responded to the website *openziastation.com*, his reading is 19% live more than 25 miles away, 35% live within 1-5 miles, and 36% live within walking distance. He said only about 39% will use the station 2 or more times per week. He said 61% said they would use it twice a month or less. He asked, "Do we really need a station here."

Peggene Bishard, Camino Lumbre, read her statement into the record asking the Governing Body to "Please ensure that our safety, health and welfare are top priority before you open this station." Please see Exhibit "7" for the text of Ms. Bishard's statement.

Kay Homan said she wants the station open. She could walk to the station and go to Albuquerque, or get to downtown and not have to deal with the traffic problems.

James O'Hara entered a statement for the record from the Candlelight Steering Committee [Exhibit "8"].

James O'Hara read a statement into the record recommending that the Governing Body "not approve the second resolution to request NMDOT to open the Station, until such time as we can get a commitment for bus service and an adequate traffic plan to protect the citizens in this area." Please see Exhibit "9" for the text of Mr. O'Hara's statement.

Sherry Johanssen, 2369 Botulph Road, said she lives about a half mile from the rail station. She thanked Mayor Coss for including the amendment they requested to have a review of the impact of the station in 6-12 months. She lives on the other side of St. Francis, commenting that she, like Councilor Bushee, had difficulty reading the map on packet page 7. She said if this is the proposal, the inside lane turning onto St. Francis is still very full. She said one of the problems they have on the other side is that people get frustrated trying to turn onto St. Francis, so they use the other two lanes to cross St. Francis toward Botulph, and because they are so frustrated, they pass the school driving very fast and they hit Botulph "and make a California roll," and rush to St. Michael's Drive. She said this intersection impacts the schools in the area. She is a member of the ACSYL Board, and the Board is in favor of having the station open, but they would like the Governing Body to do the traffic study before they approve this.

Helen Tomlin, President ACSYL Neighborhood Association, read a statement into the record saying, "We support the Candlelight neighborhood concerns with maintaining a safe and peaceful quality of life that should be afforded every neighborhood in Santa Fe. We respectfully and strongly request the Santa Fe City Council, the New Mexico Department of Transportation, Metropolitan Planning Organization, Rail Runner authorities, Zia Station, LLC, and all involved in planning for and implementing the opening of Zia Station to consider the following: minimize the development of the proposed 40 retail spaces, 200 residences and 30 offices; provide ample, safe and secure parking for all-day parking; provide transportation for riders to and from work areas and to the downtown areas; provide safe and clean walkways to the east side; and provide for methods to keep riders from parking in the neighborhood or unauthorized spaces. Please consider all these things to deal with. It's very important. We need a safe and quality peaceful neighborhood."

Joe Abatacola said he and his partner, Joanne, live on Brillante Lane, and are in full support of opening the Station. However, they have concerns about safety. He is concerned with the extension of the median, because people will go down a little further and make a u-turn at Brillante Lane which is a safety issue. He said if they do the extension, he would suggest the City put up No U-Turn signs at the two

other streets. He is concerned about the crossing at St. Francis and Zia which is a very dangerous intersection. He said they appreciate the No Right Turn On Red sign that was put up on St. Francis regarding turning right on Zia, although some motorists continue to ignore the sign. He would like to see additional law enforcement to help reinforce the new sign. He said, with regard to parking, they would ask for residential permits or no parking signs.

Bill Stanton, Camino Lumbre, said he supports the opening of the Rail Runner Station. He would like to be able to commute downtown on it. However, he agrees that this is a failed intersection, and nothing he's heard makes him think the current plan will make it better. He urged the Governing Body to delay approval and conduct the traffic study.

Kathy Enchleys said she lives on Camino Lumbre off Galisteo with Bill. She is a big fan of the Rail Runner Station and the access it will give people to be able to use public transportation. She said she also is a big fan of u-turns, but believes extending the median as proposed will be a big problem. She has concerns about the development plans that have been discussed.

Marsha McEuen said she also lives on Camino Lumbre, two blocks from the railroad tracks. She said if the median is extended as proposed along Zia Road, they will lose the primary access to their neighborhood which essentially will become an island in the middle of the south side of the City. She said almost all of their streets are short cul-de-sacs which all feed onto Galisteo. She said coming home, they turn right on Zia and left onto Galisteo, noting roughly 600 people live in this area. This is their primary access and the way the neighborhood was designed. If this is implemented, their only access to their homes and to the Rail Runner Station will be down Sawmill, up Rodeo and right on Galisteo to get to the station, or they can go west and by the school. She said she is a fan of mass transit, but this isn't it, and we're ruining the neighborhood with these kinds of traffic issues. She thinks it's appalling, and hopes you won't do it. She said access should be off St. Francis which she understands is a problem, but if it's mass transit, that's where it belongs.

Rick Martinez, 725 Macias Road, said he doesn't live in the neighborhood, but he does follow it. He said, "My one thing is conceptual plans. Conceptual plans are... this has been going on for 5 months, and you still have conceptual plans and things have changed – from a 28 car parking lot to a 100 car parking lot. Where is it said you guys don't have nothing planned. The neighborhood has not seen nothing. The new thing with the closure of Galisteo and Zia Road is just brand new. That plan came out on August 24th. The neighborhood hasn't been able to voice their opinion on it at this public hearing, and now you're voting on it. There has been no ENN or other public hearing so the neighborhood can really see what's going on with this project. There has been no final plans. You guys are just dealing with conceptual plans, just something that was thrown out there. And what happens when the development comes in. Where are all the cars going to park in the parking lot now. Are they going to close up the train station until they get the development plan in, or are they going to park on the other side of Galisteo and try to figure out how to get across the street from there, because that's not going to happen there. So, what I think you guys need to do is come back with a real plan and show the neighborhood what a real plan is. Right now conceptual plan is something that's put in a political pocket for money."

Malcom Snitger said he lives on Candelero within a few hundred feet of Zia Station. He said he and his wife have attended every meeting since the "Rail Runner was a gleam in the Governor's eye," and voiced their concern about the station at the corner of Zia and St. Francis. He said they have lived on Candelero for 26 years and have seen traffic increase and back up on Zia. He said they honestly did not believe this could happen, but here it is about to happen. He said we were told not to worry because this was going to be different, and would be a neighborhood station, and wouldn't be a park and ride and would be for the local community within walking distance or bicycle riding distance. He said this is being proposed as "open it up, see what happens and we'll accommodate whoever comes from wherever they come." He suspects a lot of people now using #599 will now come here. He said they continue to be opposed to this station, but if it is to be opened, they want it done in the proper way and encourage more planning.

Joseph Mario Granito, Camino Cabresto, said he takes the train frequently, but he now has to drive all the way to the South Capital station to get the Rail Runner. He is in favor of opening the Zia Station.

Mary Dyson said the Rail Runner has been "railroaded" through on top of the City, on top of everybody, so we have to deal with it. She has tremendous respect for the people in the Candlelight area and disagrees with the woman who misses the pumice plant. She said she and Jeanne Chavez begin the movement to invite people to attend meetings, including a woman who did all the legal work for the public hearings. She said the people are great and deserve a fair shot. She is for opening the station, commenting that we have to make the best of it. She said the key thing is that the study on the traffic be done after the station is open. She said she showed the people at the meetings she attended a study of the demographics done for the public hearing on the pumice plant which included the number of vehicles and types, emissions, etc., and she was told that wasn't necessary because Santa Fe doesn't have an air problem. She said we have a terrible air problem. She would be happy to give them the names of engineers who know how to do this, but we have to have an accurate account, including emissions and she agrees with Councilor Bushee that this is an awful intersection and is very very unsafe. She reiterated that the study has to be done after the station opens. She said Zia Road needs to be made more pedestrian friendly. She said there has to be community input on the study, saying "you have to make a very strong prenuptial agreement and follow through." The people there deserve the best shot possible. She said if she had to choose a developer to work with, it would be Merritt Brown. She thanked Councilor Romero for attending their emergency meeting on Saturday.

Diane Dumas said she is in favor of opening the Station. She said the theories about traffic will be theories until the station is opened, because we have no real facts. She said that the noise and pollution won't compare with what the pumice plant gave us. She believes we need a traffic signal at Galisteo and Rodeo. She hopes we can move forward in a workable manner and get this done. She said she bought her house here in 1988, and plans to stay in the neighborhood.

Marilyn Bane, President, Neighborhood Network, said she is speaking on behalf of the Neighborhood Network to support the two impacted neighborhood associations – ACSYL and Candlelight

– both of whom are members of the Neighborhood Network. She said the two neighborhood associations support the opening of the Zia Station with conditions. She said she read the packet and testimony, and very few people supported unconditional opening of the Station, and most wanted things done as a condition of opening the Station. She said this Council has anticipated these problems and understands the concerns. She agrees with Councilor Trujillo in terms of how long the gates will be down, and how far the traffic will back up. She said it may be true that the train will stop for 3 minutes, but those gates will be down a lot more than 3 minutes. She said Councilor Trujillo estimated it might be 6-7 minutes, and John Romero felt it would be 5 minutes, and said, “I think if we’re not careful, it’s going to be 15 minutes.” She is worried that this is a failed intersection and that we are dealing with a conceptual plan. She believes we can have a plan before the station opens, and doesn’t believe that is too much to ask. She would like to thank, particularly, Mayor Coss for agreeing to put forth the amendment for a 6 month and 12 month review after the station is open. She asked the Governing Body please to look at the concerns they have heard this evening. This is a bad intersection that won’t get better unless someone does something to make it better.

Paul Funk, Arbor Court, said he is concerned the train will stop there 14 times a day for 3 minutes for each stop – 42 minutes, but he thinks it actually will be more. He said no one has addressed how we will get emergency services on the other side of the tracks, and asked if anybody has talked with the City about how we will get services when the gates are down and the traffic is backed up. He thinks this factor needs to be included in the decision making process.

Thomas Copeland, Calle Luminoso, said he lives in the Candlelight Neighborhood. He said, “You do build public parking lots on private land. There is one on the north side of Zia Road. Now the fact that there are even 2 people who claim they own that makes it really interesting, but that is a public parking lot. The second thing is, for 30 years I have lived in this neighborhood and driven through the intersection of Galisteo and Zia, and every time I drove through there in the morning, or the lunch hour, or as school was getting out, the traffic was backed up. Tonight for the first time in 30 years, the intersection was not blocked. This was not thanks to the public safety people of Santa Fe who have refused to enforce the law about blocking intersections, whether it’s Galisteo or Brillante or any other street that intersects with Zia. The reason people weren’t blocking the intersection is because somebody put up signs that said ‘Don’t Block the Intersection.’ The City Police should be enforcing the no right turn on red at Zia and St. Francis.”

Mr. Copeland continued, “That intersection was extraordinarily dangerous before the Railrunner was moved up to St. Francis Drive and the free right turn at any time day or night was eliminated. There was a Yield sign, which meant hit the accelerator. The cars were going at least 60 mph when they crossed Galisteo. I can think of no better way to generate money for the City of Santa Fe than to go out and ticket people going westbound on Zia Road and not by the school. Get some radar guns and get them right there as they cross Lumbre and Brillante. This street is dangerous because the police do not enforce the law and Santa Fe drivers are the worst. There’s a song they used to play on the radio in Denver called *Drive Like a New Mexican*, and believe me, it really perfectly describes the way people drive in this town. And what I’m hearing tonight and what I’ve heard ever since this station was built, is the tyranny of the majority that says nobody can use that station because we don’t want to use that station. There are only

2,500 people a day using the damned Rail Runner and it costs \$65 million a year. Why don't we start getting a little bit of value out of it. I'm damned angry that I'm having to pay for that thing every time I buy anything, and I'm getting no value out of it whatsoever, because of very narrow minded people who cannot see the big picture of just letting somebody get out of a car and walk to the railroad station and ride that damned train."

Kathy Flynn she said she lives one street before Brillante, and the traffic is terrible and it's not going to get better with anything presented so far. Likewise, she feels it is going to impact their real estate values and their homes, because "who wants to live on any of the streets in this area." She said she also can't get onto Zia in the morning or in the evenings, or get onto Bella off Zia in the evening. She said this is before all of these other plans that have been discussed have been put into any kind of form. She said this is one big mess and she suspects the Governing Body feels the same way. It is a traffic problem, a safety problem, and a financial problem of major magnitude on both sides. She hopes the Governing Body and everybody else will look at everything all over again – because it is a mess.

Richard Wood said he lives about 1/4 miles from the station and agrees what has been said about broken promises. He said there is one aspect nobody has mentioned, which is the reason we have a failed intersection, which is that we have no other routes. The City has had opportunities to extend Richards Avenue to Cerrillos which has been removed from the table permanently. There were two chances to realign both Llano and Yucca, but that has been passed over. There perhaps was an opportunity to run Llano through the College of Santa Fe campus to St. Michaels when the City took that over. There are no other north-south routes. He said Camino Carlos Rey is full of speed humps and stop signs and it doesn't line up with anything, and you have to make a jog at Cerrillos to get to Siler. There has been no effort to provide any north-south routes other than St. Francis. As a result, everybody living South of Zia and between St. Francis and Richards have no other route but to come to Zia, the failed intersection and try to make a left onto St. Francis. The only thing which has been done during the past year is the possible extension of Rabbit Road to Richards which might help. He said nothing he has seen proposed or done has tried to address this failed intersection. He said what is being proposed won't make it better. He was here in this room when people from our neighborhood came here and said we want a Station at Zia, and the Governing Body accepted that. He said he would not have supported the Station if he had realized that the traffic solution proposed would be the result.

Thomas Nichols, Brillante Lane, said the Memo from Mr. Wilson in the packet talks about majorities. He said the sign-in sheets from the meetings would indicate the majority live in Eldorado, and don't live here. This is the reason "all of the hands went up for more than 30 places, because they want to park there to keep from going to 599." Secondly, John Romero said the gates will be down for 3 minutes for each stop, which isn't going to happen because people don't just jump onto a train in 3 minutes, because they can't load and unload the train that quickly, especially if there are disabled persons boarding the train. Third, is the issue of safety and 911 calls. He said if you close Galisteo, emergency vehicles will have to take the long detour around to get to those neighborhoods on the other side of Zia. He said traffic

does back up on Zia whatever the time of day. He said closing the median is a terrible idea, because people will make u-turns, and people coming around a blind curve are going very fast and someone trying to make a u-turn is going to be killed.

The Public Hearing was closed

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

- Mayor Coss thanked the public for great decorum, noting it has been a long time since we had a land use hearing, and it is nice to see everyone.
- Councilor Ortiz said, “I will start by saying this is not a land use hearing. This was turned into a land use hearing because the public wanted to have input on what this decision was. This decision came to the City from the Rail Runner and the Department of Transportation through the MPO, in which they wanted to know: Did we want to open this station on a temporary basis. So staff approached some of us, those of us who represent this part of town and said, ‘What do we do.’ There was no process that we had for doing this kind of temporary opening of a station, especially if that station is being opened, or contemplated on private land. The developers were here. It wasn’t the City that approved this station, it was the MPO, an organization of City Councilors and County Commissioners who decided that this was for their purposes and for the plan that was being presented at the time, the best location out of I think 5 choices. And at that time, the condition was made that this station would not open until there were development plans that included the things that you folks are here talking about: traffic impacts and parking and how it looks with the surroundings. And these developers, responsible, ethical developers, agreed to those conditions. They still agree to those conditions.”

Councilor Ortiz continued, “It is because of the clamor of certain people who want to see that station open. And the fact that the State... and not really the State... people who are responsible for the Rail Runner, it’s called MR COG, the Middle Rio Grande Councils of Government, didn’t have enough money to do the improvements that we asked them to do on Rodeo Road, and didn’t have the money to do the improvements on Zia Road like we asked them to, and didn’t have the money to do any of the improvements along the line going up to the Rail Depot, or down to 599, but they had enough money to complete the station. So they put in the infrastructure on this private land and they washed their hands of all the promises they made [to] those of us who were sitting on that board and staff in meetings to try to get that Rail Runner done. Those promises were never kept. But they did have enough money, and they did complete that station.”

Councilor Ortiz continued, “So people kept driving by that station and said, ‘When is it going to open.’ They kept calling staff, Public Works staff, the MPO staff, the City Manager’s staff and said, ‘When is the station going to open.’ And that’s why we’re here tonight. We’re here tonight because of the same public impetus to open the station, even on a temporary basis that runs up against the land use decision that was made, which is come up with the development plan, go

through the process, and after it's approved, whatever is approved, if anything is approved, that's when the station opens. Neither staff, any of the Council, the developer has ever deviated from that. It's only because of public input to have the station open on a temporary basis that these proposals are even being considered."

Councilor Ortiz continued, "And so I find it typical that we would have certain people who would come up and say, 'What are you doing. This plan doesn't have any substance to it. There's no traffic input. Why approve something before traffic analysis.' Well, if we open the station and there would be traffic analysis, then you would have reliable, practical, real time data, not the kinds of hypothetical data that those of you who are... some of you in the audience have been categorically opposed to any development on this property from the time the pumice plant was demolished. And I acknowledge that, and I acknowledge that you will oppose a traffic plan which comes forward with real numbers. I know that. I also know, as has been put forward by the developer and by staff, that if this station was open and you could determine what that station did or did not do, that would not only impact the hard numbers that would come out, we would know how much traffic was there. We would know if there was even any ability for the developer to come forward with plans. The developer would have, not a hypothetical plan based upon no data, but a plan that is based on actual usage at the station. That is where we have been"

Councilor Ortiz continued, "Some of us on this Council have been pushing staff to push for the same kind of three-lane access to get onto St. Francis Drive, that the north side of town has on Paseo de Peralta, a similar failing intersection, same kind of traffic backup that occurs. Paseo de Peralta had an intersection that had 3 lanes of left turns. Why can't Zia Road. We have been told by staff that that has been put on hold because the developer, when they come forward with a plan will present the kind of improvements that staff deems necessary for that failing intersection."

Councilor Ortiz continued, "So what we're faced with here is an opportunity to actually get what we never get in a land use case. And, we're going to have this land use case maybe in 18 months or two years, which is an actual use, where we have real data that we can then plug into models to come up with exactly what is needed. We never have that in land use cases. All we have are people who come forward and say, 'This is what we propose is going to happen.' And we get traffic engineers who say, 'Based on this hypothetical use, here's where we think the traffic flow is going to go, based upon numbers that we derived from charts or from past practice, never from actual usage."

Councilor Ortiz continued, "I have listened to many of your calls. I've seen many of your emails. Some of you say that you don't want parking on this facility, and then if a proposal is made to not have any parking, to make it a straight park and ride with no parking, I hear from some of you, 'Well that will impact out neighborhoods and we will have parking on our streets.' So, we could come up with, tonight or at some point, a residential district and allow you guys to have permits so that you... we could come forward and have a process to identify which are those residential parkers, and which are those people coming from Eldorado. And then we'll hear objections to that

because it's an issue of enforcement. As some of you have said, 'If we could just get police out there to give tickets then we would be able to curb some of the failing actions people are doing.'

Councilor Ortiz continued, "I have been asking City staff to come up with a proposal to get more people into that two-lane queue on Zia and St. Francis, and to avoid the traffic impacts for a number of years. We haven't seen it yet. We're just being told that, if we approve this conceptually, those plans would come, that those plans would have to put into place and paid for by the developer, not by the City, and that those plans would have to go through a public process, just like any other development plan would have to go through. That's what we're being asked to approve here."

Councilor Ortiz continued, "I can tell you, unequivocally, that I see through my front door and through my daughter's window, bedroom window, I see empty trains come by every single day and night. The Rail Runner is a failure. It is failing. And I, in looking at this vision we have before us tonight, just like I think the developer is doing, is taking a guess: Is the Rail Runner going to be financially feasible and running two years when that development plan comes up. Because, if it is and we do this plan, then we will have really nice data that we can compare to what will actually fit on the property. But if it's not, if the Rail Runner is defunct in two years, given their operational cost, then the fact that people are not riding it, given the fact that it takes about 95 minutes.... If I were to park my car and get on at the Station to go down to Albuquerque, I could almost make it there and back in the same time it would take me one way, even with the kinds of prices we're having with gas. That's the consideration that we have to make. We've got to make a decision with imperfect information. Even now, after talking to someone who was intimately involved with the Rail Runner operation and with getting it on board, I still don't think it's going to be around in two years."

Councilor Ortiz continued, "And so, I would rather see, if it's not going to be around, I would rather see as much of this Capital Improvement money go into the improvements I know need to happen on Zia Road, that I know need to happen on Galisteo, that I know need to happen on Rodeo Road. The director of the Rail Runner at the time, who was a candidate for Lt. Governor, sat across from me and promised that he would have safety improvements on Rodeo Road. And that intersection at Galisteo and Rodeo would be treated the same as the intersection at Zia Road. That was said and was not delivered. And I don't see it happening in the future because there is no Phase 2 for capital improvements for the Road Runner. This is it. This is all we've got from the Rail Runner."

Councilor Ortiz continued, "Given where that Rail Runner is, given the agreement that the developer has, I think that the best course of action is to wait until the Rail Runner proves itself sustainable. The financial information that was provided in the paper today was sobering to me. Sobering because I always knew it was operating at a loss. I always knew that it was operating based on temporary money that was sustainable, that was not covered. But the fact that there is that additional debt service on top of it, given the tenor and the political climate of the State these days, I can't believe the Rail Runner will be around in two years. If it's not going to be around in

two years, why are we spending \$280,000, and really, forcing these folks to spend \$280,000, with no hope that the City is going to be able to get that back to do the improvements that are necessary for that intersection. I don't see it."

Councilor Ortiz continued, "I think I told one of you in an email that the contacts I had from your neighborhood was roughly 50-50. So I knew that whatever decision was going to be made by us, half of you were going to be disappointed with it and half of you were going to be okay with it. So, I haven't gotten a sense at all that there is a clear consensus or clear majority one way or another. I just haven't received that, and so right now, I have to go where I think this is. I think the developer agreed to submit a development plan before it opens. I don't think the Rail Runner is going to be around. I think that we need to take pause and we need to rethink this temporary operation until we have more information on the feasibility of the Rail Runner. That's where I am."

- Councilor Trujillo said, "Let me first answer one question about EMS. Fire Station #4, Arroyo Chamiso, which is down by the Genoveva Chavez Center, that is the fire station that brings EMS to those neighborhoods. It's not the other fire station going toward the Elks. I want everybody to know."

Councilor Trujillo continued, "As Councilor Ortiz said, we were made promises by certain people. They never came to fruition. But I'm also looking at how we get this raw data, as was stated. If we don't open it, we're just going off guesses, off speculation by engineers. But if we do open it, we get the raw data. We'll know just exactly what the impact is to St. Frances Drive, to the Candelero neighborhood, to Zia Road, to Calle Lumbre, to all these neighborhoods that are being affected. I'm not a traffic engineer, but I've been around building roads at the DOT as an inspector, and I've see the impact that some of these roads have on some communities, and the good it's had in other communities. But this one is very tricky, because you are impacting a neighborhood. I've heard many people talk here about Richards Avenue, getting the thoroughfare there, but you would be impacting another neighborhood with it, Bellamah as well. It's a very tricky situation there."

Councilor Trujillo continued, "My concern is if we do open this, we're talking 6 months to a year, is what the Mayor had asked on that for the review. If we were to open this and we find out, hey, this isn't working. The impact on the neighborhoods is bad. Do we have the right to say, stop it. It's done, we had data for 3-6 months, stop stopping at the Zia Road intersection. It's having too much impact on the neighborhood and on the street. Can we do that Geno."

Mr. Zamora said, "I think what's key to MR COG and the DOT, is that there is sufficient infrastructure to support opening of that station, and therefore if you remove or close the infrastructure at a period in the future, let's say a year from now, I think that will impact the decision of whether it stays open. I don't have an exact answer that the Governing Body can command

that station to close once open. But I think the opening of the station is absolutely dependent on infrastructure, and if the City removes or closes that infrastructure in a year from now, it severely impacts whether that station stays open.”

- Councilor Trujillo asked, “Keith you might know. Are there any plans for more studies on St. Francis Drive. I know they were doing one about two years ago, we even stopped that bridge going across right here at the intersection of Cerrillos Road and St. Francis because of that, because they were doing a realignment of that. I have talked to many of the traffic engineers and it is a failed... it's a failed road. Technically it's a failed road because the traffic signals don't talk to each other. I, myself, drive this road every day. I take my son every morning. I can tell you right now, every day I hit that intersection, and I've seen the traffic the way it backs up. I know what this neighborhood goes through, because I see the people waiting and waiting and waiting to get across. So, are there any plans from the DOT to do any more studies there, to widen that section. As Councilor Ortiz said, it would be nice to have three, but the way I see Zia Road, it's a two lane highway and I don't see that ever becoming a six-lane highway.”

Mr. Wilson said the New Mexico Department of Transportation... it wasn't a full study, but they looked at the St. Francis corridor at the same time they looked at I-25 and the New Mexico 599 corridors. That study did not come up with any specific recommendations for improvements for St. Francis Drive, Zia Road, and we did in our Metropolitan Transportation Plan, which is a long range plan, that intersection is in our Plan for further study. At this time, there is no definitive action for that study, and so right now, there is no specific timeframe of when that intersection or any of the ones along the corridor would be receiving further study.”

- Councilor Trujillo said, “I have another question, when the arms come down – I have gotten 3 minutes, I've gotten 2 minutes, I've gotten all the way to 7 minutes. Can I get a definite answer of how long that... you guys said you had done mock runs – you guys should be able to tell me from the minute it hits, because you're looking at it coming down as the train is coming into the station. I want to know exactly how long it's taking from the minute those arms go down until it leaves and the arms come up.”

Mr. Wilson said, “Three minutes, and seconds either way.”

- Councilor Trujillo said he understands that. He wants to know about those situations the gentlemen spoke about when there is someone who is disabled, or someone is late and asks them to wait while they get on.

Mr. Wilson said, “What we have discussed with DOT, who would pass this on to Rio Metro which actually operates and creates the schedule, is the request would be that the train would never get to Zia Station on time or ahead of schedule, but would always be one or two minutes behind schedule. Because if it's ahead of schedule, it can't leave the Station until it hits that time frame. Whereas if it comes in late, as it were, one or two minutes late, as soon as passengers have gone

on and gone off, the train can then leave again. So, circumstances, if there's no one getting on or off, then the stop may be even shorter than the 3 minutes."

- Councilor Trujillo asked, "Between the hours of 7:15 a.m. and 8:15 a.m., how many times are the trains going to be there. One at 7:30 a.m."

Mr. Wilson said, "Between 7:15 a.m. and 8:15 a.m.: There's a northbound train at 7:31 a.m., a southbound train at 7:21 a.m."

- Councilor Wurzbarger said, "Okay, I'm going to say something conceptual, even though I know that's not pleasant to everyone necessarily. Just imagine that one of the solutions to the long term problem of the previously failed and currently failed Zia, is the use of a public transportation system from Zia Road downtown, just as a concept. Now, I'm concerned, after hearing the testimony, that it's much clearer to me than before about the promise that was made, and not by people in this room, and the promises lost, with respect to this thing, a local station, as opposed to a feeder station. And I don't see why we can't go back to that vision and also provide the test that many of us up here felt might be useful long term. I know of no requirement from the State to have it open, in terms of infrastructure, that says you will have two parking spots, you will have 30, you will have 50. I don't think we have been proscribed from opening the station on the condition that is a "kiss and drop," or whatever the technical term is for that. I don't know if there's any reason why we could not pursue that option."

Councilor Wurzbarger continued, "The other thing I don't know, is why we could not pursue the option... just because there are 9 trains coming from Albuquerque, if indeed the option was to support the local community, why do we have to have all 9 trains stop at the Zia Station, which would address the issues of the 3 minutes or the 5 minutes. At least for a testing period, we could open it up for 3, and for those of you, I think somebody reported a statistic earlier, that of the survey that 39 or 40%, did I hear that correctly, were people in the neighborhood who wanted to take it. That's no cars. That's no impact except perhaps for driving down, letting them off, letting them off a block away. So, I think looking at that kind of option might address some of the concerns and also give us the possibility... I'm not ready to say that the investment we made in the Rail Runner... and wait until we see how other people solve the problem. Because the fact is, if we don't start using the Rail Runner, both from Albuquerque, both through tourists increasing the service, increase the fares, we're never going to be able to pay for it."

Councilor Wurzbarger continued, "So the idea that I would like to explore, and I don't know if it can be done in conjunction with this particular Resolution, I suspect that it could if members of the Council are interested in this option, is that we look at the four different variables that have been expressed as concerns, and we still could go forward with the test. But there is no parking there, and if people park in the neighborhoods, I did ask, as Councilor Ortiz referenced, I had asked earlier, we have the authority to set a residential district and anyone parking there will receive a ticket. We can also boot their cars. So, I think if you divide the problem into 5 different pieces of

what the concerns are, we could move forward with a process that would give us the information we need, so we don't need two years. And go back to the original vision, which is to build a transit oriented development down the road. And in the meantime, to take advantage of the service that could further provide opportunities and options for people in Santa Fe not to drive their cars without hurting the neighborhood."

- Councilor Dominguez said he understands improvements will be made to the road via this item on the agenda tonight. He asked Matthew O'Reilly if, in two years the Rail Runner doesn't exist for whatever reason, and the development plan comes forward, and there are improvements which need to be made based on current conditions, those are things which Planning and Land use would take into consideration at that time.

Mr. O'Reilly asked Councilor Dominguez if he is asking if a development came forward in two years, if that development would be able to apply for fee credits against the total impact fees that he would have to pay, and Councilor Dominguez said yes.

Mr. O'Reilly said the answer is, he believes, yes. We don't know what this developer might propose on this property, but any time a building is built in the City, impact fees are assessed, noting they often are hundreds of thousands of dollars. He said, "If he was to do this, then this credit against his Road Impact Fees, this credit could be applied against those."

- Councilor Dominguez said, then in that sense, the Applicant or potential future Applicant, would then have to pay for improvements that aren't identified in those impacts, if there were some. We don't know what the future holds, but if the improvements are made now and the credits given are insufficient for whatever development might come forward, all that stuff would be weighed and there is the potential the developer might have to pay even more impact fees.

Mr. O'Reilly said that is correct. He said if a developer proposes a development and it causes the need, for example, roads around this project to be upgraded, the developer has to pay for that and no credits are given for that. The only time someone can get credits for something is if he's building something the City already has identified as something it wants to be built. This is the reason for one of the Resolutions before you tonight. If the Council decides these improvements should be put in the Capital Improvements Impact Plan, and a developer came and built them, then he could receive credits for them. If they weren't on the plan, he could not receive credit.

- Councilor Dominguez said he wants to ensure if something goes forward in some form, that we aren't relieving the applicant of the responsibility to make future improvements in relation to the development that could exist. He said at this moment in time, improvements will be made to that intersection and that road, based on what professional engineers have determined in making u-turns. He said, with regard to the improvements to be made with regard to the Rail Runner Station, if the station doesn't exist, additional improvements may be needed and he wants to be sure we don't miss the opportunity to provide that.

Mr. O'Reilly said if a development plan comes forward in the future and that triggers the requirement to improve the roads further, the developer will have to do that. If the Council approves this agreement tonight, it doesn't relieve the developer from having to do whatever road improvements the City deems necessary to support the development.

- Councilor Bushee asked Mr. Wilson when this was first presented was this meant to be a park and ride. Was it meant to be only a neighborhood station without parking.

Mr. Wilson said he wasn't with the MPO when the MPO made the decision to approve the station location. However, the language of the motion which was made to approve the station location was narrowly tailored to minimize other traffic. There were other references to clarify this, but there were references to "kiss and ride," and things like that – that kind of neighborhood station. That type of language was used.

- Councilor Bushee said she has read all the minutes and various iterations, and initially it talks about this being a great site because people would walk or ride their bicycles to this station primarily. She likes what Councilor Wurzbarger suggested to some degree – if it were not to be about additional traffic and not to be about cars. She said this License Agreement before us is all about development of parking areas and bus and pickup/drop-off areas and parking. She said she is always concerned about adding more traffic problems.
- Councilor Romero asked what is meant by "local," commenting that people from Eldorado are local because they are in Santa Fe County. She said she doesn't believe everything the Governor says, and believes those are inflated numbers, unproven information and looks forward to getting reliable data. She said her sense is that people are using the Rail Runner for a variety of stops to get to and from places. She supports this. She said she is on that road, and walks the road to her daughter's house and experiences the traffic concerns people talk about. However, we need to do some problem solving to open it together. She hopes something is done here, and the only way we can do that is to move forward. She supports opening the station and moving forward. Not just for locals.
- Councilor Calvert said he has concerns about what is being proposed conceptually at the Station. He said in his concept of Transit Oriented Development, parking is minimal and in some cases non-existent in some of the models he's seen for other cities. It troubles him that we are going to try to open the station to test and get data, and we won't be providing transit. He said he looks at the "solution" to some of the traffic problems at Zia by extending the left turn bays, which solve some problems but create others. He said he can hear the requests for traffic calming, stop signs, more police patrols and such, as a result. He said without a comprehensive look at the results, the solution we have will create more problems than it solves. He said the developer has said he is ready to come forward with a plan, and someone told him to stop and let's consider this separately. He said he doesn't know who told him that, or why, and he doesn't understand that aspect either.

Councilor Calvert said, "I'm trying to piece together some of the things that I've been hearing. And, I agree to a certain extent with Councilor Wurzbarger. I think that if we set it up as it was designed, as a Transit Oriented Development, with fewer little parking spaces, I think you could already improve... taking what Councilor Ortiz said about what they do at Paseo de Peralta and St. Francis, not far from here, I don't see why that couldn't be done right now for Zia and St. Francis. The Real Estate is no different in terms of size that I can determine. This intersection is probably even bigger than that one. It looks to me like, and somebody can correct me if I'm wrong, but there are at least 3 lanes that could turn left, and the far right one, could be like on Peralta, or you could go straight ahead. So you could solve some of the peak problems without extending... well you might want to extend it a little bit, but you wouldn't want to extend it down so it blocks Galisteo Road. I don't think that's going to help. It will create more problems than it solves."

Councilor Calvert continued, "And perhaps instead of asking for this kind of improvement from the developer, I don't know if this could be done, or this is allowed, but I'd like to see that money, if you will, go into providing transit to that station, providing the bus or the staffing or whatever to test that connection and get it going if it is going to be a Transit Oriented Development. Those are the kinds of things that I would like to see, if we're going to do this. I think if we're going to do it, let's do it like it's supposed to be and how we plan it to be in the future, and not provide all these parking spaces now and say that really wasn't what we intended and we're screwing around with traffic on the streets that's not helping the situation really and it's not helping our model for the future of what that development's supposed to be."

- Councilor Bushee asked if we can use Impact Fees to buy buses.
- Councilor Calvert said he doesn't know, but we can ask staff. He said if it's to reduce traffic on the street it might be possible.
- Mayor Coss said that would be a stretch.
- Councilor Trujillo asked the reason the arms can't stay up at that intersection like they do at Alta Vista when the train comes into Alta Vista Station, so the traffic keeps flowing.

Mr. Wilson said that was one option when they did the simulated stop the first time, that's how the gates operated. The difference is that this is a traffic signal, and for safety reasons, there is a preemption when a train is detected. It sends a signal into a certain cycle that clears Zia Road. He said, "What happened in the simulation was when we simulated a stop, the gates came down as they normally did and the green signal to clear Zia happened. But when the train started to leave the station after the gates had come back up and then went back down, there was that preemption and the potential to leave vehicles trapped within the gates without being cleared." He said they met with the train engineer about the best solution from a safety standpoint and the operation of the traffic signals. He said introducing a second preemption for the second gate operation would screw up St. Francis coordination and that whole intersection a second time. So it

was thought it best to keep the gates down for the full time the train was stopped in the station, and the reason it was done.

- Councilor Trujillo asked John Romero to comment on a third lane on Zia Road, how would that work, and asked who owns the land.

John Romero said the land is owned by Merritt Brown.

- Councilor Trujillo asked if there is the potential to get a third lane in there and push the traffic in before “you get to that neighborhood to allow more traffic to get out of that intersection.”

John Romero said, “That’s a very good question and I can understand how it’s easy to relate this potential triple left to the one we implemented on Paseo de Peralta. He said the difference is at Paseo de Peralta and Crucitas, where we added the 3rd outer left, the 3rd outer left conflicts with the Crucitas left. So in order to mitigate that so the two lefts don’t go at the same time, we did what’s called a split phase. So what happens is, Paseo de Peralta comes up green with the green ball and the green arrow, and then Crucitas comes up with a green ball and a green arrow. That’s not like your conventional where they both come up with a green arrow and a green ball. We had to split phase it which typically makes the signal operate very inefficiently, but because of the relatively low traffic volumes coming out of Crucitas it works well at Paseo de Peralta. At this location there is that problem as well. If we added a triple left, the outer left would conflict with the dual left coming out of Walgreens from the east side westbound. So, if we were to split phase that, we did model that and looked at it, it made the signal operate very poorly. The other alternative is to get rid of one of the left turn lanes. Based on accounts we received through the DOT Corridor Study, it showed that we weren’t going to gain a lot, that there was a decent demand coming from the Walgreens side which necessitated the dual left. So it’s a tough thing to balance. So to get this done, we would have to widen the intersection and separate the two left turns so they could happen currently.” John Romero said he feels there is a good reason this hasn’t been pursued at this time.

- Councilor Trujillo said then turning left onto Zia from St. Francis, it would be better to have just the one turn lane.

John Romero said if a third eastbound left were to be added, it would conflict with one of the two lefts coming west to make a left going toward I-25, the two left turns would conflict. He said to mitigate that it would be necessary to widen the intersection – add asphalt, move mast arms – and it’s a little more excessive than just adding a couple of signal heads.

- Councilor Chavez he wants to bust the myth that people ride the Rail Runner to come here from Albuquerque to spend money. He said that’s a small part of it, but he believes people from Albuquerque ride the Rail Runner up here and get the shuttle to Buffalo Thunder. He said there is also a shuttle to Taos for \$5. He said people say we need to look at the big picture, and asked

what is the big picture – is it only transit oriented development, to get people to come to Santa Fe to spend money. He said without knowing the big picture on this site, it is difficult for him to make that decision. He supports public transportation and alternative transportation such as bicycles. However, he is unsure whether this will fit in this rail corridor and with the existing neighborhood. The big picture could mean there could be park and ride, no park and ride and just transit oriented development, but that in totality will impact existing infrastructure and neighborhoods. He doesn't know how to reconcile this.

MOTION: Councilor Wurzburger moved, seconded by Councilor Trujillo for purposes of discussion, to adopt Resolution No. 2011-44 [Item H(8)(1) "that we amend Table 22 of the City of Santa Fe Impact Fee Capital Improvements Plan regarding not "Planned Major Road Improvements 2007-2012," I'm striking that, not the road improvements, and saying, since we don't know what we want to do with the roads, and say by adding Zia Station Infrastructure Improvements to be limited as a drop-off facility, and that would be an eligible project to receive impact fees."

DISCUSSION: Councilor Bushee asked Councilor Wurzburger how she is addressing parking on that one.

Councilor Wurzburger said, There will be minimal parking, I don't want to say how much parking. It's not the 30 spots."

Councilor Dominguez asked if there is an official definition of parking.

Councilor Wurzburger said, "Are there a typical number of parking spots that go with the 'kiss and ride' approach, that you could direct us to. No. Well, I'm going to make up a number. Oh no, okay. Then we're going to do a long term study for the next 6 months to determine how many parking spots there'll be. I don't know how many parking spots. I think we want to move away from 30 to give 10. I don't have a basis. Staff can't give us a basis. The basis for 30 was the Las Soleras project, and concept me a drop-off would be a place where you have 30 minutes parking, or a waiting only zone, just not a parking zone. So, that would be the motion to start for discussion."

Councilor Trujillo said, "Councilor Wurzburger, if we're looking at this as just a 'kiss and ride,' so then I'm looking at zero parking spaces.

Councilor Wurzburger said, "Unless Council wants to say try a little bit of parking, we don't believe that 5 cars would over-affect Zia Road impasse that already exists."

Councilor Trujillo said, "My concern is we put maybe 4 or 5 and then we'd probably... if I was to look at any parking that would actually go there, it would probably just be handicapped parking."

Councilor Wurzburger said okay.

Councilor Trujillo said, "Because if not, I think you're going to have the influx of people that want to park there and they'll end up parking in those neighborhoods."

SECOND PART OF THE MOTION: Councilor Wurzbarger said, "The second part of the motion requires the Residential Zone so it doesn't bleed over into the neighborhoods."

Councilor Bushee said, for purposes of clarification, maybe you can come back after a certain time if there's any ridership with this approach, but it costs no infrastructure if you're not adding parking. You're not rearranging the traffic from what it is. We already know it's bad, but you're not making it worse, so I like this idea, but I want to make sure we do all of the pieces correctly. And we have that License Agreement that needs to be completely altered and that's really the second piece."

Councilor Wurzbarger said, "That's the second piece. I haven't gotten to it yet."

Councilor Bushee said, "So on the first part, if your motion, if I am correct in hearing that you're not going to ask for any parking other than handicapped."

Councilor Wurzbarger said, "Well, and for parking spots for people to stop, drop, kiss...."

Councilor Bushee said, "That's not so much parking, but to pull in..."

Councilor Wurzbarger said, "It would be like a circle and then you have a few spots."

FRIENDLY AMENDMENT: Councilor Bushee said, "How about if we ask staff to design a 'kiss and drop,' that's the name of it, although I think you call it 'kiss and ride.'"

DISCUSSION ON THE FRIENDLY AMENDMENT:

Councilor Wurzbarger said, "We want to make it clear that it's not ride, it's drop then ride. I mean the east coast does this all the time. I don't care what we call it, I just want to do something like that."

Councilor Bushee said, "I just want to be clear that we're not going to take impact fees for the traffic improvements that have been worked up, or for major parking."

Councilor Wurzbarger said, "Not major parking."

Councilor Bushee said, "What was designed originally for all the multi-modal that we're still trying to fund at the Railyard now, is to just have a pull-off, you know, that you come and... it has cars that can stack up and drop off people, and that's it. And then I think a couple of handicapped spaces. So, I don't think we have to get specific on the numbers. We just have to ask staff to design that."

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.

CONTINUATION OF DISCUSSION ON THE MAIN MOTION AS AMENDED: Councilor Bushee said, "And it should probably come back through one committee or another just to make sure.... or whatever. And still come back after a certain period of time to review how the ridership is going, but essentially opens the station, and we've got to get to this License Agreement."

Councilor Wurzburger said she wants to finish this item first.

Councilor Bushee asked, "What are impact fees going to be used for, is my point."

Councilor Wurzburger said it would at least have to be a gravel drive and drop-off area with some parking for handicapped.

Mr. Wilson said the sidewalk along Zia Road is an important aspect.

Councilor Bushee said, "Rebecca, whoa, whoa, a sidewalk was promised on Zia Road for anything that is going to happen."

Councilor Wurzburger said, "I would like to go back to what I've heard as original promises. That's what I'm trying to do. If there was a sidewalk, I'm sorry I missed it, let's put it back in."

Councilor Bushee asked if any other pedestrian amenities are needed.

Mr. Wilson said, "No. I just want to clarify that the traffic mitigation is to address the gate operation, not the traffic generated by the station. So, the parking numbers, if you want John, can address that based on the volume of traffic this station would generate to clarify that issue for you."

Councilor Bushee said, "I think we're already off of parking. But really, what the problem is, what do you do about the gates and the traffic back-up from the train stopping."

Councilor Wurzburger said, "That's what I was going to address. The idea that we don't have to start it off all 9 times. We're making a request of the Department of Transportation to open the Zia Station, we put the number of times we want to try it. I mean if it's 9, let's say 4, let's say 5, just to see what's going to happen."

Councilor Bushee asked, "Is there a way to lessen that three minutes."

Councilor Wurzburger said, "I don't know, that's the whole..."

Councilor Bushee said, "That's what all those traffic gyrations were about."

Councilor Wurzbarger said, "Well, I heard 3 minutes to 5 minutes times 9 times, so again, I'm trying to find a compromise for purposes of figuring out how we might move forward with this. And, we're assuming that it's the neighborhood people who would ride, then they can make decisions about having 5 chances rather than no chances to ride."

John Romero said, "Mayor, Councilors, I think the minimum time the gates will be down total is 3 minutes, as opposed to the current 1 minute on average."

Councilor Bushee said, "You mean if we don't do what you suggested on traffic. Is that what you mean?"

John Romero said, "Again, the Station affects traffic two ways. One is the demand that it draws, and two, how the gates affect the signal. The demand that it draws, we didn't analyze it specifically for one major reason, and it's because the pick-up, the station stop times, straddle our peak hour times. Whenever we analyze traffic, we analyze during our peak hours. And typically, in Santa Fe, the morning peak hours are from 7:30 a.m. to 8:30 a.m., and afternoon from 4:30 p.m. to 5:30 p.m.. The station stop times completely straddle that, so it's really hard to quantify that. Now, the gate down times straddle that as well. When we went out there, we did try to run as good an analysis as we could, and we took a look at how traffic backs up when the train comes by. At the time, they had an express train that came through at 8:30 a.m., and that was about the worst impact they had. Now, they got rid of that, so really, we have a train coming through at 7:20 a.m., 7:30 a.m., and 9:00 a.m., and I think those... when the train would come by and the gate would be down, yes, it would impede traffic. Yes, they would be down for 3 minutes, but I think it would be just before and well after our morning rush when everybody's trying to make that left turn."

Mayor Coss said, "I think we know that 9:00 a.m. isn't the rush hour, usually."

John Romero said, "But in the context, as people present it, and I can understand how it's easy to think this, but we think that all of these things will be happening at exactly the same time. The times that we experience this long, left-hand queue, and when the train's going to come by, and all these kinds of things, and they all aren't happening at the same time. They happen at different times of the day, so they may not directly affect each other. So I think it's important to note, in the afternoon, it will affect the right turn to Zia, in the afternoon it's coming by at 5:48 p.m., 4:23 p.m. and 5:38, and again, I think it just straddles our peak hours and people are really using that between 4:30 p.m. and 5:30 p.m. So I think that's important to know."

Mayor Coss said, "Well we might ask that the train not stop between 4:30 p.m. and 5:30 p.m."

Councilor Wurzbarger said this is what she would think we would do.

Councilor Bushee said that is when people would use the station.

Councilor Wurzbarger said, "But you don't have to do 3 of those during that time period, you do 1."

Councilor Trujillo said, "Even if there were 9 stops. If nobody is at the train station, does the train stop, or does the driver of that train have the option to say, 'Guess what. Nobody's here, so I'm going to keep on going.' Or do they have to stop. Well if nobody's there, why stop."

Councilor Calvert said there may be people on board who want to get off.

Councilor Trujillo asked what if nobody wants to get off.

Mr. Wilson said, "Currently, there are 7 trains northbound and 7 trains southbound in the weekday schedule that just went into service this week. Based on the schedule they gave us that showed Zia, they would stop every one of those 7. And my understanding, from conversations with the NM DOT, is that over time, they would evaluate the ridership using the station, and if no one is using a certain train over an extended period, then they will look at discontinuing that stop for that specific train. So, I think over time, if this station was to open initially, all 7 northbound and all 7 southbound trains would stop at the station, and over time they would evaluate whether it is worth stopping at this station for any of the 7 or any of those that showed the most promise for ridership."

Councilor Bushee said her concern is to find a time the ridership wants to use the train, and that conflicts with the traffic that's already bad at that intersection, and then asked how you decide what to do.

Mr. Wilson said John [Romero] mentioned the current times they're proposing for the trains to be stopping – right before the morning peak traffic builds up, and before and after the afternoon peak traffic. He said he was out there last week looking at the morning peak, and it was about 7:35 a.m. when it picked up, and traffic started to build. It was almost completely gone by 8:30 a.m.

Mayor Coss said we were focusing on parking, but parking won't cause the problem with 30 cars one way or the other in that intersection all day long, and asked, "Will that beat a sale at Walgreens for traffic generation."

John Romero said, "Mayor Coss, you're completely correct. I don't think it's going to be the traffic pull, it's going to be the amount of time the arms stay down."

Mayor Coss said then the backup will be caused by the arms coming up and down, but the arms won't go up and down during the peak hours.

Councilor Wurzbarger said, "The intention is to make that part of our request as a condition of opening the Zia Station."

John Romero said, "I think it already is with all 9 stops, or ever how many there are, it already does not conflict with our peak hours. So, arguably, all 9 stops could..."

Mayor Coss said we could make that condition and they already could meet it, and John Romero said this is correct.

Councilor Bushee said, "The station's already there. It's not like we're spending any more money."

Councilor Chavez said, "So we need to connect another dot. And that would be, if this opens on a temporary basis and we want to have Santa Fe Trails to do their piece. Jon what is that going to cost, Jon Bulthuis, and what is the time frame."

Mr. Bulthuis said, "We haven't done the detailed analysis to identify exactly how much that would cost, but in order to provide service at a level that would minimize the wait time so that folks would make use of it, in just casual discussion that we've had with staff and with the Transit Advisory Board, it would probably require about a doubling of the frequency on Route 6. So, you would want to have connections coming into the Station from both directions. And right now, the route operates on a 60 minute headway. If we doubled frequency during peak hours when the train is coming through that Station, it would cost, on the order of the magnitude of \$100,000 or better to bring that new level of service in, and that would bring the wait times down to an average of about 15 minutes at that site. So, that's just in terms of what the cost increments would be. It's a rough guess."

Councilor Chavez said then it would cost \$100,000 for the level of service we have in the rest of our system.

Mr. Bulthuis said that would bring it to 30 minute headways which is what we have on Route 4 and some of our other routes. He said Route 6 is at 60 minutes, so even if we did move the scheduled route structure so that it served that station it would only come through every hour, so it might not make the vital connections you want unless we increased the service frequency.

Councilor Chavez said then money is the obstacle, and asked if we were to have the money, is we have the rolling stock.

Mr. Bulthuis said yes, it's just a matter of paying for those hours of service to put the extra bus in service. He said adding peak hour service would be one way to do this so we would connect to some of the trains and we could phase-in future service down the road. The \$100,000 would be just for peak hour service.

Councilor Chavez asked about the Santa Fe Pick Up.

Mr. Bulthuis said they would be in the same situation where they would have to add staff to provide the new level of service.

Councilor Chavez said one service is free but the other isn't.

Mr. Bulthuis said they all cost money, but we don't charge on the Santa Fe Pick Up.

Councilor Romero asked Matthew O'Reilly, "From your experience, from the development side, providing parking is often critical so it doesn't impact other areas. I'm just thinking that these neighborhoods said they didn't want to be impacted by parking, so I'm just trying to think of, in your experience around development, how does the parking relate, because zero parking isn't making any sense to me. Why just drop off when there are people from other areas of town that would potentially use this station. So, I'm just trying to figure out, what is your experience on providing that kind of parking, and its impact on neighborhoods if it's not provided."

Mr. O'Reilly said, "The City has parking standards for all different kinds of developments. So, let's just say a development was proposed on a property that had a mix of retail and residential uses. Chapter 14 would require that a certain amount of parking be provided. In theory, it's enough parking to handle the parking requirements generated by that development, and there shouldn't be any spill over into other areas. Does that always happen. That's hard to say, but we do have parking requirements for developments when they come in. We don't allow people to come in and build a project and not provide parking, because if they didn't do that, and they didn't provide parking, people visiting that project would be parking all over the place. It would be 'catch as catch can.' They would park wherever they could find it. So when and if a project ever comes forward on this property we would have to require parking, and a significant amount of parking."

Councilor Romero said, "Then that would be more than the 30 spaces that already have been proposed."

Mr. O'Reilly said he would imagine a great deal more than that.

Councilor Calvert said, by the developer's own discussion, whatever parking we were planning on putting there is temporary at best, because the developer was planning a parking garage and would rip up whatever we put down there now and start all over, which is his point of why he wanted credit for paying for something twice. He said, since there is no development, we don't have any standard for parking requirements, unless we have one for "kiss and ride" transit, although he doesn't know of one.

Mr. O'Reilly said we don't have any kind of parking standards for a "kiss and drop."

Councilor Calvert said since there is no development currently, which is where we are right now, then there would not be a requirement for parking.

Mr. O'Reilly asked if he is speaking of a "kiss and drop."

Councilor Calvert said yes. He said we were asking them to tell us their plan, but it wouldn't be 30 spaces.

Mr. O'Reilly said, "It sounds, the way this discussion is going, that staff would have to study that and see what's used at other "kiss and drops," and come up with an appropriate amount of parking, if any, for such a use."

Councilor Romero asked Mr. O'Reilly, "From your experiences, it doesn't seem like there is any minimal amount of parking that would be required, because that would come up later."

Councilor Wurzbarger said, "Part of where we're getting to is we're realizing we shouldn't be discussing this in the context of a Transit Oriented Development, because there is no development right now. We're really talking about: we've got a railway station. Some people want to use it. We don't want to put a lot of money in it because they're going to rip it all out. Maybe it may never happen. But let's take a chance right now and see how we could use it. See who wants to use it and not spend a lot of money on it. That's where we're ending up tonight. We're not taking a position on the future development, but we're trying to take advantage of a resource that hopefully we can better use since it's not being used now at all. So, should I redo my motion. Are we all sort of together. Should I recap it. Okay."

RECAP OF THE MOTION BY THE MAKER: Councilor Wurzbarger said, "Okay, here's the motion. It is a Resolution amending Table 22 of the City of Santa Fe Impact Fee Capital Improvements Plan regarding adding Zia Station Infrastructure Improvements to be defined as a Kiss and Drop-Off facility. Staff is directed to come back with a specific plan for what that will involve. The second part of the motion..."

CLARIFICATION: Councilor Calvert said he needed clarification. Councilor Wurzbarger asked to finish her recap. Councilor Calvert said he needs clarification now, and asked where the sidewalk falls, because Councilor Wurzbarger is taking out road improvements, and asked if sidewalks are considered part of the road improvements.

RESTATEMENT OF THE MOTION BY THE MAKER: Councilor Wurzbarger moved, seconded by Councilor Trujillo, "Okay, here's the motion. It is a Resolution amending Table 22 of the City of Santa Fe Impact Fee Capital Improvements Plan regarding adding Zia Station Infrastructure Improvements to be defined as a Kiss and Drop-Off facility. Staff is directed to come back with a specific plan for what that will involve, including sidewalks and appropriate handicapped parking."

CONTINUATION OF DISCUSSION ON THE RESTATED MOTION, AS AMENDED: Councilor Chavez asked if all of this is still eligible for impact fees and for credits, and Councilor Wurzbarger said yes.

Councilor Chavez said the motion didn't say anything about this, and the motion needs to be specific, and asked if it is eligible for impact fees and credits.

Councilor Wurzbarger said he is correct, that isn't included.

CLARIFICATION OF THE RESTATED MOTION, AS AMENDED: Ms. Byers said she would like to clarify that you deleted "Planned Major Road Improvements 2007-2012" and that is the title of Table 22. So under that table, staff is proposing Zia Station Infrastructure Improvements and Zia Road Intersection Improvements. She asked Councilor Wurzbarger if she wants to delete "Zia Road Intersection Improvements," reiterating that the title of the Table is "Planned Major Road Improvements 2007-2012."

Mr. O'Reilly said he believes it is eligible if the Council says it is eligible by adding it to the ICIP. He said the Resolution is to add these improvements to the Impact Fee Capital Improvements Plan.

Councilor Bushee said there should be a better title.

Councilor Calvert said, "But that's the title of the Table."

FRIENDLY AMENDMENT: Councilor Bushee said she is speaking about Zia State Improvements. She would like to strike "Zia Road Intersection Improvements." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Chavez said he is raising questions about the Motion because it wasn't specific about whether it was Zia Station Infrastructure or Zia Road Intersection Improvements. Secondly, are they eligible for impact fees and for the credit.

FURTHER CLARIFICATION OF THE MOTION: Councilor Wurzbarger said, "I hope I'm clear now, that "Zia Road Intersection Improvements" is deleted, and the answer we have heard from staff is that yes indeed it will be eligible to receive Road Impact Fees. Is that Correct. Matthew O'Reilly said it would be eligible to receive Road Impact Fee credits if it is constructed, and first it is placed on the IFCIP by this Resolution.

CONTINUATION OF DISCUSSION ON THE RESTATED MOTION AS CLARIFIED AND AMENDED:

Councilor Bushee said this Resolution includes a cost estimate, and asked if we need to bring this back. "Is it okay to have the title, which has been altered from what we originally published for notification, and do the specifics have to change or not. Or do they have to come back here. Or do we do this tonight and just move on, and Mr. O'Reilly said, "The short answer is you can do this tonight and just move on."

Mayor Coss said, "Okay we have a motion, and essentially, we're changing this from parking to just a drop-off."

Councilor Wurzbarger said yes.

Councilor Bushee said, "Yes. With handicapped parking and a sidewalk."

Councilor Wurzbarger said, "Yes, we've got it."

VOTE: The motion, as amended, was approved on the following roll call vote:

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

Against: Councilor Chavez and Councilor Ortiz.

Explaining his vote: Councilor Ortiz said, "Folks, we knew what we were doing when we said, 'Don't open the station until there is a development plan, so we know what's going on the property.' This discussion gets right to that point, and I'm surprised it's only because of the good heart and the civic mindedness of these developers that they are here and that they haven't walked out on all of the things that we are asking for them up front, in terms of costs, with the understanding that when they come in with a development plan, it's all going to be ripped out. This is ridiculous. That's why we said 'Don't open the station until we have a plan.' This compromise is meant to try to get 5 votes. It's not meant to try to serve the neighborhood or this station, or these developers. I vote no."

Explaining her vote: Councilor Wurzbarger said, "I vote yes, and disagree with everything that Councilor Ortiz just said for the first time in the history of my being on the Council."

2) CONSIDERATION OF RESOLUTION NO. 2011- 45. A RESOLUTION DIRECTING STAFF TO SUBMIT A REQUEST TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO OPEN THE ZIA STATION FOR RAIL RUNNER EXPRESS SERVICE. (Postponed at July 27, 2011 City Council Meeting)

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Resolution No. 2011-45 [Item H(8)(2), directing staff to submit a request to the New Mexico Department of Transportation to open the Zia Station for Rail Runner Express Service for X times per day, with the times being delineated by the staff, that we don't need 3 trains to stop during that time.

DISCUSSION: Councilor Bushee said, "If you look at that Resolution that was in the packet for the second item, you know... the whereases I don't care about... when you get down to the action part, it's 'Submit a request to the NMDOT to open the station.' We need to submit that, and if you're trying to limit it, then I don't know how that will work. I think that shakes down like Keith described, as according to how ridership actually works out, and he can speak to that. But the second part is, 'Prepare an Impact Fee Credit Agreement,' so we still need to have that, because I don't think we have one in here that's specific to what we just passed before. And the other is, 'Enter into a License Agreement with Zia Station for the use of the infrastructure improvements.' All of that has to, probably... I don't know if it needs to come back to us, but none of these things that are in this packet are accurate anymore, because the original License Agreement is very detailed around parking and other infrastructure. So, how do you want to address that.

Mr. Zamora said, "As far as the Open Meetings Act is concerned, you have properly advertised these topics for discussion. The Open Meetings Act does recognize there will be amendments and changes during the meeting, but you've publicly advertised this and you have the constituencies present."

Councilor Bushee said, "Well I guess, as long as everybody is comfortable, the License Agreement in the packet doesn't work, and we need a new license agreement, and it hasn't come from direction to staff. And

then, I guess I'll just go back to the part about trying to limit the times. I think that I'm trying to play train engineer and I'm already verging on too much of that tonight. And I really do think that you do need to let, you know, the ridership be determined by who actually wants to ride it, and I think MR COG and everybody involved will figure out pretty quickly that there are some times that nobody's riding it and hopefully they'll just shed those times. We can have an out that says, you know..."

Councilor Wurzbarger said, "My concern is that MR COG isn't concerned about the length of time, and the concerns that have been expressed by the community to how it affects Zia and St. Francis."

Councilor Bushee said, "What if we pick the wrong times. I'm just concerned.. I mean we can build an out in there that says..."

Councilor Wurzbarger asked Councilor Bushee for the specific language and Councilor Bushee said, "I don't know."

Mr. Wilson said, "Just referencing the time the train's taking, the time for Zia Station stops is already in the schedule. If you choose not to open Zia Station, that schedule is going to remain as it is right now."

Councilor Bushee said, "The other way, if we choose to open it and we want to limit it to 3 times a day, because we don't want that arm down and messing up traffic."

Councilor Bushee said, "I'm going to change my motion."

AMENDED MOTION: Councilor Wurzbarger moved to direct staff to submit a request to the New Mexico Department of Transportation to open the Zia Station for Rail Runner Express Service, with consideration of reducing the schedule to accommodate the concerns that have been expressed tonight with respect to traffic.

DISCUSSION ON THE AMENDED MOTION: Mr. Wilson said Rio Metro Regional Transit District, which is an arm under the Mid Region Council of Governments has total purview over the schedules for the Rail Runner.

Mayor Coss asked Councilor Wurzbarger if she can make it just a straight motion, with direction to staff to bring this issue to Rio Metro Regional Transit District to ask what can be done with the schedules.

Councilor Wurzbarger said yes, what the Mayor said.

RESTATED MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to direct staff to submit a request to the New Mexico Department of Transportation to open the Zia Station for Rail Runner Express Service, with direction to staff to bring this issue to the Rio Metro Regional Transit District to ask what can be done with the schedules.

Mr. Wilson said, "I think if the Mayor put an amendment to basically do an evaluation of traffic and parking, which is the language in the amendment, after six and twelve months, potentially you could add 'and ridership' or 'impacts,' I guess through traffic, maybe that's part of the evaluation, and maybe after six months in coordination with Rio Metro, you say the gate operation for 3 minutes is too burdensome on traffic and can we consider combining the ridership."

Mayor Coss said, "Those amendments would be part of this Resolution."

Councilor Bushee said, "Except for parking."

Mr. Wilson said, "If we're providing no parking on site, then the evaluation of parking could be impacts on the neighborhood."

Councilor Bushee said, "We haven't even introduced the Mayor's amendment which was all around traffic and parking."

Mayor Coss said, "That would be part of this Resolution approval."

Councilor Bushee said, "No, we don't want an amendment on traffic and parking. Right."

Mayor Coss said, "I think we still want to look at what actually happened. We've been talking about what might happen."

Councilor Bushee said, "We want a re-evaluation."

Councilor Wurzbarger said, "I still want the amendment."

Councilor Bushee said, "You don't want a traffic... that's what his amendment was."

Mayor Coss said, "It was to study the traffic from opening the station."

Councilor Wurzbarger said, "Then it's to study the traffic from opening the station which results in the things going down and causing the traffic to build, therefore we do want that information. We're not looking at a traffic impact study, in terms of the number of cars."

Councilor Bushee said, "We're asking them to come back in six months."

CLARIFICATION OF THE MOTION: Councilor Wurzbarger said, "Right. In six months it comes back. So it goes back to the motion being the Resolution direction staff to submit the request as stated in the packet, per the amendment."

FRIENDLY AMENDMENT OF THE MAYOR'S AMENDMENT: Councilor Bushee asked to add Ridership to the Mayor's amendment. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

CLARIFICATION: Mr. Zamora asked Councilor Wurzburger if she means six months from tonight's meeting or six months from the opening of the station. Councilor Wurzburger said it would be six months from the opening of the station.

CLARIFICATION OF THE MOTION PRIOR TO VOTING: Councilor Calvert said, "I'm trying to figure out what that motion is. It's what's in the packet, with the Mayor's amendment." Councilor Bushee said, "With Ridership added."

FRIENDLY AMENDMENT PRIOR TO VOTING: Councilor Calvert said, "One more point of clarification. You mentioned, Councilor Bushee, about changing the figures and the cost and all that. I would just maybe like to give direction to staff to bring that back to us kind of like we do with findings of fact and conclusions of law just to verify what we did." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

VOTE: The motion, as amended, with the Mayor's amendment, as amended, was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Chavez and Councilor Ortiz.

Explaining his vote: Councilor Chavez said, "Design by Committee. No."

Explaining his vote: Councilor Ortiz said, "Because I have the freedom to say that I will not be here when this development comes forward, I will say that I supported, and would have supported a Transit Oriented Development on this property if it would have come in some process that made sense before the opening of the Rail Runner. I will tell you that I support practically any development on this parcel over and above what has been proposed in Las Soleras, which I think is abhorrent. But I will say again, until we get that plan in place, until it goes through a process, until we have a clear understanding of what those impacts are on the adjoining infrastructure, we shouldn't open this station. You're creating a monumental expense for the developer, a huge headache for the neighborhood and more busy work for staff on this project, and so I vote no."

Explaining her vote. Councilor Romero said, "That's never stopped us before. Yes."

Explaining her vote: Councilor Bushee said, "Admittedly this wasn't pretty this evening, but the item on the agenda was the Zia Rail Runner Express Station and that's what we're voting on, not the development, and I think there's been an impetus to try to open that station and we're doing it on a very limited basis and I hope that it's successful. Yes."

- 9) **CASE #H-10-033 (B-F). 801 GRIFFIN STREET, ST. CATHERINE'S INDUSTRIAL INDIAN SCHOOL. LANDMARK (OUTSIDE OF HISTORIC DISTRICTS). PATRICIA BAREY, AGENT FOR NM CONSOLIDATED CONSTRUCTION SERVICES LLC, OWNER, PROPOSES TO DEMOLISH FIVE (5) CITY LANDMARKS ON THE CAMPUS (#7 SENIOR HIGH BUILDING, #9 JOE MONTOYA HOUSE, #10 NAT CHAVEZ HOUSE, #11 JOE ABEYTA HOUSE AND #12 CEMETERY WITH 16 MARKED GRAVES). (DAVID RASCH) (Postponed at July 27, 2011 City Council Meeting)**

A Memorandum dated July 27, 2011, with attachments, to Mayor Coss and City Council Members, from David Rasch, Historic Preservation Division Planner Supervisor, regarding Case #H-10-033(B-F) Demolition of 5 Landmarks at St. Catherine's Indian School, is incorporated herewith to these minutes as Exhibit "10."

A copy of an email from Michael D. Purdy to David A. Rasch, dated July 26, 2011, entered for the record by David Rasch, is incorporated herewith to these minutes as Exhibit "11."

A copy of a letter dated July 25, 2011, to the Honorable David Coss Mayor and Members of City Council, from Jonathan H. Poston, Director, National Trust for Historic Preservation, Southwest Office, is incorporated herewith to these minutes as Exhibit "12."

A copy of a letter dated July 20, 2011, to Councilor, from Tim Maxwell, President, The Old Santa Fe Association, is incorporated herewith to these minutes as Exhibit "13."

David Rasch said he needs to make a slight change to the agenda caption. The Applicant has requested to withdraw one of the 5 demolitions. He said #12 the Cemetery will not be discussed for demolition tonight.

Mayor Coss asked the Applicant if he would like to postpone due to the lateness of the hour.

Mr. Polk said they are willing to go forward or postpone, whatever the Governing Body would like to do.

It was the consensus among the Governing Body to move forward with this hearing this evening.

Councilor Ortiz noted, on the question of the Cemetery, that there is a letter in the packet from the Sisters that says they don't want to have this considered. He asked if Mr. Rasch he is saying that the Applicant is going against the expressed wishes of the Sisters to have this removed, so the bodies can be exhumed and the Cemetery can be demolished.

Mr. Rasch said no.

Mr. Polk said, "The Sisters had asked us to remove it, that's why we included it, and then the Sisters changed their mind and asked us to leave it, and we said fine.

Councilor Ortiz said, then the Sisters have changed their mind.

Mr. Polk said yes, again.

The staff report was presented by David Rasch which is contained in the Staff Report, using the overhead projector. Please see Exhibit "10," for specifics of this presentation. He noted that the H-Board heard this case and recommended denial of this request. He said staff recommends denial based on the H-Board's recommendation. He noted the Land Use Building official did provide a clarifying email which he placed on the desk, which says he believes these buildings are not beyond repair and can be salvaged [Exhibit "11"]. Mr. Rasch said because of these two criteria, staff recommends the denial of the request to demolish these landmarks and requests that the Mayor and Council deny this request and uphold the H-Board's recommendation not to demolish these landmarks.

Questions from the Governing Body

Councilor Chavez asked, with regard to the standards for demolition by neglect, if any citations have been issued on these properties in this regard.

Mr. Rasch said a violation notice was issued for Building #11, the Joe Abeyta House. He said there was a canale leak on the north which caused some deterioration of the adobe wall on the north of that building, so it does have a violation notice on it for demolition by neglect.

Councilor Chavez asked Mr. Rasch if the staff who provided the email is checking the foundations of the adobe buildings as well.

Mr. Rasch said he doesn't believe he has gone that far into the investigation. He said it truly was a visual inspection on the property.

Councilor Chavez said with adobe structures, that might not be enough. He said if they are plastered and there is water seeping into the walls, you don't see the deterioration, but it is taking place.

Mr. Rasch said this is certainly possible.

Councilor Chavez said demolition by neglect can do a lot of damage, especially to an adobe structure which is that old. He said, if we are going to save them, we need to stay on top of that.

Councilor Wurzbarger said she thought Councilor Chavez was going elsewhere. She thought question being raised had to do with whether the footings had been affected, and asked if this is correct.

Mr. Rasch said this is correct.

Councilor Wurzbarger asked if that would impact the opinion of the structural repair capacity of the building, or not necessarily.

Mr. Rasch said he is not the building official and doesn't want to speak for him. However, in his opinion, if the footings around the damage of the wall were compromised, he doesn't believe that would compromise the building, and he still believes it is repairable.

Public Hearing

Mayor Coss gave Mr. Polk 7 minutes to speak for the Applicant.

Presentation by the Applicant

John Polk, Attorney for the Applicant presented information regarding this matter with the aid of the overhead projector. Mr. Polk said this project started 10 years ago when the VA approached them about the cemetery.

Mr. Polk said, "Mr. Tafoya has a long history of building cemeteries. And he put together a group that would purchase the St. Catherine's School with a view to expanding the cemetery so the veterans of Northern New Mexico could have burial sites close to their homes and close to their families. The group consists of mostly veterans, a retired Army Major, Mr. Tafoya was 12 years in the Air Force, we have a Marine, and we did this in good faith in an attempt to help the federal government out and provide for a cemetery. Subsequent to that, we purchased the property and formed an LLC called the New Mexico Consolidated Services Corporation, and this is the original vision of that property. And may I point out that this plan was developed in 2004, December 1st it was published in 2004."

Mr. Polk continued, "The project moved along and purchase of the property was made in 2005. At which point in time, the plan that was proposed to the Veteran's Administration and was to be done on this property is shown here as saving the main buildings and the main structures, but providing for the federal government to take over the property and to have the burial sites which are shown on this diagram. The main structures were to be preserved. The 3 little houses are up there in the middle of this, and directly in the middle of the development. They have no historical significance, they are just very very small adobe houses. There must be a thousand of them within 10 miles of where we are sitting and standing right now."

Mr. Polk continued, "Joe, can I have the projector now. Thank you. I would like to bring this down so you can see it a little better. If you can look at... the main part of the campus is right here. And by the way, many of these buildings are gone and no longer exist. The 3 little houses are right back here and were never part of the campus. They were built by staff and students for people who worked on the premises. The other building that is in question is the one right here and is the smallest building. It's also in very very bad shape, and the reason for our request for demolition is to get the 3 small houses out of the way so that we can move ahead with the expansion of the Santa Fe Cemetery. And the reason for the demolition of Building #4 here is because it's in such very bad shape."

Mr. Polk continued, "Now, assessment of these premises, as is indicated, the assessment that you are relying on is a visual walk-through, like somebody walking around on the outside of this building and saying, 'wow does it look good,' or 'wow does it look bad.' That has absolutely nothing to do with the structure. You have to get in and do an actual assessment of it. Now, in fact, such an assessment was done, and a facility assessment was done for the Sisters back in 1999. And, these properties were found to be... these specific buildings were found to be wanting back then. Nothing has happened since to improve them. No work has been done. We're talking 12 years ago that these properties were considered to be... this Building # 2 is the one up in front, the office building. It is described to be, 'Building 2 is deficient. It is serving as an administrative classroom facility and has an *ad hoc* addition. It's in bad shape.' And again, this small building in front has no historical value at all. If you could go back to the computer, I could show them this facility assessment by the St. Catherine's Indian School. And that is down at the bottom of the page and we can provide you with copies if you would like."

Mr. Polk continued, "But the principal point is, that the specific buildings we are asking to be removed are the ones that have a significant problem to them. Now, the overview of this, you can see the 3 little houses in the back, and the one building that is labeled #7, which is just a one story up front. They do not contribute in any to the historical part of this campus. The historical part of this campus is essentially Buildings #1, #2 and #3, and they are historical. There is no question, and we intend to preserve them. Now, whether that's preserved by giving them to the federal government for the use of the federal government, or whether it's going to be.... let me take a moment more... whether it's going to be for the State, or whether it's going to be donated to a non-profit corporation."

Mr. Polk continued, "But as an example, in Building #7, an engineering study was recently done, and it was found to be, 'The roof is in extremely poor condition, severely dilapidated as shown by the bubbles, cracks and large breaks. There is extensive vertical and horizontal cracks in the walls and the foundation. The severity of the cracks is indicated by differential settlement that has occurred in the foundation.' And, we have numerous photos we can present. I know it's quite late now, but the examples of these photographs are shown here where throughout these structures are major structural deficiencies. And these buildings are just not worth the effort of restoring and they have no value. Whoever came to you and said, 'My God, we've got save the administration building down in front,' I mean what value is that. The main St. Catherine's building is worth restoring, but the rest of them are not. And as you go through here, you see more and more examples of very very badly deteriorated places."

Mr. Polk continued, "And therefore, we ask for permission to demolish these structures, and in that way, save the rest. Because, these cannot be preserved forever in their present condition. They're going to deteriorate, and if some effort is not made to consolidate this so that the money can be raised to serve what's worth saving, there isn't going to be any money to save anything."

Speaking to the request

Mayor Coss gave everyone 3 minutes to speak to this request.

All those speaking were sworn en masse

Tim Maxwell, President, Old Santa Fe Association [previously sworn].

Mayor Coss asked Mr. Maxwell if he is speaking for himself or the Old Santa Fe Association, and Mr. Maxwell said he is speaking for the Old Santa Fe Association.

Tim Maxwell said he had sent a letter to the Council a month ago and he wanted it to be part of the record, and is providing it again tonight [Exhibit "13"]. He said Councilor Ortiz asked a few minutes ago, "Why are we making a decision when we don't know what the plan is." He said, "And I'm going to ask you to consider that same statement in this situation. We haven't seen a plan for what is going to happen to this property. In 2005, the City Council thought this was a landmark property, an important property, and nothing has changed since that time, in terms of the City's interest in it. However, in that time the State Historic Preservation office has decided this is a historic district of importance. The National Trust for Historic Preservation has expressed an interest in this property. The New Mexico Historic Preservation Alliance has determined it's one of the most endangered properties in New Mexico. And somebody wants to demolish it without telling us what they are going to replace it with, and this is such a significant property. Again, if we look at all of the people that think this is an important piece of property, let's not destroy it without knowing what will replace it."

Mr. Maxwell continued, "I'm going to point out that the Old Santa Fe Association, a few years ago when there was another proposal for this property, was not opposed to demolition, but there was a plan at that time and we could see what the developer envisioned. But this time around, there's nothing for us to gauge, and the neighborhood is going to be concerned and we had to lose these historical buildings which I'm sure others are going to testify about. So I have to urge you think carefully about this. The buildings are significant, the 3 little houses. Mr. Polk felt they weren't, but they were built by the students which exemplifies what the school is about. It was an industrial school to teach students some trade skills, and so these houses resulted from that. The teachers lived in those houses. They were important to the school. And I also have to point out, and I don't know if this is in your packet, but the statement from the feasibility study, the environmental assessment of the cemetery from the National Cemetery Association, they say specifically, on page 16, 'Demolition by any party of any contributing element within Tract 2, without prior mitigation, as negotiated by the National Cemetery Association and the New Mexico State Historic Preservation Officer would eliminate NCA from further considering acquisition of the affected property.' So,

in other words, if you approve demolition, the cemetery could never acquire this, so what is the purpose of the demolition. It's not quite clear. But that is a statement from the federal government."

Lois Snyderman, New Mexico Heritage Preservation Alliance [previously sworn]. Ms. Snyderman said she is speaking on behalf of the Alliance. She said the St. Catherine's complex was, very recently, added to the Alliance's list of most endangered properties because of the importance of the complex and because it is endangered. The Alliance is very concerned about seeing this preserved, saved and protected. She said she listened carefully to the statement made by the attorney for the Applicant, and she disagrees with the statement that there is no importance to the complex, noting both the City and State have done a great deal of research which shows that this complex is extremely important historically and architecturally. She said it is a complex, and not just one or two important buildings. She said to remove any of these buildings would threaten the integrity of the entire complex. So the buildings for which demolition is being sought are important as part of the history of all of St. Catherine's. She said the attorney used a number of words about the condition: these buildings are deteriorating, found to be wanting. She said there is a report that the buildings could be repaired. They want to be sure that the owner does not continue to contribute to the disintegration of the buildings because of lack of maintenance.

MOTION: Councilor Chavez moved, seconded by Councilor Ortiz, to suspend the rules, so the meeting can continue past midnight.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and no one voting against.

Lynn Clark, President of the Historic St. Catherine's Neighborhood Association [previously sworn], said, "St. Catherine's School holds a special place in the hearts of Santa Fe residents, particularly those who live in old, established neighborhoods. Many of our residents grew up in the neighborhood. Their children attended and graduated from St. Catherine's. The ties were close, and still remain. I must disagree with the earlier statement that the houses in question are not important or historical. Indeed, these houses were built by the students there. It is a part of their history. It was a part of the students' lives, then and they are now. Indeed this is reflected in the Council's decision, previous decision, to grant landmark status to these buildings. On one hand, we have a property owner who wishes to tear down these buildings to help him facilitate a possible sale with an unrevealed development plan. On the other hand, we have an art school that is interested in, and has made an offer, to purchase the property intact with a plan that will allow them to use the land and these buildings in a way that carries on the traditional educational intent of the school's founder. Such a plan would be compatible to our residents and has our support. The adjacent neighborhood and our association, aptly named the Historic St. Catherine's Neighborhood Association, strongly opposes the proposal to demolish the buildings and asks the Council to maintain the current status of the campus."

Daniel Gibson, member of the St. Catherine's Neighborhood Association [previously sworn], said he is the editor of a national magazine called *Native Peoples Magazine*. He said they are very interested in the story of St. Catherine's and they hope to be publishing a story about it some time soon. He said this isn't just an asset to Santa Fe, it is a national asset and we need to think in terms of the big picture of protecting that property, its historic uses and its intention of its founder always to remain an institution of learning. It is also a tremendous asset for Santa Fe because of its proximity to the downtown core and its artistic orientation. It would be a great campus for an art school or other educational facilities, or a retirement facility also because of its proximity to downtown. He said when you talk about destroying these buildings, you are contributing to its drift toward a future where it has no future. He said if you build graves to the doorsteps of the historic part of the campus, you are going to have a hard time attracting other uses to what remains of the campus. He said it needs that buffer zone around the central core of the campus to make it attractive for subsequent uses and its ongoing value to the community of Santa Fe. He urged the Governing Body to retain the protections on these structures.

Marilyn Bane [previously sworn], said the last time last time she spoke with the Council on this topic she was President of the Old Santa Fe Association, and "you all beat us up pretty good." If I remember we had said these are buildings we could do without because there was a development plan and then "you hammered us. How could we possibly think of that. St. Catherine's is the heart of Santa Fe." And she said she just wanted to remind the Governing Body this because "we agree with you, and I'm going to be real aggravated if you change your minds now."

Mac Watson [previously sworn], said he has some experience with assessing the historic significance of properties in New Mexico. He served on the State Cultural Properties Review Committee for 4 years, and Chaired that Committee for 2 years. He said they made decisions daily on whether not properties had historic significance. When the Cultural Properties Review Committee placed St. Catherine's on the State Register of Cultural Properties in 2000, it had determined that the buildings in question that are being threatened with demolition, were contributing properties. This means that it was determined by a board of professionals that these particular houses and the school building are of historic significance. Nothing has changed since then, except they have gained greater historic significance since they were landmarked by the City Councilor."

Mr. Watson continued, "In the meantime, between 2006 and now, the Founder of the school, Katharine Drexell has been beatified and is now our country's second native born Saint. The Association of St. Catherine's has magnified the historic significance of this property, as well as the Association, with Sgt. Petry who was just awarded the Medal of Honor, and was a graduate of St. Catherine's. He said we designate historic properties on the associations with people who are important in history, and movements that were important in history, as well as their architectural qualities. He said the third thing which has happened since the City placed St. Catherine's as a landmark in the City, was that we lost the only other historic Indian School campus that we had in New Mexico. Three Indian Schools were founded in the 1880's in New Mexico: the one in Albuquerque has basically lost its historic character entirely, which left the one on Cerrillos Road, the Santa Fe Indian School and St. Catherine's. We know what happened on Cerrillos Road, and we don't want that to happen on Griffin Avenue. So, please deny this application.

Teresa Pasqual, Pueblo of Acoma [previously sworn], said she serves as the State Advisor to the National Trust for Historic Preservation. More importantly, she is an alumna of St. Catherine's Indian School, so she lived in Santa Fe throughout her high school years and was very proud to grow up here. She said, "St. Catherine's for me is a very important place and continues to be, even though it's not a school like it once was. Those living stories, the stories of the people that graced its halls are very important. But I also see, from the historic preservation side, an economic standpoint, also the importance of preserving this place in this City. The City of Santa Fe is rich in history and culture, and stories overlapping, one on top of each other. Is not St. Catherine's a part of that story. Is not St. Catherine's a part of that layer that makes your City so appealing to those who come and visit it. I understand that the applicant wants to demolish some buildings. His reason for demolishing those buildings only serves to highlight the fact that he truly doesn't understand the history of those buildings and how they play into the larger context of understanding the history and the richness of all of the other buildings and the people who built them in that historic area. The Applicant has shown, in his rehabilitation of another building that it is possible to repair those buildings. He has shown that he has rebuilt walls, addressed drainage issues, structural issues, so it is possible. It takes a little time, a little effort and yes, it does take money, but I think that it's money that is well invested. So, Mayor Coss, City Council, we encourage you to please deny this application for demolition. Demolition cannot be the only answer for these buildings. We have to find another vision."

The Public Hearing was closed

Councilor Bushee said the Council did the right thing 5 years ago, and she hopes we are going to do the right thing this evening.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert and Councilor Wurzbarger, to deny the request to demolish the 5 City Landmark Buildings on the campus of St. Catherine's which is #7 Senior High Building, #9 Joe Montoya House, #10 Nat Chavez House, #11 Joe Abeyta House and #12 the Cemetery, which was withdrawn, based upon the Findings of Fact and Conclusions of Law in this case by the Historic Design Review Board.

DISCUSSION: Councilor Bushee thanked the staff and those involved in historic preservation in Santa Fe. She thanked Ms. Pasqual for staying and telling her story from her perspective. She said the significance of St. Catherine's and the significance of St. Katharine are important, and she is glad we had this opportunity to reinforce how significant it is to our community on a myriad of levels.

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

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

Against: Councilor Dominguez and Councilor Trujillo.

Explaining his vote: Councilor Trujillo said, "You know, I understand how people are when we talk about preserving these buildings. They are a part of Santa Fe, but sometimes, you really have to look at the structure of a building and is it really worth it. And, we're not destroying the main building, and to me that is what says St. Catherine's, that beautiful building with the bell tower. You can see that from all throughout Santa Fe. I can't really see these little other buildings in any places I've been. I've driven by there many times, and when I go to mass for the novenas, I see some of those buildings, how dilapidated they are and how one day somebody is going to walk in there and it's going to fall on top of them and I don't know what will happen then. And you know, you talk about the destruction that was made on Cerrillos Road, well, that wasn't our decision. That was the Santa Fe Indian School's decision. That was their property. They had all of the right to do anything they wanted with those buildings and they did. And I feel this person owns these buildings. We're not getting rid of the main, main building, the building that I believe is St. Catherine's. We're getting rid of dilapidated buildings that in my opinion are going to fall down eventually, so I'm going to vote no."

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk

17. 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 August 30, 2011, is incorporated herewith to these minutes as Exhibit "14."

Mayor Coss noted that the Resolutions and Ordinance introduced are introduced.

Councilor Bushee said she isn't introducing the Resolution on the wilderness this evening.

Councilor Calvert

Councilor Calvert introduced the following:

1. An Ordinance repealing Exhibit A to Chapter VII SFCC 1987, Santa Fe Residential Green Building Code; and adopting a new Exhibit A to Chapter VII SFCC 1987, Santa Fe Residential Green Building Code to be consistent with the National Green Building Standard Numbering System. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "15."

2. A Resolution amending Resolution No. 2010-50, adopted June 30, 2010; authorizing the execution and delivery of an Amended and Restated Drinking Water State Revolving Fund Loan Agreement between the City and the New Mexico Finance Authority, for a principal amount of no more than \$320,138, for the purpose of financing the costs of a project consisting of upgrades to the City's water utility system, including instrumentation of pumping sites to monitor energy usage. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Councilor Dominguez

Councilor Dominguez had no introductions.

Councilor Wurzbarger

Councilor Wurzbarger introduced a Resolution honoring the New Mexico Centennial. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

Councilor Trujillo

Councilor Trujillo introduced a Resolution amending Table 50, page 45, of the City of Santa Fe *Impact Fee Capital Improvements Plan and Land Use Assumptions, 2007-2010*, so that "planned fire/EMS improvements," including architectural planning and design services for the expansion of Fire Station #4 as being eligible to receive impact fees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

Councilor Ortiz

Councilor Ortiz had no introductions.

Councilor Bushee

Councilor Bushee introduced an Ordinance amending Section 11-12.1 SFCC 1987, so that cash balances generated by enterprise funds shall be retained within their respective funds and shall not be transferred to the General Fund, with the exception that the City may charge enterprise funds for duly incurred costs. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "18."

Councilor Romero

Councilor Romero had no introductions.

Councilor Chavez

Councilor Chavez had no introductions.

Mayor Coss

Mayor Coss had no introductions.

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 12:15 p.m.

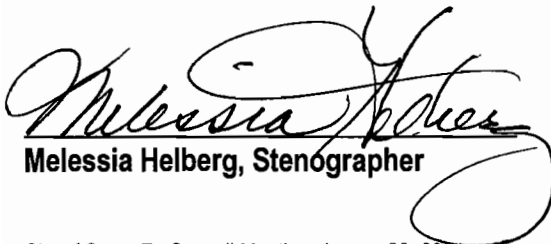
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer