



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 12, 2007
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 12/7/07 TIME 4:10pm

SERVED BY _____

RECEIVED BY Hydominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – November 28, 2007
8. PRESENTATIONS
 - a) Employee of the Month for December 2007 – Geraldine Gurule; Project Manager, Planning and Land Use Department. (5 Minutes)
 - b) Invitation to the Governing Body to Tour Los Alamos National Laboratory Environmental Sites. (Robert Gallegos) (5 Minutes)
 - c) Presentation of the New City of Santa Fe Website. (Carla Lopez) (5 Minutes)
9. CONSENT CALENDAR
 - a) Bid No. 08/06/B – Santa Fe Municipal Airport Aviation Drive Security Lighting; Vis-Com, Inc. (Jim Montman)
 - b) Bid No. 08/12/B – Traffic Signal Led Bulb and Head Retrofit Project; McDade Woodcock, Inc. (Rick Devine)
 - 1) Request for Approval of Budget Transfer – CIP ½% CIP GRT.
 - c) Request for Approval of Procurement Under State Price Agreement – Office Furniture for Transit Facility Expansion; Creative Interiors, Inc. (Mary MacDonald)



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- d) Request for Approval of Memorandum of Agreement – School Crossing Guard Program; Santa Fe Public Schools. (Mike Landavazo)
- e) Chemicals for Water Division. (Victor Archuleta)
 - 1) Bid No. 08/15/B – Liquid Aluminum Sulfate; DPC Industries.
 - 2) Bid No. 08/16/B – Food Grade Salt; DPC Industries.
 - 3) Bid No. 08/17/B – Soda Ash; DPC Industries.
 - 4) Bid No. 08/18/B – White Hydrated Lime; DPC Industries.
 - 5) Bid No. 08/19/B – Liquid Sodium Permanganate; F2 Industries, LLC.
 - 6) Bid No. 08/20/B – Sodium Hypochlorite; DPC Industries.
- f) Request for Approval of Memorandum of Agreement – Santa Fe Trails Ridefinders Program; New Mexico Department of Transportation. (Jon Bulhuis)
- g) Request for Approval of Temporary Aircraft Shelter on Leased Property at Santa Fe Municipal Airport; New Mexico Army National Guard. (Jim Montman)
- h) Request for Approval of Professional Services Agreement – Support and Awareness for Domestic Violence Throughout the Santa Fe County Area; State of New Mexico Children, Youth and Families Department. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase From Grant Revenue – Grant Fund.
- i) Request for Approval of Project Agreement – Operation Buckle Down for Police Department; New Mexico Department of Transportation Programs Division; Traffic Safety Bureau. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase from Grant Revenue – Grant Fund.



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- j) Request for Approval of Project Agreement – Operation DWI; New Mexico Department of Transportation Programs Division; Traffic Safety Bureau. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase from Grant Revenue – Grant Fund.
- k) Request for Approval of Donation – Two (2) K-9 Police Dogs for Police Department; Benjamin Montano. (Chief Eric Johnson)
- l) Request for Approval of Procurement Under State Price Agreement – Ammunition for Police Department; GT Distributors, Inc. (Chief Eric Johnson)
- m) Request for Approval of Professional Services Agreement – Benefits Consulting Services for Human Resources; AON Consulting, Inc. (Kristine Kuebli)
- n) Request for Approval of Budget Increase for 400TH Anniversary Planning from Lodgers' Tax. (Darlene Griego)
- o) Request for Approval of Professional Services Agreement – Lodgers' Tax Audit; Barraclough & Associates, P.C. (Kathryn Raveling)
 - 1) Request for Approval of Budget Increase – Lodgers' Tax.
- p) Request for Approval of Amendment No. 4 to Professional Services Agreement – Investment Services; First Southwest Company. (Helene Hausman)
- q) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Dominguez)
A Resolution Directing Staff to Work With the Santa Fe Public School District Staff to Develop a City Process in Which Applicants for Land Development Projects Would be Required to Meet With the Santa Fe Public Schools to Assess and Mitigate the Impacts for the Development Project on the Santa Fe Public Schools. (Jack Hiatt)



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- r) Request for Approval to Publish Notice of Public Hearing on January 30, 2008:
 - 1) Bill No. 2007-65: An Ordinance Amending Section 25-4.2 SFCC 1987 Regarding Water Rate Adjustments. (Councilor Chavez, Councilor Bushee and Councilor Trujillo) (Gary Martinez)
 - 2) Bill No. 2007-66: An Ordinance Amending Chapter 14 SFCC 1987 Regarding the Powers and Duties of the Business Capital District Design Review Committee and the Planning Commission to Minimize Overlapping Jurisdiction in the Business Capital District and Making Such Other Related Changes as are Necessary. (Councilor Heldmeyer) (Jeanne Price)
- s) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss, Councilor Chavez, Councilor Calvert, Councilor Trujillo and Councilor Wurzbarger)
A Resolution Authorizing Pay Increases of Up to 2.81% to Those Management and Confidential Employees Who Received No Pay Increase or Who Received Less Than a 2.81% Pay Increase for Fiscal Year 2007/08, Effective the First Pay Period in December 2007. (Kristine Kuebli)
- t) Request for Approval of Professional Services Agreement – Water Transmission & Storage Master Plan (RFP #08/04/P) for Water Division; Brown & Caldwell. (Brian Snyder)
- u) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Trujillo, Councilor Wurzbarger and Mayor Coss)
A Resolution Directing Staff to Explore Options to Protect the Juanita Street Neighborhood From Inappropriate Development. (Jack Hiatt and Kathy McCormick)
- v) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee, Councilor Ortiz, Councilor Dominguez and Councilor Trujillo)
A Resolution Directing Staff to Work With Creative Santa Fe, a City Funded Not-for-Profit Organization, to Further Develop the Plan to Establish a Railyard Arts/Creativity Complex. (Sabrina Pratt)



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- w) Request for Approval of Professional Services Agreement – Collaborate with Santa Fe Based Economic Development Service Providers; Creative Santa Fe (RFP #05/18/P). (Kathy McCormick)
- x) Request for Approval of Amendment No. 5 to Lease and Management Agreement – Santa Fe Railyard Underground Parking Garage Santa Fe Railyard Community Corporation. (Frank Romero)
- y) Request for Approval of Amendment No. 6 to Lease and Management Agreement to Permit the Sale of the Ground Lease From Santa Fe Railyard Community Corporation to Railyard Company to Primum Public Realty Trust for the Purpose of Financing the Retail Development. (Frank Romero)
- z) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer, Councilor Bushee, Councilor Calvert and Councilor Wurzbarger)
A Resolution Supporting the Efforts of Other Governmental Entities Calling for a Moratorium on Oil and Gas Drilling in the Galisteo Basin in Order to Allow Appropriate Study and Consultation About Governmental Action in this Area. (Robert Gallegos)
- aa) Request for Approval – City of Santa Fe Schedule for 2008 City Council and Committee Meetings. (Yolanda Y. Vigil)
- bb) Request for Approval of Lease Agreements: **(Postponed at the November 14, 2007 City Council Meeting)**
 - 1) Airline Terminal Building Office; Counter and Floor Space at Santa Fe Municipal Airport; American Eagle Airlines. (Jim Montman)
 - 2) Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Delta Air Lines. (Jim Montman)
- cc) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz, Councilor Bushee and Councilor Calvert)
A Resolution Endorsing the Concepts Included in the “Plan to End Homelessness in Five Years” Presented by the Mayor’s Blue Ribbon Panel to End Homelessness. (Kathy McCormick)



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- dd) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz, Councilor Bushee and Councilor Calvert)
A Resolution Celebrating the Life of Dr. Martin Luther King, Jr. and Commemorating the 40th Year Anniversary of His Death. (Terrie Rodriguez)
- ee) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez and Councilor Calvert)
A Resolution Directing Staff to Work with Other Governmental Entities Throughout Northern New Mexico to Mitigate the Economic Impacts of Layoffs at Los Alamos National Laboratory. (Kathy McCormick)
- ff) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss, Councilor Chavez, Councilor Wurzbarger, Councilor Calvert and Councilor Trujillo)
A Resolution Directing Staff to Proceed with Negotiations to Purchase 14 Acres of Land Adjacent to the Siler Road Yard and Develop a Financing Plan for the Purchase. (Mike Lujan)
- gg) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee)
A Resolution Directing the City's Green Team to Review the Energy Ordinance Recently Introduced by the City of Santa Barbara, California and to Use it As a Guide to Attain Similar or Better Standards. (Katherine Mortimer)
- hh) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee)
A Resolution Directing Staff to Seek Funding From the New Mexico Department of Transportation to Assist the City in Constructing a Grade Separated Crossing for the Arroyo Chamiso Trail at Francis Drive. (Bob Siqueiros)
10. CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez, Mayor Coss, Councilor Wurzbarger, Councilor Calvert and Councilor Heldmeyer)
A Resolution Designating Up To \$300,000 of the City's 2008 Capital Improvements Program (CIP) Bond for a City Owned Permanent Indoor Arts Market at the Railway. (Robert Romero and Terrie Rodriguez) **(Postponed at the November 28, 2007 City Council Meeting)**



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11. CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz)
A Resolution Recognizing and Awarding Public Service Tenure by Non-Bargaining Unit Employees With 23 or More Years of Public Safety Service With the Santa Fe Police or Fire Department or Non-Bargaining Unit Employees With 27 or More Years of Service With Other City of Santa Fe Departments; Providing an Accelerated Retirement Benefit for Public Safety Non-Bargaining Unit Employees That is Comparable With Police and Fire Collective Bargaining Agreements; and Creating a New Personnel Rule to be Consistent With This Resolution. (Kristine Kuebli)
12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY
 - a) City Attorney Opinion Regarding Legality and Form of Charter Amendments. (Frank Katz)
 - b) EXECUTIVE SESSION:
 - 1) Discussion of the Purchase, Acquisition or Disposal of Water Rights, Pursuant to NMSA 1978 Section §10-15-1(H)(8)
 - 2) Potential Settlement of Annexation Litigation; Pursuant to §10-15-1(H) (7) NMSA 1978.
 - 3) Discussion of Joining U.S. Supreme Court Amicus Brief; Pursuant to NMSA 1978 Section §10-15-1(H)(7)
14. Action Regarding the Purchase, Acquisition or Disposal of Water Rights.
15. MATTERS FROM THE CITY CLERK

Approval of Nominating Petition Verification Report for Candidates in the March 4, 2008 Regular Municipal Election.
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER



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B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from Mucho Gusto Corporation for a Restaurant (Beer & Wine) Liquor License to be located at Mucho Gusto, 839 Paseo de Peralta, Suite H. (Yolanda Y. Vigil)
- 2) Request from The Pink Adobe, LLC for a Transfer of Ownership of Dispenser License #683 from The Pink Adobe, Inc. to The Pink Adobe, LLC The License will Remain at The Pink Adobe, 406 Old Santa Fe Trail. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL NO. 2007-55: ADOPTION OF ORDINANCE NO. 2007-_____. (Mayor Coss and Councilor Chavez)
An Ordinance Amending Chapter 14 SFCC 1987 Land Development Laws and Section 18-11.3 SFCC 1987 Lodgers' Tax Regarding the Short Term Rental of Dwelling Units. (Jeanne Price) (**Postponed to January 9, 2008 City Council Meeting**)
- 4) CONSIDERATION OF BILL NO. 2007-57: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Chavez)
An Ordinance Amending Article 23-5 SFCC 1987 Regarding Plaza Vendors; Requirements; Selection Process; Conditions of Operations. (Sevastian Gurule)
 - a) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez)
A Resolution Establishing an Application Fee for Artists/Artisans who Apply for a License Under the Santa Fe Plaza Park Artist/Artisan Program. (Sevastian Gurule)



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- 5) CONSIDERATION OF BILL NO. 2007-59: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Heldmeyer and Councilor Bushee)
An Ordinance Amending Section 24-1.1 SFCC 1987 Regarding the City of Santa Fe Uniform Traffic Code; and Amending Various Sections of the City of Santa Fe Uniform Traffic Code (Chief Eric Johnson)
- 6) CONSIDERATION OF BILL NO. 2007-67: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Ortiz)
An Emergency Ordinance Creating a New Section in Chapter 14 SFCC 1987 to Prohibit Outdoor Night Time Construction that is In, Near or Adjacent to Residential Neighborhoods. (Jack Hiatt)
- 7) CONSIDERATION OF BILL NO. 2007-25: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Heldmeyer and Councilor Trujillo)
An Ordinance Amending Section 16-13.6 SFCC 1987 Regarding Curfew for Parks and Recreation Areas. (Fabian Chavez) **(Postponed to January 9, 2008 City Council Meeting)**
- 8) CONSIDERATION OF BILL NO. 2007-56: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Bushee)
An Ordinance Amending Article 23-5.2 SFCC 1987 to Include "Pride on the Plaza" as an Additional Permitted Annual Major Commercial Event on the Plaza. (Sevastian Gurule and Barbara Lopez) **(Postponed to January 30, 2008 City Council Meeting)**
- 9) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz and Councilor Wurzbarger)
A Resolution Amending Resolution No. 2003-106 the Annual Water Budget Administrative Regulations and Procedures Regarding the Designation of Water Rights for Low Priced Dwelling Units. (Kathy McCormick) (Postponed at the June 27, 2007 City Council Meeting) **(Postponed to February 13, 2008 City Council Meeting)**
- 10) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz and Councilor Wurzbarger)
A Resolution Designating Water Rights for Low Priced Dwelling Units and Public Amenities in the Northwest Quadrant and for the Low Priced Dwelling Unit Credit Pool. (Kathy McCormick) (Postponed at the June 27, 2007 City Council Meeting) **(Postponed to February 13, 2008 City Council Meeting)**



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H. ADJOURN

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

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

*Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.

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SANTA FE CITY COUNCIL MEETING
December 12, 2007**

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CONSIDERATION OF RESOLUTION NO. 2007- ____ A RESOLUTION DESIGNATING UP TO \$300,000 OF THE CITY'S 2008 CAPITAL IMPROVEMENTS PROGRAM (CIP) BOND FOR A CITY OWNED PERMANENT INDOOR ARTS MARKET AT THE RAILYARD	Failed to pass	28-32

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2007- ____ . A RESOLUTION RECOGNIZING AND AWARDED PUBLIC SERVICE TENURE BY NON-BARGAINING UNIT EMPLOYEES WITH 23 OR MORE YEARS OF PUBLIC SAFETY SERVICE WITH THE SANTA FE POLICE OR FIRE DEPARTMENT, OR NON-BARGAINING UNIT EMPLOYEES WITH 27 OR MORE YEARS OF SERVICE WITH OTHER CITY OF SANTA FE DEPARTMENTS; PROVIDING AN ACCELERATED RETIREMENT BENEFIT FOR PUBLIC SAFETY NON-BARGAINING UNIT EMPLOYEES THAT IS COMPARABLE WITH POLICE AND FIRE COLLECTIVE BARGAINING AGREEMENTS; AND CREATING A NEW PERSONNEL RULE TO BE CONSISTENT WITH THIS RESOLUTION	Postponed to 01/09/2008	32
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CONSIDERATION OF BILL NO. 2007-57; ADOPTION OF ORDINANCE NO. 2007- 48. AN ORDINANCE AMENDING ARTICLE 23-5 SFCC 1987, REGARDING PLAZA VENDORS; REQUIREMENTS; SELECTION PROCESS; CONDITIONS OF OPERATIONS	Approved [amended]	40-52
CONSIDERATION OF RESOLUTION NO. 2007- 123 (COUNCILOR CHAVEZ). A RESOLUTION ESTABLISHING AN APPLICATION FEE FOR ARTISTS/ARTISANS WHO APPLY FOR A LICENSE UNDER THE SANTA FE PLAZA PARK ARTIST/ARTISAN PROGRAM	Approved [amended]	40-52
CONSIDERATION OF BILL NO. 2007-59; ADOPTION OF ORDINANCE NO. 2007- 49. AN ORDINANCE AMENDING SECTION 24-1.1 SFCC 1987 REGARDING THE CITY OF SANTA FE UNIFORM TRAFFIC CODE; AND AMENDING VARIOUS SECTIONS OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE	Approved	52

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2007-67; ADOPTION OF ORDINANCE NO. 2007- ____ . AN EMERGENCY ORDINANCE CREATING A NEW SECTION IN CHAPTER 14 SFCC 1987, TO PROHIBIT OUTDOOR NIGHT TIME CONSTRUCTION THAT IS IN, NEAR OR ADJACENT TO RESIDENTIAL NEIGHBORHOODS.	Withdrawn	52
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 12, 2007**

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 December 12, 2007, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Miguel Chavez, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo [arrived later in the Afternoon Session]
Councilor Rebecca Wurzbarger

5. APPROVAL OF AGENDA

Mr. Buller said staff would like to postpone Item 9(bb) (1) and (2) until the Council meeting of January 30, 2008.

Councilor Ortiz said, with regard to Item #11, the Council just received the FIR this afternoon and he would like to postpone this item to the Council meeting of January 9, 2008. He would like to direct staff that there currently are employees who are in this situation, so, in addition to getting the FIR on a more timely basis, he wants to ensure that retroactive language is included in this Resolution for hearing on January 9, 2008.

Mayor Coss said he would like to add an Item 8(d) for a presentation to Outside/In, and asked to move Item 8(c) to be first on Presentations.

Councilor Calvert moved, seconded by Councilor Ortiz, to approve the agenda as amended.

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

6. APPROVAL OF CONSENT CALENDAR

Councilor Calvert moved, seconded by Councilor Ortiz, to approve the following Consent Calendar, as amended. The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, and Councilor Wurzburger.

Against: None

Absent: Councilor Trujillo.

- a) **BID NO. 08/06/B – SANTA FE MUNICIPAL AIRPORT, AVIATION DRIVE SECURITY LIGHTING; VIS-COM, INC. (JIM MONTMAN)**
- b) ***[Removed for discussion by Councilor Bushee]***
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – OFFICE FURNITURE FOR TRANSIT FACILITY EXPANSION; CREATIVE INTERIORS, INC. (MARY MacDONALD)**
- d) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – SCHOOL CROSSING GUARD PROGRAM; SANTA FE PUBLIC SCHOOLS. (MIKE LANDAVAZO)**
- e) **CHEMICALS FOR WATER DIVISION. (VICTOR ARCHULETA)**
 - 1) **BID NO. 08/15/B – LIQUID ALUMINUM SULFATE; DPC INDUSTRIES.**
 - 2) **BID NO. 08/16/B – FOOD GRADE SALT; DPC INDUSTRIES.**
 - 3) **BID NO. 08/17/B – SODA ASH; DPC INDUSTRIES.**
 - 4) **BID NO. 08/18/B – WHITE HYDRATED LIME; DPC INDUSTRIES.**
 - 5) **BOD NO. 08/19/B – LIQUID SODIUM PERMANGANATE; F2 INDUSTRIES, LLC.**
 - 6) **BID NO. 08/20/B – SODIUM HYPOCHLORITE; DPC INDUSTRIES.**
- f) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – SANTA FE TRAILS RIDEFINDERS PROGRAM; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JON BULTHUIS)**
- g) **REQUEST FOR APPROVAL OF TEMPORARY AIRCRAFT SHELTER ON LEASED PROPERTY AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO ARMY NATIONAL GUARD. (JIM MONTMAN)**

- h) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT - SUPPORT AND AWARENESS FOR DOMESTIC VIOLENCE THROUGHOUT THE SANTA FE COUNTY AREA; STATE OF NEW MEXICO, CHILDREN, YOUTH AND FAMILIES DEPARTMENT. (CHIEF ERIC JOHNSON)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND
- i) REQUEST FOR APPROVAL OF PROJECT AGREEMENT – OPERATION BUCKLE DOWN FOR POLICE DEPARTMENT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, PROGRAMS DIVISION, TRAFFIC SAFETY BUREAU. (CHIEF ERIC JOHNSON)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.
- j) REQUEST FOR APPROVAL OF PROJECT AGREEMENT – OPERATION DWI; NEW MEXICO DEPARTMENT OF TRANSPORTATION, PROGRAMS DIVISION, TRAFFIC SAFETY BUREAU. (CHIEF ERIC JOHNSON)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.
- k) REQUEST FOR APPROVAL OF DONATION – TWO (2) K-9 POLICE DOGS FOR POLICE DEPARTMENT; BENJAMIN MONTANO. (CHIEF ERIC JOHNSON)**
- l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – AMMUNITION FOR POLICE DEPARTMENT; GT DISTRIBUTORS, INC. (CHIEF ERIC JOHNSON)**
- m) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – BENEFITS CONSULTING SERVICES FOR HUMAN RESOURCES; AON CONSULTING, INC. (KRISTINE KUEBLI)**
- n) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR 400TH ANNIVERSARY PLANNING FROM LODGERS' TAX. (DARLENE GRIEGO)**
- o) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LODGERS' TAX AUDIT; BARRACLOUGH & ASSOCIATES, P.C. (KATHRYN RAVELING)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – LODGERS' TAX.
- p) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – INVESTMENT SERVICES; FIRST SOUTHWEST COMPANY. (HELENE HAUSMAN)**

- q) **CONSIDERATION OF RESOLUTION NO. 2007- 112 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO WORK WITH THE SANTA FE PUBLIC SCHOOL DISTRICT STAFF TO DEVELOP A CITY PROCESS IN WHICH APPLICANTS FOR LAND DEVELOPMENT PROJECTS WOULD BE REQUIRED TO MEET WITH THE SANTA FE PUBLIC SCHOOLS TO ASSESS AND MITIGATE THE IMPACTS FOR THE DEVELOPMENT PROJECT ON THE SANTA FE PUBLIC SCHOOLS. (JACK HIATT)**
- r) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 30, 2008:**
 - 1) **BILL NO. 2007-65; AN ORDINANCE AMENDING SECTION 25-4.2 SFCC 1987, REGARDING WATER RATE ADJUSTMENTS. (COUNCILOR CHAVEZ, COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). (GARY MARTINEZ)**
 - 2) **BILL NO. 2007-66; AN ORDINANCE AMENDING CHAPTER 14 SFCC 1987, REGARDING THE POWERS AND DUTIES OF THE BUSINESS CAPITAL DISTRICT DESIGN REVIEW COMMITTEE AND THE PLANNING COMMISSION TO MINIMIZE OVERLAPPING JURISDICTION IN THE BUSINESS CAPITAL DISTRICT AND MAKING SUCH OTHER RELATED CHANGES AS ARE NECESSARY (COUNCILOR HELDMEYER). (JEANNE PRICE)**
- s) ***[Removed for discussion by Councilor Heldmeyer]***
- t) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WATER TRANSMISSION & STORAGE MASTER PLAN (RFP #08/04/P) FOR WATER DIVISION; BROWN & CALDWELL. (BRIAN SNYDER)**
- u) **CONSIDERATION OF RESOLUTION NO. 2007- 113 (COUNCILOR BUSHEE, COUNCILOR CALVERT, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, COUNCILOR WURZBURGER AND MAYOR COSS). A RESOLUTION DIRECTING STAFF TO EXPLORE OPTIONS TO PROTECT THE JUANITA STREET NEIGHBORHOOD FROM INAPPROPRIATE DEVELOPMENT. (JACK HIATT AND KATHY McCORMICK)**
- v) ***[Removed for discussion by Councilor Heldmeyer]***
- w) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – COLLABORATE WITH SANTA FE BASED ECONOMIC DEVELOPMENT SERVICE PROVIDES; CREATIVE SANTA FE (RFP #05/18/P). (KATHY McCORMICK)**
- x) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO LEASE AND MANAGEMENT AGREEMENT – SANTA FE RAILYARD UNDERGROUND PARKING GARAGE, SANTA FE RAILYARD COMMUNITY CORPORATION. (FRANK ROMERO)**

- y) **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO LEASE AND MANAGEMENT AGREEMENT TO PERMIT THE SALE OF THE GROUND LEASE FROM SANTA FE RAILYARD COMMUNITY CORPORATION TO RAILYARD COMPANY TO PRIMUM PUBLIC REALTY TRUST FOR THE PURPOSE OF FINANCING THE RETAIL DEVELOPMENT. (FRANK ROMERO)**
- z) **CONSIDERATION OF RESOLUTION NO. 2007- 114 (COUNCILOR HELDMEYER, COUNCILOR BUSHEE, COUNCILOR CALVERT AND COUNCILOR WURZBURGER). A RESOLUTION SUPPORTING THE EFFORTS OF OTHER GOVERNMENTAL ENTITIES CALLING FOR A MORATORIUM ON OIL AND GAS DRILLING IN THE GALISTEO BASIN IN ORDER TO ALLOW APPROPRIATE STUDY AND CONSULTATION ABOUT GOVERNMENTAL ACTION IN THIS AREA. (ROBERT GALLEGOS)**
- aa) **REQUEST FOR APPROVAL – CITY OF SANTA FE SCHEDULE FOR 2008 CITY COUNCIL AND COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)**
- bb) **REQUEST FOR APPROVAL OF LEASE AGREEMENTS: (POSTPONED AT THE NOVEMBER 14, 2007 CITY COUNCIL MEETING)**
 - 1) **AIRLINE TERMINAL BUILDING OFFICE; COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; AMERICAN EAGLE AIRLINES. (JIM MONTMAN)**
 - 2) **AIRLINE TERMINAL BUILDING COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; DELTA AIR LINES. (JIM MONTMAN)**

This item was postponed to the Council meeting of January 30, 2008

- cc) ***[Removed to add an amendment by Mayor Coss]***
- dd) ***[Removed for discussion by Councilor Ortiz]***
- ee) ***[Removed for discussion by Councilor Heldmeyer]***
- ff) ***[Removed for discussion by Councilor Bushee]***
- gg) **CONSIDERATION OF RESOLUTION NO. 2007- 115 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING THE CITY'S GREEN TEAM TO REVIEW THE ENERGY ORDINANCE RECENTLY INTRODUCED BY THE CITY OF SANTA BARBARA, CALIFORNIA, AND TO USE IT AS A GUIDE TO ATTAIN SIMILAR OR BETTER STANDARDS. (KATHERINE MORTIMER)**
- hh) **CONSIDERATION OF RESOLUTION NO. 2007- 116 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO SEEK FUNDING FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO ASSIST THE CITY IN CONSTRUCTING A GRADE SEPARATED CROSSING FOR THE ARROYO CHAMISO TRAIL AT ST. FRANCIS DRIVE. (BOB SIQUEIROS)**

7. APPROVAL OF MINUTES: REG. CITY COUNCIL MEETING – NOVEMBER 28, 2007.

A copy of the record of the Executive Session held by the Governing Body on November 28, 2007, submitted for the record by Yolanda Y. Vigil, City Clerk, is incorporated herewith to these minutes as Exhibit "1."

Councilor Chavez moved, seconded by Councilor Wurzburger, to approve the minutes of the Regular City Council Meeting of November 28, 2007, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, and Wurzburger voting for the motion, none against and Councilor Trujillo absent.

8. PRESENTATIONS

c) PRESENTATION OF THE NEW CITY OF SANTA FE WEBSITE. (CARLA LOPEZ)

Carla Lopez presented information regarding the new City of Santa Fe website via a power point, noting the new website will go live on Friday.

Councilor Heldmeyer asked if someone is on the website and they have a problem, what is the mechanism to report it to the webmaster, and is it easy to find.

Ms. Lopez said she was planning to send an email to City employees, so they'll know how to make site changes easily. She said the public will contact the Constituent Services office, and that information will be in the press release when the site goes live. She said that will be at the bottom corner of the website.

Councilor Heldmeyer said it is easier to navigate when people understand the vagaries of City Hall bureaucracy, and she believes they will receive a lot of questions. She believes it needs to be made easy for people to report this kind of thing.

Councilor Dominguez said he is impressed with the Beta site. He asked how we will manage links to our website, noting there are many non-profits which will want their sites linked to the City's website.

Ms. Lopez said staff will have to develop site policies, noting Civic Plus has sent a draft of some. She said the Council needs to decide whether we should have a resource directory which lists all businesses with a business license with the City, and if those should be linked on our site.

Councilor Dominguez asked if this engine can handle that volume of data. Ms. Lopez said it can do so, easily.

Councilor Heldmeyer asked if United Way still is doing the 311.

Mr. Gurule said he hasn't spoken with Frank DiLuzio. He said they are working on the

211, and trying to get additional funding to have a broader system and to expand. He is waiting for them to contact him, noting they will be meeting with the County and two other private entities as well as the City, to start discussions.

Councilor Heldmeyer said the 311 was supposed to be the portal through which one could reach non-profits. She said if that is still in existence, a link to that would be sufficient and it wouldn't be necessary to relink to every nonprofit.

Councilor Chavez suggested pursuing three additional links – Santa Fe CultureNet, the Visitor's Guide and the Museum of New Mexico and the Museum of New Mexico Shops. He said a resource directory can take different forms. He would be interested in a resource directory of the businesses and the artists/craftsmen in the area which are working under the cottage industry or home occupation umbrella.

Ms. Lopez said staff needs guidance with regard to whether to let everyone in.

Councilor Chavez said we need policy, but there are obvious partners, especially the ones we are funding and which already are under the City auspices. He said we could branch out from there.

Councilor Bushee asked if there would be a section to air proposed legislation so the public can get copies without going through the Clerk's office.

Ms. Lopez said this can be done on the Councilors' pages, or wherever you would like.

Councilor Bushee would like to have this done.

a) EMPLOYEE OF THE MONTH FOR DECEMBER 2007 – GERALDINE GURULE; PROJECT MANAGER, PLANNING AND LAND USE DEPARTMENT.

Mayor Coss read the nomination into the record. Mayor Coss presented Ms. Gurule with a plaque and a check for \$200 from the Employee Benefit Fund, and thanked her for her exemplary work with the City.

b) INVITATION TO THE GOVERNING BODY TO TOUR LOS ALAMOS NATIONAL LABORATORY ENVIRONMENTAL SITES. (ROBERT GALLEGOS)

A copy of "Invitation to Tour Environmental Sites at Los Alamos National Laboratory," is incorporated herewith to these minutes as Exhibit "2."

Lorrie Bonds Lopez, LANL reviewed the information in Exhibit "2." Ms. Lopez said she looks forward to the visit by the Governing Body, but noted it probably won't be possible to do so until after the Legislative Session when the snow melts.

Councilor Wurzburger thanked Ms. Lopez for the invitation. She said she would like to tour the sites as a member of the BDD Board to specifically address questions which have been raised. She said other members of the Board would like to attend as well.

Ms. Lopez said Councilor Wurzburger should call Bill Heimbach and he will make arrangements for the tour.

Councilor Bushee said she toured after the fires. She asked what they would see in the groundwater tour.

Ms. Lopez said they would see the wells, but they would be seeing mostly the staff, the scientists, and you could ask them your difficult questions. She said it is important for the Governing Body to know the facts, see the site and know specifically what it looks like.

Councilor Bushee asked if we can we bring others.

Ms. Lopez said as long as it is planned early enough, they can take almost any U.S. citizen to an environmental site, although it is difficult for foreign nationals because that takes a longer lead time.

d) PRESENTATION TO OUTSIDE/IN

Mayor Coss expressed appreciation to Outside/In for their work on the Summer Bandstand Program, which is becoming better and better. He said this is a lot of work, and he wanted to thank those who helped stage these programs. Mayor Coss presented Muchas Gracias Certificates to Canuto Delgado, Margaret Burke, Chris Abeyta and David Lesch.

Councilor Chavez congratulated the volunteer team that helped the City to put this together, and said these concerts are another excuse to go downtown to enjoy the gazebo and the Plaza.

Councilor Bushee said this summer's program was her favorite. She said, however, we need to fix the cement on the Plaza so people can dance.

CONSENT CALENDAR DISCUSSION

- 9(b) BID NO. 0812B – TRAFFIC SIGNAL LED BULB AND HEAD RETROFIT PROJECT; McDADE WOODCOCK, INC. (RICK DEVINE)**
1) REQUEST FOR APPROVAL OF BUDGET TRANSFER – CIP 1/2% CIP GRT.

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

Discussion: Responding to Councilor Bushee, Robert Romero said they installed two LED lights at the intersection of Constellation and Airport Road to see how they work, because there have been comments that they don't provide enough light. He said staff is going to

monitor those to see what happens and if it gives enough light. He said the LED bulbs are available, but they are a lot more expensive.

Councilor Chavez asked if there is an issue with the disposal of these types of bulbs.

Mr. Devine said he doesn't know, but he will look into that. The contractor hired to install the LEDs is disposing of the old incandescent which aren't a disposal problem. He said he doesn't believe there is a problem, but he will research this.

Councilor Chavez wants to know any negative impact on the landfill in disposing of the LED bulbs.

Councilor Heldmeyer thanked Neva von Peski who did the original cost/benefit analysis of the LEDs in the traffic signals which was the impetus for the resolution which caused the City to move forward with this. She said, depending on the color, the bulbs will pay for themselves within 1-2 years, which is a tremendous savings of money and energy for the City.

The motion was approved on the following roll call vote:

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

Against: None

Absent: Councilor Trujillo.

9(s) CONSIDERATION OF RESOLUTION NO. 2007- 117 (MAYOR COSS, COUNCILOR CHAVEZ, COUNCILOR CALVERT, COUNCILOR TRUJILLO AND COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING PAY INCREASES OF UP TO 2.81% TO THOSE MANAGEMENT AND CONFIDENTIAL EMPLOYEES WHO RECEIVED NO PAY INCREASE OR WHO RECEIVED LESS THAN A 2.81% PAY INCREASE FOR FISCAL YEAR 2007/08, EFFECTIVE THE FIRST PAY PERIOD IN DECEMBER 2007. (KRISTINE KUEBLI)

Councilor Heldmeyer said this Resolution, in different guises, has been coming before Finance Committee for two months. Today, one of the members of Finance said they understood this was to be postponed until mid-year. She said this was the original recommendation of the Finance Committee. She said at the last Finance Committee meeting it was bifurcated. There were two issues. One was this particular raise and the other was the issue of compaction. She said all of these issues are coming with the mid-year budget. She said this is for pay increases for management and confidential employees who received less than a 2.81% pay increase for this fiscal year. She said there were a number of recommendations with regard to what we did about non-union employees, noting that not everybody who is a non-union employee is in management. Many are people who do the same jobs as union employees, but because of particular aspects of their jobs are thrown into another pool. She said many aren't paid a particularly high salary.

Councilor Heldmeyer said at budget time, we said people below a certain level would receive the 4% raise negotiated by AFSCME, people in the middle tier would receive a 2%, and those above a certain hourly rate would get no raise. She said we said we really want to see performance-based raises and benefits in Santa Fe. The City Manager was directed to start doing that.

Councilor Heldmeyer said the information we received at Finance is that the City Manager feels it is going to be a very long, year-long, bureaucratic process in order to evaluate people to have performance-based raises. She said she doesn't understand this for people who are directly under the City Manager, and believes he should know what they're doing, and whether or not they are doing a good job. She said the compromise reached at Finance is that everybody would get these raises, but the City Manager would do performance-based evaluations in the next months for division and department directors, but the raises in this fiscal year would not be tied to those. Councilor Heldmeyer said she believes we are just "pushing off" the problem.

Councilor Heldmeyer moved, seconded by Councilor Chavez, to adopt Resolution No. 2007-117, with the proviso to amend the amendment to the Resolution on page 2, line 10, as follows: "AND BE IF FURTHER RESOLVED that the City Manager shall evaluate the performance of division directors and department directors and report to the Governing Body the results of such performance evaluations, and the raises offered to department directors shall be tied to those performance evaluations."

Discussion: Councilor Ortiz said he has been critical of this raise on two levels. He said the Finance Committee decided that we were going to have this as part of the mid-year budget review. Despite a Committee vote on that, it shows up in the form of a resolution which he finds as a disregard for the Committee process and the work we do at Finance. He said he has looked at the information, and knows there are particular situations in particular departments where the City asked for particular information and they provided that particular information. He said the Committee has been provided information as to where there are salary inequities, where supervisors are making less money than the employees that they supervise because of their collective bargaining agreement. Councilor Ortiz said he has no concern with the raise for those kinds of examples.

Councilor Ortiz said his concern about the raise is with those who are at the top end of this organization who are making a significant amount of money, and who are going to get, as a "me too" provision, everything the union struggles to negotiate in collective bargaining. He said the Police Chief, Fire Chief, City Attorney, City Clerk all receive this same benefit, and he said there will come a time where we need to look at the organization from the top down and determine which positions need to be cut, and which positions are really of value to the organization. He said we need to have this discussion in line with this salary increase which will happen sooner, rather than later. He would have liked to do that in a more comprehensive way. He is in support of part of the increases, and not in support of others.

Councilor Ortiz asked Councilor Heldmeyer if her amendment provides that department directors will get a raise only on the basis of the performance evaluation.

Councilor Heldmeyer said yes, their raise is tied to their performance evaluation. She

said Mr. Buller said he is sometimes not as familiar with the work of division directors depending on the size of the department and how hands-on the management of that department is. However, she assumes he knows what all of his department directors are doing.

Councilor Ortiz said we need to talk about department directors as well as division directors and we need to hold them accountable for the work being performed. He said it shouldn't be because the union gets a contract. He said the interim solution might be the beginning of a harder, long overdue discussion on the budget.

Councilor Heldmeyer said this is an interim solution and puts the Manager on the path of relating raises to performance evaluations for a very small, select group of people with whom he should be familiar with that they are doing or not doing. She said a complicated process is being put into place to say what people do, and then bring in someone to evaluate whether this is what they do, and then train everybody. She understands this, and this will take a year, although it seems somewhat bureaucratic to her. She believes the City Manager can evaluate the department directors with or without PADPs and consultants, and he should be doing so on some bases all the time.

Councilor Chavez said he doesn't see this as a wedge between union and non-union employees, noting the union has recognized that all employees are valuable and the living wage has merit, even though non-union employees will benefit from that. He said the union has been willing to expand its horizon and "look across the aisle," and to look out for all employees, not just union employees, across the board. He spoke about what was done with SWMA employees which were neither City nor County employees.

Councilor Bushee asked if this covers everyone, even those with whom the City has separate contracts.

Mayor Coss said it covers all non-bargained-for employees, but it doesn't include the City Clerk, the City Attorney and the City Manager who have contracts.

Councilor Bushee said when this is done in the future, it would be done at mid-year. She is concerned this is to be effective the first pay period in December which would be retroactive.

Councilor Heldmeyer said they consulted Ms. Raveling several times during the budget, and she has indicated many kinds of complications which are caused with retroactive pay regarding PERA and other such things.

Councilor Ortiz pointed out that the first pay period of December will end on Friday, and this will be implemented at that time.

Councilor Bushee reiterated that she wants these kinds of things to be part of a budget process.

Councilor Heldmeyer said the Finance Committee agrees, but this Resolution came forward because five councilors signed onto it.

Councilor Bushee asked about evaluations for those employees with contracts, and if

those would be done in an executive session.

Mayor Coss said it would take three Councilors or the Mayor to do an evaluation of anyone in an executive session.

Councilor Wurzbarger said a lot of time was spent at Finance Committee trying to understand this. She said it is not a matter of not wanting to do a performance evaluation. She said there was good discussion about why this wouldn't be in place. She asked Mr. Buller to comment on that discussion, commenting that his position was to wait until there was a process in place which he could use or it would be arbitrary and capricious to try to do an evaluation without having the process and criteria in place.

Mr. Buller said what he said was that in order for a merit based, or performance-based salary to work well, there needs to be trust in it, and the trust comes from the objectivity, which in turn comes from the process. He said if he is to do evaluations on department directors, it becomes a fairly subjective process, rather than an objective process. He said he knows what he thinks department directors do and should do. He said, "What I said was that I would like to see the process fully in place and implemented in an objective manner, so that everybody gets treated the same through the PADPs, and I think that builds a trust into the system that I was advocating for."

Councilor Wurzbarger recalled at the Finance Committee, the Committee discussed the amendment which came forward. The reason it wasn't tied to the raise, is that Mr. Buller committed to trying out some of the ideas. She said, "I also recall that we talked about the amendment that came forward, at least the reason we didn't tie it to the raise, that we said he would commit to trying out some of the ideas. So, it's not a matter of just not moving forward, but to take the department directors and see how far he comfortably felt going without absolutely tying the raise to the performance evaluation. So, that's why I ended up where I did with respect to this issue. That's what I recall, and that's some of the rationale for making the recommendation we did out of Finance."

Councilor Bushee asked Councilor Heldmeyer to repeat her proposed friendly amendment.

Councilor Heldmeyer said, "The friendly amendment which was added to the end... was that the raises given to department directors shall be tied to these performance evaluations.... and it doesn't even include all the department directors because some of them do not make the time cutoff that's in an earlier part of this Resolution.... like Kristine."

Councilor Bushee said, then they won't automatically receive this raise.

Councilor Heldmeyer responded, "Because the way this Resolution is written, people who have not been here the requisite amount of time are not eligible for the raise to begin with."

Councilor Bushee said, "No, but the tying it to performance evaluation, those folks will automatically receive this raise, or not."

Councilor Heldmeyer said, "No...not according to my amendment, it will be Galen's decision. And, it may be he comes in and everybody gets 2.81, but in his mind that has to be,

presumably, so he can explain it to us. It has to be tied to those performance evaluations.

Councilor Bushee said, "Just to follow up on that. You don't quite have a process for that, and by when will you, and will we get a report on your decision."

Mr. Buller said, "I think I said at one of the earlier Committee meetings, that we had completed the first portion of the PADP process this summer....and that was intended that six months later, which would be about now, that we would complete that evaluation. However, in talking to Kristine, we felt that we could do some training on how to use the PADP as a management tool, and how better to utilize the PADP for evaluation if we had some of the training. We had hoped to get that training done. Now, it looks like it's going to be in January...and I think Kristine said it was at the end of January that we might have that training completed. And I feel like, again, in order to keep this objective, that we would train completely across." Mr. Buller said the first half of the PADPs were done for all department directors.

Councilor Bushee said then the people with whom Mr. Buller will go through this process will receive no retroactive raises, it will be once he makes a decision.

Mr. Buller said that is how he understands the language of the Resolution.

Councilor Calvert said he is one of those who have been pushing strongly for the performance evaluations. However, he doesn't believe we should single out anyone, and everyone should be done in the same cycle. He said we shouldn't do it if we're not ready for it. He said he doesn't believe it is fair if that will cause people's potential raises to be delayed even more so because the process isn't totally ready. He said there was some characterization that the current Resolution went against the Finance Committee's recommendation, but three of the five members of the Committee voted for this Resolution as presented at the last Finance Committee meeting. He believes we should do the performance evaluations, but those should be done when everyone is ready and do it for everybody, across the board, at the same time.

Councilor Dominguez said he is a little concerned that this issue arose through a Resolution in the way it did, but this is the prerogative of the members of the Governing Body. He believes we should hold people accountable. He commented that he also is a public employee, and he understands the predicament of many of these people. He is more concerned about beginning the process and moving in the direction of giving merit-based pay. He agrees with Councilor Calvert that we shouldn't be singling people out until we have that process clarified and solidified, and we have evaluated whether it is fair and have had that the discussion. He said he can't support the motion with the proposed amendment.

Councilor Heldmeyer said employees are different, some are classified some are not, and there are different levels of responsibility and there are different job responsibilities. She can see this dragging on forever, observing that we will have to have a consultant to come in and do a study and see if the PADPs are correct. She said, "The fact that there would be a process in place, I think, is a very different thing for people at the lower echelons of City Hall where there are many people who do the same thing and the expectations may be more similar, as opposed to department directors. Department directors, by definition, are exempt. They serve at the pleasure of the City Manager. And, if we're going to start somewhere, that strikes me as the place to start..because Galen did express unease, both at Finance and then also privately, about evaluating division directors, because he said that he didn't have that much

knowledge about, and in some cases, of what division directors did. You know...that depending on the management style of the different department directors, they would be familiar with their division directors. He may be, he may not be. So, I was willing to take division directors out of there. But the reality is that he ought to know what the department directors do. He, and, you know, all the PADPs in the world are not going to make this any more or less objective or subjective, at that level of responsibility and that level of reporting to the Manager, and that level of responsibility for the Manager, for people who are exempt employees.... I think we have to start somewhere, and I think this is it."

Mayor Coss said he hopes the Resolution is adopted, even with Councilor Heldmeyer's amendment to it. He said the City Manager has been working on strategic planning the whole fiscal year, and that is moving forward and ready to come forward. He said if there are Councilors who want to eliminate positions, or programs, and such, this will be before the Council very soon, and in plenty of time for the next budget. He said he and Mr. Buller have discussed moving forward on performance evaluations, and it is important to do as correctly as possible in a large complicated organization, with a lot of people doing different complicated work. He said people could call it bureaucratic, but you could call it just trying to be fair. He said tremendous damage can be done to the morale and functioning of an organization if this is done wrong, commenting that he has seen this happen.

Mayor Coss said all which is requested in this Resolution is a cost of living adjustment for upper level people who have been with the City for more than a year. He said these people do make good salaries, but they also are people who have choices and they can go to work for the State or the private or federal sector. He believes it is important to tell our upper level management employees that we want them at least to stay up with the cost of living if they work for the City of Santa Fe.

Mayor Coss said, "On the whole issue of union/non-union, it takes two wings to fly an airplane. And if there's no management, there is no union. There's nobody for the union to bargain with. There's nobody to hold union members accountable. I think you just can't keep ignoring management when you're bargaining with the union."

Mayor Coss continued, "This was not intended to be an affront to the Finance Committee, but it was intended to move the thing, and show our management employees that we care about their cost of living and their employment with the City of Santa Fe. What was proposed was well within, well within, the budget that was allocated last May for these raises. And then the final thing I wanted to say about that is, I'm okay with Councilor Heldmeyer's amendment because all the department directors, they're exempt, you know, and in one sense that means you don't really have to be fair. You can do whatever you want with exempt, and it will be up to Galen to evaluate that and to do that. But, I would just hope that as he does that... Every disciplinary action, or every personnel action that I've seen on exempt employees in the last two years, has landed me up in meetings with City Councilors, in meetings with Legislators. And I think, here we go again if Galen doesn't do this right. And so, I hope, that as we go into performance-based pay, of managers evaluating employees, that it doesn't become a micro-management type of function on the part of the Governing Body, or even on the part of the people in the community that don't like the way friends of theirs got evaluated."

Mayor Coss continued, "I hope this passes, and I think it's fine to start with department directors and Galen should say whether he thinks they're doing a good job or not before they get a raise. I think that's fine."

Councilor Bushee said she isn't on the Finance Committee, but she wants to know when the Human Resources Department is going to be able to examine the job descriptions of people who are titled as managers, but don't manage anyone.

Ms. Kuebli said, "We actually have an RFP out right now to do a pay & classification study, so we will make those selections in January, and we'll start the process. The decisions of accretion of who's in the union and who's out of the union, that is the responsibility of the Labor Management Committee, which is labor and management together. We meet once a week, so those are issues that we bring forward. And, we look at the definitions that are set forth from the Labor Board that defines who should be in the union and who should be out. The classifications are a real problem. There are four hundred and sixty some classifications for 1,400 employees, so that's one job title for every four employees... 460 classifications for 1,400 employees. So, we have a lot of work to do, working with the consultants, but that's right around the corner."

Councilor Bushee asked how long this will take.

Ms. Kuebli said between three and six months, noting they want to be able to bring this information forward to the budget process. She said there definitely will be a need to make changes in many job classifications, possibly ranges, entry salaries and such.

Councilor Wurzbarger said she will vote against the amendment. She said, unless she has heard incorrectly, the City Manager, who's responsibility is to help us deal with this, has given an opinion that he doesn't feel comfortable doing this. And, this is saying we want him to do it anyway, and she is uncomfortable with that. She believes the timeline which was set forward is realistic, and she is uncomfortable with the amendment, and believes we should defer to the preference of the City Manager in this matter.

Councilor Wurzbarger asked, for the record, how much money this action will cost the City.

Ms. Kuebli said the amount is \$121,000.

Councilor Bushee said the Resolution says \$137,000.

The motion failed to pass for lack of five votes for the motion to adopt Resolution No. 2007-117, as amended by the Finance Committee and by Councilor Heldmeyer, on a roll call vote as follows:

For: Councilor Heldmeyer, Councilor Ortiz, Councilor Chavez and Councilor Bushee.

Against: Councilor Dominguez, Councilor Wurzbarger and Councilor Calvert.

Absent: Councilor Trujillo.

Explaining his vote: Councilor Calvert said he supports the raise, but not under the condition which was added, so he votes no.

Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2007-117, as amended by the Finance Committee.

Friendly amendment: Councilor Bushee would like to amend the amount in the Resolution from \$137,000 to \$121,000. **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Discussion: Councilor Bushee asked when Mr. Buller will have an evaluation system to award merit systems in place.

Ms. Buller said Ms. Kuebli said the training can be done in January 2008, and he would do it promptly after that, either late January or early February 2008.

Councilor Bushee said, "Okay. It..so it says that you'll do it by the start of the next fiscal year in this Resolution."

Mr. Buller said it definitely will be before the start of the next fiscal year.

Councilor Calvert asked Councilor Bushee if she is referring the last paragraph in the Resolution, or if she is talking about the amendment.

Councilor Bushee said she is referring to the last paragraph in the Resolution.

Councilor Calvert said the last paragraph of the amendment talked about doing this for everybody.

Mr. Buller said, "We'll do it by the end of this fiscal year, we should have everything complete."

Councilor Calvert said the amendment provides that Mr. Buller will do performance evaluations for division and department directors, but it is not tied to the pay.

Mr. Buller, responding to Councilor Bushee, said he can get this done by the end of this fiscal year, and he can start with the department and division directors.

Councilor Bushee asked, "So, can you fold in the whole classification issue by then."

Mr. Buller said, "If we fold that in, and I think that's a great idea, it would be towards the end of the fiscal year."

Friendly amendment: Councilor Bushee said, "I would like to add that to the Resolution while I have the floor, as a friendly amendment, I hope. [Fold in the whole classification issue by

the end of the fiscal year]”

Discussion on the friendly amendment: Mayor Coss asked Ms. Kuebli to speak to the completion of the study and the reclassification.

Ms. Kuebli said, “The last paragraph. I think what’s important to understand too, is it’s not division and department directors. What the last sentence is referring to is everyone who’s on that spreadsheet, all management and confidential employees.”

Councilor Calvert said, “But the amendment says that even though their pay raise wouldn’t be tied to it, that the City Manager will evaluate the performance of division and department directors and report to the governing body. That’s an amendment that was added at Finance. I understand what you’re saying is in that last paragraph. Help us though with what Councilor Bushee is asking for, as that relates to the performance evaluations.”

Councilor Bushee said, “I’m just trying not to have to bring another resolution forward. I figured if you can do it in that time, and the City Manager says you can, and you’ve guesstimated about six months at the max, so I’m just trying to build it in so we don’t lose track of it.”

Councilor Calvert asked, “So, are you comfortable that you’re going to do the...you said the reclassifications..”

Ms. Kuebli said, “The classification and compensation study we can focus and make sure that we hold the consultants accountable to, at least, get the confidential management employees, all the non-union positions..get them reclassified, positioned appropriately in time for the new budget year, at the end of this fiscal year.”

The amendment was friendly to the maker and second, and there were no objections from the other Councilors.

Continuation of discussion: Councilor Bushee said she wants to be clear that the amount has been changed to \$121,000 in the Resolution on page 2, line 1.

Councilor Calvert asked if it is necessary to have the exact amount in the Resolution, saying that could change, depending on when it becomes effective. He doesn’t believe the exact number is that critical in the Resolution.

Friendly amendment: Councilor Bushee suggested eliminating that line, saying if \$137,000 isn’t the amount, she doesn’t want it in the Resolution either. **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Continuation of discussion: Councilor Chavez said as he recalls, one reason we got into this predicament is that over the past 2-3 years, we would approve salary increases in the budget for the union, but would not approve a salary increase for non-union. He said non-union employees were lagging in this area as well as in others with regard to salary increases. He believes that we should treat all employees equally and with equity, both union and non-union alike, because they are all valued City employees. He said the question is whether we have

performance-based evaluations or merit-based pay in place. He said we chose not to do it with the smaller group, and directed the City Manager to do that. He said we have directed the City Manager to do many things which he might not be comfortable doing, but he gets them done. He said he will support the Resolution, because we need to deal with this, and it is okay if it takes six months. He said this issue is not a new one, and we need to deal with it. He said we have a model with which we can move forward, and the dollar amount isn't large, but the process is important.

Clarification of the motion: Councilor Heldmeyer asked if motion includes the amendment on page 2 of the Council packet. Councilor Calvert said it does. Councilor Heldmeyer said then Mr. Buller doesn't have to evaluate the performance of division or department directors until the end of the fiscal year. Councilor Calvert said that isn't specified, the Resolution said it will be in place for everybody by that time, and we won't do this again without performance evaluation. The amendment only says that he will do the evaluations, but it doesn't give a time frame.

Councilor Heldmeyer asked Mr. Buller his time frame for evaluating the performance of the division and department directors.

Mr. Buller reiterated that he would like to get the process in place in January 2008, complete the training by the end of January 2008, and he could do it immediately after that training is complete. He said it will be done in very late January or early February 2008.

Friendly Amendment: Councilor Wurzbarger proposed an amendment to the Finance Committee amendment, as follows: "...and report to the Governing Body the results of such performance evaluations not later than March 1, 2008. **The amendment was friendly to the maker, and there were no objections by the other Councilors.**

Clarification of the Motion as amended: Councilor Bushee asked, "So, does my reclassification one by the end of the fiscal year stand." Mayor Coss said it does.

The motion, as amended, initially failed to pass for lack of five votes in favor of the motion as amended by the Finance Committee and by the Council, as follows:

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez and Councilor Wurzbarger.

Against: Councilor Heldmeyer and Councilor Ortiz.

Abstain: Councilor Bushee.

Absent: Councilor Trujillo.

Explaining her vote: Councilor Bushee said she would have been more comfortable tying those raises only in the case of department directors to the evaluations which would be ready by March. She said, "I don't know. I mean, I just feel like this is thrown together, and I'm not sure I get the rush. Although, I have to say there are plenty of middle managers that I want to see stay in the City, so I'm stuck on this." Mayor Coss asked if she would like to pass.

Councilor Bushee said, "I want to abstain, I don't feel like I have accurate information."

Explaining her vote: Councilor Heldmeyer said she shares Councilor Bushee's concerns. She said it isn't that there aren't people in these categories that don't do a wonderful job, and probably deserve more than 2.81%. She said there is one division director for whom we should buy "a solid gold Cadillac." She said the point is process, and there has been a lack of process, which is now being pushed off even further. She votes no.

Explaining his vote: Councilor Ortiz said this is his 6th City Manager, "and this administration, 2nd City Manager, just like the old administration, has always protected its management employees, has always said, after union negotiations, sometimes acrimonious, are finished, that all the non-union employees come in for their raise. And I understand, and can appreciate that there are departments, in particular the Fire Department, where there are specific needs and salary inequities that need to be addressed. I recognize that throughout the City there are salary inequities that need to be handled on a case by case basis. I am not convinced, because most of these department directors were brought in for political or personal or other reasons, that the process itself, of evaluating whose department is effective versus whose is not, is a process that needs to go through the same bureaucratic channels in order to evaluate whether or not some people deserve a 5% raise, some people deserve a 0% raise. And, that process, the process that's been hung out, is a process that I've always fought. And, I have not forgotten, it's been a long time since I've been a public employee, but I remember it. And I remember that it is because of union protections that the favoritism and the other discrepancies of merit pay were abolished. Because merit pay was used to enact favoritism. And, I support the unions and I support the right to collectively bargain. I don't believe that management gets it just because the union negotiates for it. And, so I'm going to vote, on this issue, especially since we postponed this at Finance and it came back forward, I'm going to vote no as well.

Reconsideration of his vote on the previous motion: Councilor Ortiz said there are very hard working employees who aren't at a division or department level, who cannot be in the union because of their position. He said if this Resolution fails, then those people will be affected. **Councilor Ortiz said he will change his vote from "No" to "Yes," and moved to reconsider, seconded by Councilor Chavez.**

Discussion: Mayor Coss said the vote would then be 5 to 2.

Ms. Vigil said if Councilor Ortiz changes his vote, the Resolution will be approved, and asked Councilor Ortiz if he is changing his vote.

Councilor Heldmeyer said on a vote for a resolution or ordinance, an abstention counts as a no vote.

Councilor Ortiz then changed his vote from a "No" to a "Yes," vote and the motion as amended by the Finance Committee and the Council was approved on the amended roll call vote with a five vote majority in favor of the motion, as follows:

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

Against: Councilor Heldmeyer.

Abstain: Councilor Bushee.

Absent: Councilor Trujillo.

9(v) CONSIDERATION OF RESOLUTION NO. 2007- 118 (COUNCILOR BUSHEE, COUNCILOR ORTIZ, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO WORK WITH CREATIVE SANTA FE, A CITY FUNDED NOT-FOR-PROFIT ORGANIZATION, TO FURTHER DEVELOP THE PLAN TO ESTABLISH A RAILYARD ARTS/ CREATIVITY COMPLEX. (SABRINA PRATT)

Councilor Heldmeyer said there are dueling resolutions. The Resolution which is #10 on the agenda is related to this one, and proposes to use funds from the CIP bond issue for a very specific kind of arts building, a permanent indoor arts market. She said this is a much more amorphous kind of arts building – not clear what it's going to be, nor what it will do. The Resolution directs staff to “work with creative Santa Fe to develop a plan.” She said the Board Chair of Creative Santa Fe said they can develop a financial plan and a programmatic plan, and a location by the first meeting in January 2008. She asked if this Resolution is to pay them to do this, or will it be included as part of the contract we approved earlier this evening. She asked why this is here at this point.

Ms. Garcia y Griego said she understands this Resolution was passed by Finance with the caveat that Creative Santa Fe come back with that business plan at the first Finance Committee meeting in January 2008. She believes the development of that business plan is part of the contract that the Council passed tonight. She said Ms. Aqualina and Ms. McCormick may have more information.

Dena Aqualina, Creative Santa Fe, said they are developing a feasibility study, and the beginning process of this is part of their contract with the City of Santa Fe for the next year.

Councilor Heldmeyer asked what will be presented at the first Finance meeting in January.

Ms. Aqualina said they are working hard to get the figures which were requested.

Councilor Heldmeyer said the Resolution says, “Proposed construction and/or renovation, organizational structure, capital costs, operation, maintenance costs and parking.” She said the Chair of Creative Santa Fe committed that it would be ready to do that by the beginning of January. Ms. Aqualina said this is correct.

Councilor Heldmeyer said this a request to say for you to go ahead and do something which is in your contract, and come back in January without any commitment to whatever it is you will come back with, noting we don't know what you will come back with at this point.

Ms. Aqualina said it is a difficult time of year to be doing this.

Councilor Heldmeyer moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2007-118, with the amendment approved by Finance Committee, because the Board Chair represented that this would be available by the first Finance Committee meeting in January 2008.

Discussion: Councilor Heldmeyer said everyone needs to be very clear that this is no commitment to doing anything other than looking at whatever comes to Finance in January. She said this has been through several iterations, some involving very specific things done in very specific places by very specific people. She isn't committing to that.

Councilor Bushee said this is the first iteration of this Resolution which she submitted, which is simply an endorsement of the concept and its fit with our economic development plan, and that we sponsor them to do this work. She isn't sure she understands the deadline to the first part of January for a commitment of those efforts, but she believes they will do their best to bring that information at that time.

Councilor Wurzburger said she felt there was some pressure from both sides to move this forward. She asked to be added as a cosponsor. She disagrees with the allegation that these are dueling proposals. She said they had several meetings with Creative Santa Fe to look at how the two proposals could be incorporated with respect to providing places for artisans. It is appropriate that we are still looking at the other proposals with respect to how we can use those resources which were developed for another site on the Railyard.

Councilor Chavez said he doesn't see these as competing and one could complement the other. He said one has been in the works for about a year and the other has arisen more recently, and hopefully there is a place for both. He said even though there is a Resolution speaking to an indoor art market on the Guadalupe portion, the FIR says, "This resolution relates to a resolution introduced by Councilor Chavez regarding an Indoor Arts Market on the Railyard. The function of the sales space described in that resolution could be incorporated at the alternative site." He said we don't know what the programs will be for the other building, but we do know that the indoor art space on the north end was discussed and considered because it was close to the permanent outdoor space on the north end of the Railyard property, so it seemed to be a good fit if that space was to be used primarily for sales. He appreciates the new proposal which captures the larger concept of the business incubator which we overlooked for a while, but now at the twelfth trying to shoehorn this into the Railyard somewhere. He these can be part of a larger, comprehensive approach to dealing with our economic development as it relates to production of local arts and crafts.

Ms. Aqualina said she doesn't see these as competing proposals. She said it isn't just about having a place to sell work, because artists need help with pricing, marketing and legal issues. This is the kind of support they would hope to give them. She said Creative Santa Fe's job is to support and strengthen our creative economy, and so it's not just the display.

Councilor Bushee asked if the FIR was available at Finance, because this is new to her. She doesn't understand the language, "The function of the sales space described in that resolution could be incorporated at the alternate site." She is the sponsor of the Resolution, but she has no idea what this means.

Ms. Garcia y Griego said she doesn't know when that was submitted by Ms. Pratt.

Councilor Wurzburger said she doesn't recall. She believes that any FIR is irrelevant until we get the detailed information which the Committee is requiring. She said the Committee didn't spend a lot of time on this at Finance. She doesn't know where it came from.

Councilor Bushee said, "I want to know if that is something we even understand, so I'm going to disregard that as part of this evening's undertaking."

Ms. Garcia y Griego said she thinks Ms. Pratt wanted to introduce the possibility that the space could function in that way, and doesn't believe it was intended as a definitive statement.

The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, and Councilor Wurzburger.

Against: None.

Absent: Councilor Trujillo

9(cc) CONSIDERATION OF RESOLUTION NO. 2007-119 (COUNCILOR ORTIZ, COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION ENDORSING THE CONCEPTS INCLUDED IN THE "PLAN TO END HOMELESSNESS IN FIVE YEARS" PRESENTED BY HE MAYOR'S BLUE RIBBON PANEL TO END HOMELESSNESS. (KATHY McCORMICK)

Mayor Coss distributed a proposed draft amendment to the Resolution. A copy of the amendment is incorporated herewith to these minutes as Exhibit "3."

Mayor Coss said concern has been expressed about the homeless youth situation in Santa Fe.

Councilor Bushee asked if this couldn't have been done administratively.

Mayor Coss said yes, but he wanted the Council to see it and he wanted the public to know about this. He said the City did a \$10,000 contract with St. Elizabeth's a few weeks ago, and he is proposing another \$20,000 contract which certainly could have been done administratively. However, with the concern that has been raised in the community, especially by the youth, he thought it would be a good time to say we met with the Director of Youth Shelters and Family Services, and want to do a contract with that group to help with youth shelters for street outreach and services.

Councilor Heldmeyer said she hopes we didn't hold up the contract just to talk about this publicly.

Mayor Coss reiterated that he absolutely knows that this could have been done administratively, but he wanted Council support to do this.

Councilor Ortiz moved, seconded by Councilor Chavez to adopt Resolution No. 2007-119, as amended.

Friendly amendment: Councilor Heldmeyer proposed to amend the Resolution on page 2, line 15, as follows: "...within the context of all the housing and human service needs in the community." **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Discussion: Councilor Chavez asked if this includes all the interfaith agencies which are working on the homeless issues.

Mayor Coss said it does, and this enhances the ability of Youth Shelters to work with the interfaith groups that are providing shelter for the homeless this year.

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

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

Against: None.

Absent: Councilor Trujillo.

9(dd) CONSIDERATION OF RESOLUTION NO. 2007- 120 (COUNCILOR ORTIZ, COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION CELEBRATING THE LIFE OF DR. MARTIN LUTHER KING, JR., AND COMMEMORATING THE 40TH YEAR ANNIVERSARY OF HIS DEATH. (TERRIE RODRIGUEZ)

Councilor Ortiz moved, seconded by Councilor Calvert, to adopt Resolution No. 2007-120.

Discussion: Councilor Ortiz said this is the 40th anniversary of the slaying of Dr. King, noting at the time he was in Memphis serving on behalf of striking City workers. He said this Resolution gives City support to traditional Martin Luther King events. Councilor Ortiz spoke about the plans for the event, and the poster contest. He asked that this information be posted on the City website and the information be published on Government TV.

The motion was approved on the following roll call vote:

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

Against: None

Absent: Councilor Trujillo.

9(ee) CONSIDERATION OF RESOLUTION NO. 2007- 121 (COUNCILOR CHAVEZ AND COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO WORK WITH OTHER GOVERNMENTAL ENTITIES THROUGHOUT NORTHERN NEW MEXICO TO MITIGATE THE ECONOMIC IMPACTS OF LAYOFFS AT LOS ALAMOS NATIONAL LABORATORY. (KATHY McCORMICK)

Councilor Heldmeyer said she pulled this because she has to recuse herself from voting on this issue.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2007-121. The motion was approved on the following roll call vote:

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

Against: None

Absent: Councilor Trujillo and Councilor Dominguez.

Recused: Councilor Heldmeyer

9(ff) CONSIDERATION OF RESOLUTION NO. 2007- 122 (MAYOR COSS, COUNCILOR CHAVEZ, COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO PROCEED WITH NEGOTIATIONS TO PURCHASE 14 ACRES OF LAND ADJACENT TO THE SILER ROAD YARD AND DEVELOP A FINANCING PLAN FOR THE PURCHASE. (MIKE LUJAN)

Councilor Bushee moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2007-122, as amended by the Public Works Committee and the Finance Committee, as follows:

[Public Works Committee]

- 1. On page 1, beginning on line 12, delete the words, "A FINANCING PLAN FOR THE PURCHASE" and insert the words "FINANCING OPTIONS IN THE EVENT A PURCHASE IS CONTEMPLATED" and**
- 2. On page 14, line 14, delete the words "a financing plan for the purchase" and insert the words "financing options in the event a purchase is contemplated."**

[Finance Committee]

On page 2, line 10, insert the following language: "WHEREAS, acquisition of this 14 acre parcel of land by the City will also provide opportunities to master plan the site to include possible partnerships and collaboration with other entities to enter the further uses of the property that will support the City's Economic Development Plan."

The motion was approved on the following roll call vote:

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

Against: None.

Abstain: Councilor Dominguez

Absent: Councilor Trujillo

Explaining her vote: Councilor Heldmeyer said she votes yes to negotiate, but this does not mean that the City necessarily can afford to buy this property.

*MAYOR COSS SAID AT THIS TIME, BECAUSE OF THE LATE HOUR, HE WOULD LIKE TO
MOVE TO THE EVENING AGENDA TO HEAR PETITIONS FROM THE FLOOR*

PETITIONS FROM THE FLOOR

Guadalupe Golier, owner of Golier Fine Imported Shoes, introduced her daughter Paula Golier, the manager of the store. She said she is in attendance to ask the City to check the ordinance with regard to distress sales in retail stores. She said the ordinance isn't working properly. She said it is difficult to be in business when you can't put up sale signs. She said the ordinance is meant to be for different businesses announcing going out of businesses or making false sales which isn't the case for her store. She said she would like the Governing Body to revise the ordinance, although she understands this can't be done this year. She said it will be hard at Christmas to put their merchandise on sale if they can't have sale signs. She doesn't know what criteria the City uses, and who gets penalized or fined. She said if you open the shades in the back of this room, you can see a sign across the street which says "40% off." She doesn't know how the City decides who gets fined. She understands the Council has a very hard job, but this ordinance is "suicidal" for retail stores. She tried to get more retail store owners to come to speak today.

Councilor Trujillo arrived at the meeting at this time.

Sarah Wilson, Ortega's on the Plaza and two other businesses, said she is sorry other

retailers aren't here, but they don't show up for Council meetings. She said there are a lot "of us" who are really opposed to the ordinance as it stands. She said they appreciate the elimination of the distress sales and discounted sales signs which are fraudulent, but they should be addressed separately from what they are doing. She said Golier Shoes, for example, has seasonal business and sales have to happen at the end of the season which are legitimate sales, even if they are deep discounts. She said in her case, they don't have a lot of sales. However, she doesn't like the idea that she can't put a sign in her window or on the door, and particularly inside her store, which indicates whatever the discount might be. She said the City has taken that away from her, and she believes it is her right to have a sale sign with a discount amount inside her store, and on her windows and doors. She said it has been determined that she can do this four times a year, and she doesn't understand the reasoning which led to this decision. She believes the number of sales a year should be the decision of the retailer. She said sales signs indicating discounts are what encourages people to come into her store.

Paula Golier, Golier Shoes, said the ordinance provides that there can't be a mark down sales signs and prohibits signs in the Historic District. She said they have a petition which was signed by business persons downtown, some of whom have been fined. One woman was fined for having a sign for "Best of Santa Fe" award given by The Reporter. She said another merchant was warned for having a sign up with the name of one of the lines he carries in his store. She said there is some confusion if the ordinance is trying to strictly target sales signs or just any signage on the window. She said they are interested in asking for the following things: (1) that the Council change the ordinance requiring to ask for a permit in order to put a sign up and that they can only do this four times a year; (2) the size of the sign, 18 inches by 24 inches, seems too small and they would like this changed; (3) they do not want signs advertising merchandise sales – liquidation, clearance, fire sale and such and want to keep this part of the ordinance; and (4) they would like to be able to put signage inside their stores.

Councilor Bushee said they delivered a petition to her Monday evening, and she made sure Jack Hiatt and Frank Katz got copies, and she left the original at her work place by accident. She said the petition was signed by more than 40 business owners, and also listed the things they wanted. She said she met with them, and they wanted some immediate relief for the holiday season.

Bob Andriotti, owner of Onorato Home and Ambiance, on Palace Avenue down the street from Golier, said he would like to make three observations about the ordinance. The first is that it is very arbitrary to say that you can have only four sales a year, and there seems to be no rational basis why this number was chosen. Secondly, if not the ordinance itself, then certainly the implementation of it and getting a permit to have a sale is basically prohibitive. He said at the meeting with Councilor Bushee, a person distributed the City's guidelines about how to get a permit, which included getting approval from the H-Board, getting a legal description and a floor plan of the property, etc. He said these are the "Guidelines for Temporary Banner Permits." He said one of the speakers at last Friday's meeting said he tried to get a permit, but gave up because it is impossible. Thirdly, he believes there have been mixed signals about the implementation of the signage permits in the ordinance. As soon as they reviewed the guidelines last Friday, Sebastian Gurule told them that he didn't know anything about these guidelines, and the permit system was supposed to be a three-minute, over-the-counter transaction. He said that is at odds with these regulations. He said he read in the newspaper this morning that there is a \$47 fee for the permit. He said that would cost \$200 to do four sales a year, which is seven times the cost of his business license. He hopes the message isn't that

"you can have a business, you just can't run it," and hopes at some time in the future the Council will reconsider some of the implementation of this ordinance.

Donato Coviello said he has a business downtown, and he hopes the City is as vigorous about enforcing the rules about signs in March at election time when the City is plastered with political signs all across the City on public property.

Mayor Coss asked Mr. Katz to speak to the permit process which was brought to his attention, and has been under discussion for about a week.

Mr. Katz said we have heard that our permitting process is not good, and we are making it good. The way it will work is that anyone who wants a permit for one of these signs, will walk in with the sign they want to put up, and it will be approved as long as it is the right size and they pay the fee. They will be given a sticker to put on it showing that it is approved and the date it can be posted. He believes this should solve the problem for this Christmas season.

Mayor Coss said he has talked with several merchants this week who were having permitting problems, and this sounds more straightforward and where it should have been.

Councilor Wurzbarger said, although this may help over the holidays, she would like to have this issue at Business & Quality of Life Committee. She said this is another example of passing something with one intention, and then by the time you get City administrative procedures, it is totally distorted. She was unaware of the guidelines.

Councilor Bushee said she will provide a copy of the petition with the requests by the downtown merchants to City Clerk Yolanda Vigil. She said perhaps it is already time to overhaul that ordinance.

Councilor Heldmeyer said this came from a lot of merchants, and two different Coffees with the Mayor. She said she would request that if this is revisited that both sides of merchants get together and talk about this. She said this did go through a process, and people who owned stores commented on it. She said when we get complaints, they come from the downtown merchants when someone isn't following the law. She said if there is a split in this community, the appropriate thing for the City to do is to get everyone together, talk about it and see what the consensus opinion is. This ordinance didn't come from City staff nor Councilors, but it came from other downtown merchants.

Councilor Bushee said what she saw on this petition is that a good majority of the downtown merchants feel the unintended consequences of the ordinance is that it is too punitive. She was involved in the earlier changes to the distressed merchandise part of the ordinance which were brought forward by a much smaller group of vendors, more jewelers, who don't have to sell seasonal merchandise. She believes there is a real difference in the retail world as to whom the City was addressing with this ordinance. She said nobody is against trying to target those bad businesses with bad business practices, but she believes we may have overreached. She would like to be able to propose changes, working with the City Attorney's office, to address the problems in the bad business practices, but which don't harm the businesses we want to see thriving downtown in a difficult market.

THE COUNCIL THEN RETURNED TO THE AFTERNOON AGENDA

10. **CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR CHAVEZ, MAYOR COSS, COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR HELDMEYER). A RESOLUTION DESIGNATING UP TO \$300,000 OF THE CITY'S 2008 CAPITAL IMPROVEMENTS PROGRAM (CIP) BOND FOR A CITY OWNED PERMANENT INDOOR ARTS MARKET AT THE RAILYARD. (ROBERT ROMERO AND TERRIE RODRIGUEZ). (Postponed at the November 28, 2007 City Council meeting)**

Ms. Garcia y Griego presented information regarding this matter to the Governing Body

Councilor Chavez moved, seconded by Councilor Heldmeyer, to adopt this Resolution with the following proposed amendments which are in the Council packet:

AND BE IT FURTHER RESOLVED that staff is directed to work with Creative Santa Fe, a City funded not-for-profit organization, to develop a plan to establish a city owned permanent indoor arts market on the railyard, with a preference on Guadalupe Street.

AND BE IT FURTHER RESOLVED that in the event a venue space in a building is not secured by the City, the City's legislative lobbyist is directed to approach the State Legislature to request that the \$150,000 received from the 2007 New Mexico State Legislature for an indoor arts market facility be reallocated for improvements to the outdoor venue on the Plaza and Alameda on the Railyard to be designated as a space for the sale of arts and crafts produced locally in order to best promote the arts and crafts industry.

Discussion: Councilor Chavez said this concept has been around since 2006, when the Council adopted Resolution 2006-110, directing the City Manager to explore options for the development of an arts incubator and permanent indoor arts market, and further directed staff to develop policies and procedures for the use of City owned or controlled land for the sale of arts and crafts resulting from the Incubator programs, and to support local arts and crafts.

Councilor Chavez said, as stated, there was funding from the 2007 Legislature. He said a survey was done by the Randall Travel Research which stated that when visitors were asked what products they would most likely purchase during their visit to Santa Fe, more than seventy percent of those responding, said number one was "Made in Santa Fe items," and number two was "Native American made arts and crafts." He said Randall estimated that these individuals are interested in authenticity and buying one piece of art versus a suitcase full of trinkets. Responding to Councilor Bushee, Councilor Chavez said the amendment page is in the Council packet.

Councilor Bushee said she is not against this concept, but she has never seen the detail of this project which has been requested of the previous project. She said this has been frustrating to her, noting that she heard that the last time this was at Finance that the financial

implications were not discussed. She said it is hard to understand what we're approving, and we are considering putting a large amount of infrastructure funds toward this. She said this concept, other than the intent to support local artisans, is for a very high priced government gallery, commenting that she did see some numbers, but those went away again. She asked if there is an FIR for this project.

Ms. Garcia y Griego said the original FIR was based on the Pavilion Building which Turro had proposed originally, and when that building went away, a revision of the FIR was not proposed. She said it is difficult to know the fiscal impact without knowing the space in which this will be operating, and what that is.

Councilor Bushee said this Resolution is asking a "hope and a prayer" that the \$300,000 would be spent in some manner. She said, "I'm just concerned that the Finance Committee didn't really do the due diligence I had hoped on this project as it was moving through, and I'm just surprised and then I saw a very different standard applied to the project brought forward by Creative Santa Fe."

Councilor Chavez this proposed Resolution is a fairly simple concept and it is part of our Economic Development Plan. It is no different from the facility which would be on Baca Street. He said this proposal has gone through the Committee process, beginning in May 2007. He said many questions were asked and a business plan was produced, but those come and go, and it may not have been the best approach, and there are different ways to structure that business plan. He said neither the title nor intent of the Resolution have changed, and the dollar request is still there. However, in the event we are unable to secure indoor space on the Guadalupe portion, we would reallocate only the \$150,000 to be used for improvements on the outdoor space. He said if we can secure an indoor space, then we would need the \$300,000, plus an additional \$150,000 from the Legislature. He said if we are willing to invest in our economic development, and in the artists and craftsmen in Santa Fe, the \$300,000 which is requested from the CIP budget is a worthwhile investment. He pointed out that the idea of securing permanent, indoor space on the north end of the Railyard might be slipping away.

Councilor Heldmeyer said this concept is something this Council already has approved, and the reason lobbying was done at the Legislature to get money for this purpose by people from the City and from some of the Arts non-profits. She said there were specifics at the time. She said the owner of that particular property decided not to do it, because she was going for "high end" gallery space, and didn't want to share it with local artists and craftsmen. She believes that was short sighted, but the concept is there, and this is something we adopted by Resolution. She said if we can't find the space, the money will go for an equivalent use. She is in favor of this, and it makes sense to her.

Friendly amendment: Councilor Wurzburger would like to amend the Resolution to insert language to require the same kind of fiscal analysis which we have requested in the previous proposal, with respect to the kind of plan we are expecting from Creative Santa Fe. **The amendment was friendly to the maker.**

Discussion on the friendly amendment: Councilor Chavez spoke about the plan the City has for the 2,500 sq. ft. in the new civic center, which isn't that different from the 2,500 sq. ft. which might be on the north end or on the Baca Street portion. He said the business plan for the space at the civic center could be a benchmark or a model.

Councilor Wurzburger said she wants to make it very clear, as in the previous proposal, that we aren't saying that we are spending the \$300,000 until we know how we will spend it.

Councilor Chavez said this is correct, and if this doesn't come to fruition, we can always reallocate those funds, reiterating that the \$300,000 from the CIP budget was a modest request.

Councilor Heldmeyer said, "I have a question about that amendment as the second. You say you're going to lift the language, are you also going to lift the date, or is that going to be a different date."

Councilor Wurzburger said it has to be a different date and it should be March 1, 2008, to give more time.

Restatement of the Friendly amendment: Councilor Wurzburger would like to amend the Resolution to insert language to require the same kind of fiscal analysis which we have requested in the previous proposal, with respect to the kind of plan we are expecting from Creative Santa Fe, with a deadline date of March 1, 2008. **The restated friendly amendment was friendly to the maker and to the second, and there were no objections from the other Councilors.**

Councilor Wurzburger said the recommendation by the Finance Committee was to approve the request on the condition that Creative Santa Fe provide us the financial plan, the business plan and the programming. She said this provides the opportunity to look at all of these pieces together.

Councilor Bushee asked if that includes the location.

Councilor Wurzburger said it would come back with a business plan, and business plans need to be tied to a location, but that gives us more time to work on location.

Councilor Bushee said then Councilor Wurzburger is asking for all the same plans which were requested of Creative Santa Fe, the whole thing.

Councilor Wurzburger said it is for the same things we have asked for Creative Santa Fe for one site, we are requesting for another site which is yet to be developed.

Responding to Councilor Bushee, Councilor Chavez said this has had money attached to it since the last Legislative session, that it was on the City's priority list and received conceptual approval from the Council to move forward, but that doesn't seem to make a difference and it doesn't give this project more merit because it has funding, although it should.

Councilor Wurzburger said it was a much stronger project when there was a site, and that isn't to be critical about the project. She said we are being asked to give conceptual approval to put the funds in a permanent indoor arts market on the Railyard. She said Guadalupe Street is the preference, but it is not tied to Guadalupe.

Councilor Chavez said the fallback position would be to keep the \$150,000 which was allocated to make improvements on the permanent outdoor space, only if we can find no other space on the Railroad.

Councilor Trujillo said on October 9, 2007, the Council approved the \$300,000 from CIP at Public Works, and now on November 19, 2007, it was approved by the Finance Committee. He asked if it is an additional \$300,000 or the same \$300,000.

Mayor Coss said it is the same \$300,000, noting that Finance Committee hasn't taken final action on the CIP.

Councilor Chavez said the \$300,000 from CIP, plus the \$150,000 from the 2007 Legislature, and the \$150,000 request to the 2008 Legislature would provide \$600,000 to purchase permanent indoor space on the Guadalupe portion of the Railyard.

Councilor Ortiz said to say that these funds are going for a permanent indoor arts market at the Railyard is different from saying that this is for a preference for a particular site at the Railyard. He said it is different when you say that in the event you can't have it, you are directing the Legislative delegation to go back and ask for a reallocation for something which isn't on our Legislature priority. He said by doing this Resolution through the back door, it does become a Legislative priority, which he doesn't think is fair. He believes it is unfair to ask in Paragraph 4 for additional funds from the Legislature for a site that is no longer available. He said \$300,000 will go a long way to do things for the constituents, although it is an insignificant amount from CIP and from the Legislature. He said asking for this money for something which isn't a reality is unrealistic, and can't be supported.

Councilor Ortiz said this Resolution needs to fail and we need to go back to the drawing board and look at the different options, because there is no site toward which these funds can be used. He said it is unrealistic, and he has to vote against this.

Councilor Chavez said there is a site, and at a minimum, there will be a permanent, outdoor, fair weather program if we don't have the indoor space.

Councilor Chavez called for the question, seconded by Councilor Ortiz.

Councilor Bushee said, "Actually, we all get a chance to respond to this, and I want to say that we promised this morning.."

Mayor Coss advised Councilor Bushee that this isn't the issue at hand.

Councilor Bushee continued, "We promised this morning. The whole thing's in violation in my opinion. We promised this morning to our Legislative people that we wouldn't ask for anything that wasn't on our priority list this session. We said we wouldn't have any non-profits on our priority list. This is just...I don't understand...there are some back room deals going on with this, but this is ridiculous."

Mayor Coss asked for a roll call on the call for the question.

Councilor Ortiz advised that a roll call isn't needed.

Mayor Coss said all comments have been made and asked for a roll call on the motion, as amended, with the friendly amendments from Councilor Wurzburger.

The motion to adopt this Resolution, as amended, failed to pass for lack of five votes for the motion on a roll call vote as follows:

For: Councilor Calvert, Councilor Chavez, Councilor Heldmeyer and Councilor Wurzburger.

Against: Councilor Ortiz, Councilor Trujillo, Councilor Bushee

Absent: Councilor Dominguez

Explaining her vote: Councilor Bushee said, "This is not only a waste of money, but this has been a violation of every process that we have to hold dear in our committee process. I mean, to say that we're going to go...and I get to speak actually now...that we're going to go to our Legislature because someone already received some money for a non-project, and we're going to ask for more money for a non-project, to subsidize a government gallery with no plan, when there's a whole different strategy test adhered to, actual program and not profit that folks... they get a month to produce x,y,z plans. This one says, here yeah, we'll give you the money, we'll ask for some more money and we don't even have the plans, we don't even have a site, but gee we're doing this 'cause it's an election time and things get crazy. No."

- 11. CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR ORTIZ). A RESOLUTION RECOGNIZING AND AWARDED PUBLIC SERVICE TENURE BY NON-BARGAINING UNIT EMPLOYEES WITH 23 OR MORE YEARS OF PUBLIC SAFETY SERVICE WITH THE SANTA FE POLICE OR FIRE DEPARTMENT, OR NON-BARGAINING UNIT EMPLOYEES WITH 27 OR MORE YEARS OF SERVICE WITH OTHER CITY OF SANTA FE DEPARTMENTS; PROVIDING AN ACCELERATED RETIREMENT BENEFIT FOR PUBLIC SAFETY NON-BARGAINING UNIT EMPLOYEES THAT IS COMPARABLE WITH POLICE AND FIRE COLLECTIVE BARGAINING AGREEMENTS; AND CREATING A NEW PERSONNEL RULE TO BE CONSISTENT WITH THIS RESOLUTION. (KRISTINE KUEBLI)**

This item was postponed to the Council meeting of January 9, 2008.

A Memorandum dated December 11, 2007, with attachments, to the Santa Fe City Council Members, from Kristine Kuebli, Human Resources Director, is incorporated herewith to these minutes as Exhibit "4."

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY CLERK

APPROVAL OF NOMINATING PETITION VERIFICATION REPORT FOR CANDIDATES IN THE MARCH 4, 2008 REGULAR MUNICIPAL ELECTION.

A copy of the Nominating Petition Verification Report, prepared by Yolanda Y. Vigil, City Clerk, dated December 10, 2007, is incorporated herewith to these minutes as Exhibit "5."

Ms. Vigil presented the information in Exhibit "5" to the Governing Body. Please see Exhibit "5" for specifics of this presentation.

Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the Nominating Petition Verification Report for Candidates in the March 4, 2008 Regular Municipal Election as presented. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Heldmeyer, Ortiz, Trujillo and Wurzbarger voting for the motion, none against, and Councilor Dominguez absent.

13. MATTERS FROM THE CITY ATTORNEY

a) City Attorney Opinion Regarding Legality and Form of Charter Amendments. (Frank Katz)

Mr. Katz reviewed his opinion regarding the legality and form of the proposed Charter Amendments which is required prior to submitting the amendments to the voters. He said his opinion approves the form and legality of all of the amendments, noting a copy of his opinion is in the Council packet.

Councilor Heldmeyer said, with regard to the issue of "ranked choice voting," the item as it appears on the ballot says the City won't pursue that until such time as certain financial considerations are made. She said she didn't see this addressed in Mr. Katz's opinion, and asked Mr. Katz if he is okay with that part of it.

Mr. Katz said yes, it is fine to have the implementation date delayed if it needs to be for the software, equipment and hardware, to be able to implement the program.

b) EXECUTIVE SESSION

- 1) Discussion of the Purchase, Acquisition or Disposal of Water Rights, Pursuant to §10-15-1(H)(8). NMSA 1978.**
- 2) Potential Settlement of Annexation Litigation; pursuant to §10-15-1(H)(7) NMSA 1978.**
- 3) Discussion of Joining U.S. Supreme Court Amicus Brief, Pursuant to §10-15-1(H)(7) NMSA 1978**

Councilor Calvert moved, seconded by Councilor Wurzbarger, that the Council go into Executive Session for the purpose of the discussion of the purchase, acquisition or disposal of water rights, pursuant to §10-15-1(H) (8), and the potential settlement of annexation litigation and discussion of joining U.S. Supreme Court *Amicus* Brief, pursuant to §10-15-1(H)(7). The motion was approved on a Roll Call vote as follows:

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

Against: None.

Absent: Councilor Dominguez.

The Council went into Executive Session at 7:51 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 9:13 p.m., Councilor Ortiz moved, seconded by Councilor Trujillo, 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.

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

Mayor Coss said the Governing Body wanted to discuss Item 13(b)(2) in open session.

2) Potential Settlement of Annexation Litigation, Pursuant to §10-15-1(H)(7) NMSA 1978.

Jim Jeppson, Adm. Dir. Presbyterian Health Care Services, said he is responsible for real estate and construction projects at Presbyterian. He introduced Peter Snow also from Presbyterian. He said they are attending at the invitation of staff this evening.

Mr. Jeppson said he would like to talk briefly about Presbyterian and the piece of land it is trying to acquire, and the height variance issue associated with that land.

Mr. Jeppson said Presbyterian has been in New Mexico providing health care for 100 years. Presbyterian is a not-for-profit organization, run by several community boards. Its mission is to improve the health of individuals and families in the communities in which they work and serve. Presbyterian's roots are in hospitals, and it owns and operates eight hospitals in the State, and employs about 500 physicians. Presbyterian has a health plan and has an insurance arm, and insures about 450,000 people in New Mexico, 50,000 of which live in Santa Fe or in the areas North of Santa Fe.

Mr. Jeppson said Presbyterian is trying to acquire 40 acres of land on the northeast corner of I-25 and Cerrillos Road, north and east of the outlet malls, and Beckner Road. They looked at several sites, and this met their needs best. He said it is desirable to have the interstate access, and this is a growth area in the community. Presbyterian is purchasing the land for future development, which is a long term project. He said Presbyterian currently has no plans to develop the 40 acres, and no capital is allocated other than to purchase the land.

Mr. Jeppson said he thinks the most likely way Presbyterian would develop the land over time would be: Phase 1, build a clinic first, with physicians, with light ambulatory services, radiology and lab. Phase 2 would be to grow the clinic and add other ambulatory services to include day surgery, operating rooms, PT, radiology, urgent care and perhaps 24 hour emergency room coverage. Phase 3 would be the hospital itself and the size, magnitude and services are yet to be determined. He said their thought is to do this long term as the community needs and demographics warrant it.

Mr. Jeppson said a lot can happen quickly in terms of health care, and Presbyterian's goal is to be prepared to work and have a presence in Santa Fe, if and when the need is warranted.

Mr. Jeppson said with regard to the variance, at this point there is a height restriction variance of 70 feet in the County. He said 70 feet would be a four story hospital, plus a 10-foot penthouse on top of the hospital. He said most hospitals are built with a 15 ft. floor to ceiling height because of the magnitude of things which they run through the ceiling. Their hope would be to have support services, along with the kitchen, maintenance, medical gas pumps, medical records, pharmacy on a sub floor. On the first floor would be the entrance, ER, operating rooms, radiology, laboratory the services people often come in and use and then exit from. Patient rooms would be on the 3rd and 4th floors. He said health care is more efficient and safe vertically than horizontally, and reduces the time to move a patient, for example, from the emergency room to surgery or intensive care. He said they would master plan so the hospital could be built in the middle of the site. He said because of the slope, if or when they build to the maximum size, they would blend in well with the other buildings around the site.

Mr. Jeppson said they have been asked why they don't wait to come back when they build the hospital in 10-15 years. He said they would be investing tens of millions of dollars in a piece of land, and in Phase 1 and 2 of the development. It would be their hope to be able to build the hospital next to that and it wouldn't be a wise investment to put the hospital some place else. They would like some certainty they can put this together.

Mr. Jeppson said the 10-foot penthouse on top of the hospital will provide circulation of air which is more efficient on top which is where they prefer to put it. He said the penthouse houses the mechanical units that circulate the air.

Councilor Bushee asked why 40 acres are needed.

Mr. Jeppson reiterated that this is a long term project which will develop over 4-40 years, and provides flexibility going forward.

Councilor Bushee asked if all of the development would be hospital related.

Mr. Jeppson reiterated the three phases of development.

Responding to Councilor Bushee, Mr. Jeppson said Presbyterian Hospital in Albuquerque is situated on 32 acres. They are developing a site in Rio Rancho on 66 acres.

Councilor Bushee asked where they will get the water.

Mr. Jeppson said the water is the developer's responsibility. They have looked at different options to secure and provide water. He said the developer is Las Soleras. He said this 40 acres is part of several hundred acres which is being master planned, and Presbyterian is only a part of that.

Councilor Bushee said then they are going to sell the land with the master plan and do the development.

Mr. Jeppson said they are master planning the entire several hundred acres, and Presbyterian is buying a 40-acre parcel in that.

Councilor Chavez asked if Presbyterian Medical Services currently providing services in Santa Fe.

Mr. Jeppson said no. He said there is often confusion between Presbyterian health care and Presbyterian medical services. He believes there were two employed physicians in Santa Fe up to two years ago. If they currently are providing services, it would be very minimal and would only be physicians.

Councilor Chavez said then what is being done currently wouldn't be considered part of the first phase.

Mr. Jeppson said no, the first phase would be very different and more involved than what we're doing currently.

Councilor Chavez said he recalls that at the EZA Presbyterian agreed to work in a collaborative fashion with St. Vincent's Hospital to develop a plan to address our future health care needs.

Mr. Jeppson said there are several conditions which are somewhat loose, but it does say we would do some market studies to demonstrate need and that there would be utilization of the services.

Councilor Chavez understands the market studies would be done for both facilities.

Mr. Jeppson said this is correct. He said he doesn't know exactly how St. Vincent's would be involved in that process.

13. ACTION REGARDING THE PURCHASE, ACQUISITION OR DISPOSAL OF WATER RIGHTS.

There was no action on this item.

Councilor Ortiz said, because of the City Attorney's recommendation, and the discussion at Public Works, Item G(6) needs to be withdrawn from the evening agenda.

Mayor Coss moved Item #16, Communications from the Governing Body, to the end of the Evening Agenda.

END OF AFTERNOON SESSION AT 9:30 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 9:30 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Mayor Coss moved Item F, Appointments, to the end of the evening agenda.

E. PETITIONS FROM THE FLOOR

[This was heard in the afternoon session]

G. PUBLIC HEARINGS

- 1) REQUEST FROM MUCHO GUSTO CORPORATION FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT MUCHO GUSTO, 839 PASEO DE PERALTA, SUITE H. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting it is not within 300 feet of a church or school, and alcohol has been sold previously at this location. She said staff recommends this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz moved, seconded by Councilor Wurzburger, to grant the request for a Restaurant License, to be located at Mucho Gusto, 839 Paseo de Peralta, Suite H.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Heldmeyer, Councilor Calvert and Councilor Bushee.

- 2) REQUEST FROM THE PINK ADOBE, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #683, FROM THE PINK ADOBE, INC., TO THE PINK ADOBE, LLC. THE LICENSE WILL REMAIN AT THE PINK ADOBE, 406 OLD SANTA FE TRAIL. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk. Ms. Vigil said the business is within 300 feet of a church, but it has been grandfathered in, and received a waiver previously. She said staff recommends this business be required to comply with all City ordinances, including the Noise Ordinance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Trujillo, to grant the request for the transfer of ownership of Dispenser License #683 from The Pink Adobe, Inc., to The Pink Adobe, LLC.

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: Councilor Heldmeyer.

- 3) CONSIDERATION OF BILL NO. 2007-55; ADOPTION OF ORDINANCE NO. 2007- ____ (MAYOR COSS AND COUNCILOR CHAVEZ). AN ORDINANCE AMENDING CHAPTER 14 SFCC 1987, LAND DEVELOPMENT LAWS AND SECTION 18-11.3, SFCC 1987 LODGERS' TAX REGARDING THE SHORT TERM RENTAL OF DWELLING UNITS. (JEANNE PRICE). (Postponed to January 9, 2008 City Council Meeting)**

This item is postponed to the City Council meeting of January 9, 2008.

- 4) **CONSIDERATION OF BILL NO. 2007-57; ADOPTION OF ORDINANCE NO. 2007- 48 (COUNCILOR CHAVEZ). AN ORDINANCE AMENDING ARTICLE 23-5 SFCC 1987, REGARDING PLAZA VENDORS; REQUIREMENTS; SELECTION PROCESS; CONDITIONS OF OPERATIONS. (SEVASTIAN GURULE)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2007- 123 (COUNCILOR CHAVEZ). A RESOLUTION ESTABLISHING AN APPLICATION FEE FOR ARTISTS/ARTISANS WHO APPLY FOR A LICENSE UNDER THE SANTA FE PLAZA PARK ARTIST/ARTISAN PROGRAM. (SEVASTIAN GURULE)**

Sevastian Gurule presented information regarding the proposed changes to the Ordinance and the Resolution from his memorandum of December 6, 2007.

Ms. Price said on page 4 of the bill, lines 14-16 talks about the application fee. She said if the Council moves to approve the bill, it should be with the condition that these lines reflect the decision made on the Resolution. She said if you don't want to pass the Resolution, you don't want these lines in the bill as well. She said there is a fee for the license but not for the application.

Mayor Coss suggested adopting the Resolution first, and then the Ordinance.

Councilor Chavez thanked Mr. Gurule for all of his work on this and in working with the artists and craftsmen in the different disciplines. He said the City continually receives a large number of requests for use of the Plaza Park for numerous activities, some from artists and craftsmen requesting to display and sell their work. He said in years past the number of available spaces was greater than the number of interested artists and artisans. However, over the last ten years this has changed, and the bonus percentage points make it difficult for new artists to obtain a license in this program. He hopes one day there will be a larger more comprehensive vendor program which will move away from the Plaza and include other areas around town, especially the Railyard. He hopes this will benefit other than the galleries that sell high end art work.

Public Hearing

Diane Martinez, Plaza Artists, said the ordinance is the collaboration of interested parties, and City staff. She said the challenge was to maintain the grass roots life of this program in relationship to its history with the Native American Portal Program. She said all aspects were review, dissected, and reinterpreted within the new guidelines for a future program which is equitable, professional and something of what the community can be proud. She said they are as dynamic in culture and as diverse as the City and are a melting pot of ethnicity. Their artwork reflects this diversity, and they have become a dynamic group of local artists in this program with enormous potential. They represent Santa Fe. They are now the Santa Fe Plaza Artists/Artisan Program and not street vendors. The standards for the program

are specific: quality, creativity, compatibility and the current evaluation which requires enforcement by the City. The jury process which is proposed is fair and professional as possible. She said this ordinance addresses redefining the jury process to make it more equitable. The uses and abuses of the program have been addressed, and more checks and balances have put into place to ensure the quality and character of the program. The new ordinance emphasizes experience as a fundamental requirement, to ensure the highest quality of artists who represent and respect the culture and history of Santa Fe.

Ms. Martinez said they believe two issues need to be revisited in 2009: the continuation of bonus points and the City's evaluation process. She thanked the Governing Body for its continuing support of the program, and Mr. Gurule for his help in this process.

She asked for a moment of silence in honor of Juanita Mendiola, one of the three founders of this program, who passed away recently.

Councilor Wurzburger asked what percentage of new artists they estimate will result from these changes.

Ms. Martinez said there were 51 applications for the previous period, noting many of those were duplicate applications where the same people applied in different categories – collective, a rotator, individual. Of those 51 applications, only 4 individuals didn't receive their licenses again, so it opened four vacancies. She said there is a total of 16 licenses, so there are approximately 25% new vendors.

Ms. Martinez said there wasn't a clear pattern of enforcement previously, and when a license went unused there was no replacement process. She said there is now a replacement process for someone who doesn't use their license for 30 days.

Councilor Chavez asked the number of participants in the Plaza Vender Program currently.

Ms. Martinez said there are 11 full time, 7 rotators, 2 collectives with a total of 5-9 people. She said there are approximately 27 people holding licenses.

Donato Coviello read a statement into the record expressing displeasure with the current program, suggesting permits should be for one year instead of five, that the vendors should issue official sales receipts for each item sold, and that the items sold should be authenticated. He suggested the City appoint an oversight committee to oversee this program. He suggested a serious one-year, in depth study of this program. He stressed that he is not in favor of abolishing this program. [NOTE: Mr. Coviello did not enter a copy of his statement for the record.]

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Calvert, to adopt Resolution No. 2007-123.

Discussion: Councilor Wurzbarger said the Council has raised the issue of gross receipts tax separately, in terms of events held on the Plaza. She asked what proof we have that the vendors are paying the taxes and we know what we're getting.

Mr. Gurule said the City requires that the vendors file their CRS number as a condition of getting a license, but no other information is collected with regard to their annual gross receipts.

Councilor Wurzbarger asked Mr. Katz to speak to this.

Mr. Katz said the City can't get information from Taxation & Revenue. However, these are people who are permitted by the City to sell on City land, and the City could require them to provide the City with whatever sales information we would choose to ask them to do.

Councilor Ortiz said this is in the ordinance.

Councilor Wurzbarger said she will wait for further clarification until we consider the ordinance.

Councilor Chavez said if we're using Mr. Katz's concept to capture more GRTs, why would that be any different than the downtown galleries which don't always collect the GRTs. He said we should apply this to everyone across the Board to capture as much GRTs as possible.

Councilor Bushee said she is opposed to the fee and she believes the City can find objective, qualified people to serve on the Selection Committee. She is opposed to the precedence of paying people to do this.

Councilor Heldmeyer said it takes a lot of time to go through these very complex applications, and she sees nothing wrong with attaching a fee to this.

Councilor Chavez said in the past he has participated in some shows. For one, he submitted an application with a fee which was juried before he was accepted into the program. He said he would expect to go through the same process as anyone else to be accepted into some shows. He doesn't believe the application fee or the process is cumbersome or unreasonable. He believes the price which is charged to the artists to use the Plaza is reasonable, compared to what we will have to charge on the Railyard. He said discussions with the Railyard Corporation, the Corporation is in the process of developing policies and procedures for the use of that public space, and the space fee will be more than what is charged on the Plaza. He was hoping we would have, in the future, a more comprehensive vendor program which would apply the rules equally to different parts of town. In this situation he believes the fee is very reasonable and very well thought out.

Commissioner Dominguez said he voted for this at Public Works. He supports this Resolution because he has a respect for the profession. He said he has a concern about what happens throughout the program.

Friendly amendment: Councilor Dominguez would like to amend the Resolution to require that this jury panel make unscheduled visits throughout the year to inspect the work which is being sold by the vendors and the applicants as they were a part of the selection process.

Discussion on the friendly amendment: Councilor Chavez said Mr. Gurule has always done site visits as a part of the program to verify the work, technique and materials, although that is in the application.

Mr. Gurule said the inspections that he and his staff conducted have been on the space itself, but they haven't done studio inspections. They have tried throughout the last two years to get corroboration of other artists/artisans within the community to assist with that. However, they felt it would be an unfair process because they already had their own judgment about this program, and it wouldn't have been fair to the license holder to have such studio inspection. He said the requirement to have the jury panel to make studio visits would be very helpful.

Councilor Chavez asked him if he sees this in the application process or in the ordinance.

Mr. Gurule said it could be in both. The applicant would be interviewed by the jury panel. Throughout the term of the license, the panel could make visits to the actual license holder's studio.

Councilor Dominguez believes the jury panel needs to do more than just look at the applications and do the interviews. He believes they should go to the table and inspect the work that they juried in. He would support the Resolution if this can be incorporated into it in some way. He believes the fee is justified by having them do just more than just look at the application and hold the interviews, as well as to follow up with site visits during the year.

Mayor Coss asked Councilor Chavez if this amendment is friendly.

Councilor Chavez said he would have to think about it, but usually a jury that is expected to jury the work in, in most cases does not follow through the studio visits that we're expecting because the shows usually are just for a weekend. He said we are expecting a lot for a \$50 fee to the jurors, and he hopes we can get people who will agree to those conditions.

Councilor Bushee said Public Works didn't object to the fee, but objected to how the fee was to be utilized. So, if it is to be part of an authentication process or quality control, she believes that is earning the fee. The Resolution, as drafted provides that it will be used to pay an honorarium to the jurors, but says nothing about ongoing review. She said Councilor Ortiz suggested Mr. Gurule come back with a different scheme of how to use that fee, and we never received that.

Councilor Chavez said there are other resolutions working their way through the system to deal with the authenticity, but we could deal with that here.

Councilor Chavez asked if the \$50 is a one time fee. Mr. Gurule said it is.

Councilor Chavez asked how often new artists are juried in.

Mr. Gurule said every five years.

Councilor Chavez said then they will be paid \$50 for the application process and to jury the artist in, and then expect them to do our quality control and that what is being produced is authentic.

Mr. Gurule said we could use the jury panel to assist in unscheduled inspections. He said part of the functions of the two new staff persons will be to monitor this program as well on a day to day basis. He said we could use their expertise to support the efforts of staff.

Councilor Chavez said studio visits are important, but if Mr. Gurule believes staff can do those, this is another way to deal with this.

Mr. Gurule said his staff is fully capable of conducting space inspections, but he would feel more confident if there were members of the jury panel to assist with the actual studio visits. He said the jury panel, in addition to reviewing the application, will be conducting interviews with each applicant.

Councilor Heldmeyer asked, during the space visits, if Mr. Gurule checks to see that what he's selling matches what they said they would be selling in their application.

Mr. Gurule said, "Yes. That's exactly what my staff will be doing."

Councilor Heldmeyer asked the annual fee for the license, and where is it found in the ordinance.

Mr. Gurule said the space fees are established by Resolution, and that isn't being changed. He said the cost for an individual license holder the annual space fee is \$1,500, for a rotating license it is \$500, a collective license is \$1,500 and the portrait artist license is \$750 annually, for a total of \$23,750 annually for space fees.

Councilor Heldmeyer asked if it costs more than this to administer the program.

Mr. Gurule said it will.

Responding to Councilor Chavez, Mr. Gurule said for an annual fee of \$1,500, the cost is \$4.11 per day.

Councilor Chavez said it is estimated that the charge would be about \$35 per day for the Railyard.

Councilor Wurzbarger said a question was raised by a constituent as to why the collective application is only \$50, since it is composed of more than one person and all of the art would have to be evaluated.

Mr. Gurule said the ordinance provides that the collective will be juried as one license, and scored as one application. He said they are juried individually, but the scores are calculated together as one application for the collective.

Councilor Wurzbarger doesn't understand the rationale for the fee, and it seems unfair to her.

Mr. Gurule said the idea was because the ordinance says they are juried as a whole, that there would be one fee for the application.

The maker never said whether Councilor Dominguez's amendment was friendly.

Councilor Dominguez said there is a difference between staff doing quality control versus people who do the original jury doing the quality control. He believes the vendors and artists already know who the staff is, while the jury panel will be seen only at the beginning of the process. He respects staffs' ability to do some of this, but he would be more comfortable to have the original jury do some of the inspection during the course of the year. He isn't convinced that it has to be studio inspections, and it could be a combination of studio and table inspections.

Councilor Dominguez moved, seconded by Councilor Bushee, to amend Resolution No. 2007-123 to provide that staff be directed to come up with a quality control program which the jury panel would use to qualify the work which was originally juried in, which could be a combination of studio visits and table visits over the term of the permit.

Discussion: Councilor Bushee clarified that the fee would remain the same under the amendment.

Responding to Councilor Trujillo, Mr. Gurule said the ordinance requires a minimum jury panel of five.

Councilor Trujillo asked if the jury panel will be required to disclose if they know one of the artists being juried, and if so, would they be disqualified from the jurying of that one person, and if there are alternates available for this situation.

Mr. Gurule said once all the applications are received, he will submit that list of names to the potential jury panel. The panel is required to send a letter stating there is no conflict of interest, that there are no relations by family and marriage, and they can be fair and unbiased. He said the City Manager has authority under this ordinance to select the final jury panel. It is his intent to have more than five panelists to deal with issues where there are concerns or family relationships. He said the City could also provide the names of the proposed jury panel

to the applicants to confirm that there are no conflicts of interest there.

Councilor Chavez said in some cases both the artists and panelists are kept anonymous, so that no one knows the artist or the piece of work being juried. He said it is based on the merit of the piece and not the individual artist. He said in some cases, the jury panel is anonymous so there is insulation between the applicants and the panel.

Councilor Calvert said he supported this concept of this Resolution and he is not opposed to paying for it. He said he has received letters from numerous Plaza artists requesting that very same process, because they want the process to be objective and to avoid the appearance of favoritism.

Councilor Bushee said these are downtown merchants as far as she is concerned, and we have a similar concern for the downtown merchants in terms of the quality control and such.

The motion to amend Resolution No. 2007-123 was approved on the following Roll Call Vote:

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

Against: Councilor Chavez.

Explaining his vote: Councilor Chavez said if we are going to expect them to do that for the same application fee of \$50 which we will use to hire the jury panel, he would say no.

Explaining her vote: Councilor Heldmeyer said the fee of \$50 may not cover the amount of money that's necessary, and advised Mr. Buller he may need to "pump up the purse" a little bit to get people who are good and impartial to do it, if they are also going to have to do this second piece.

Clarification of the Motion: Ms. Vigil asked Councilor Chavez if his motion also includes the amendment on page 35 of the Council packet. Councilor Chavez said it does.

The motion to adopt Resolution No. 2007-123, as amended, was approved on the following Roll Call Vote:

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

Against: None.

Explaining his vote: Councilor Ortiz said he is switching his vote. He spoke with someone who served on one of the panels to which Councilor Chavez alluded, and there is a

significant cost. He said it is different in nature than the other kinds of voluntary commissions we have, and therefore he is voting yes.

Explaining her vote: Councilor Wurzburger said she doesn't think we have allowed sufficient funds, and would rather the fee had been a bit higher to get the kind of judges which are needed, but she will vote in favor of the motion.

Councilor Chavez moved, seconded by Councilor Calvert, to adopt Ordinance No. 2007- 48, as amended, with the amendment sheet proposed by Councilor Chavez.

Discussion: Councilor Heldmeyer asked why the points for being a resident of Santa Fe County were eliminated, commenting she believes this is a very important part of this program.

Mr. Gurule said the points for residency were eliminated because the requirement in the Ordinance for 2003 forward, provides you must be a resident of Santa Fe County, but anyone licensed prior to 2003 still can participate in the program.

Councilor Heldmeyer said then we are grandfathering-in people current vendors who are not residents of Santa Fe County.

Mr. Gurule said this is correct.

Responding to Councilor Wurzburger, Mr. Gurule said there is a two-year review of the ordinance.

Friendly Amendment: Councilor Wurzburger would like to amend the Ordinance to provide for a one year evaluation of the effect of this ordinance. **The amendment was not friendly to the maker.**

Councilor Wurzburger, moved, seconded by Councilor Heldmeyer, to evaluate this ordinance after one year.

Discussion: Councilor Heldmeyer said she understands Councilor Chavez's hesitation because it is a very complex ordinance and takes a lot of time and consensus building, but it also has strong economic development ramifications. A one year review doesn't mean the whole thing gets thrown out and you start over again. She believes a one year review is appropriate.

The motion to amend Ordinance No. 2007-48 was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Chavez.

Continuation of discussion on the main motion as amended: Councilor Bushee asked if the bonus points are in the ordinance.

Mr. Gurule said the existing Code provides that as of 2012 the bonus points no longer will be considered, and noted the Action Sheet from Public Works striking lines 10 and 11.

Councilor Calvert said if that is what the Committee wants, we need to make that as an amendment, because that was a recommendation from the Public Works Committee, and it's not a formal amendment to this Ordinance.

Councilor Bushee moved, seconded by Councilor Wurzbarger for purposes of discussion, to amend the motion to strike lines 10 and 11 on page 12 of the ordinance [page 26 of the packet], as follows: "~~Beginning in 2012 and thereafter, additional points for the selection process shall no longer be considered.~~"

Discussion: Councilor Wurzbarger said this means there won't be any new people in the program.

Councilor Bushee said her experience so far with this ordinance is that for years we couldn't get people to fill the spaces. Eventually, a few more wanted to apply, but none of them seemed to stick with the program and stay through the sleet, snow, rain and hail to do this. She said she is concerned that Juanita Mendiola's daughter wouldn't have access to the bonus points. She said because only one member of a family can apply for a license, she has been left out of the bonus point process, which concerns her.

Councilor Bushee said we need to decide whether we want to recognize those who have been doing this forever. She said we act as if people are "knocking down the door" to get these licenses. She has been doing this for many years. She said this group actually is standing together and working well together which wasn't always the case.

Responding to Councilor Wurzbarger, Councilor Bushee said the bonus points are restored by deleting this language.

Councilor Bushee asked the maker of the motion if her motion to amend would be friendly. Councilor Chavez said no.

The motion to amend Ordinance No. 2007-48 was approved on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

Against: Councilor Chavez and Councilor Dominguez

[Councilor Dominguez's explanation of his no vote was inaudible because he did not have his microphone on at the time.]

Councilor Bushee moved, seconded by Councilor Dominguez, to amend the motion to reinstate the language on lines 5 through 7 on page 26 of the packet.

Discussion: Councilor Wurzburger said staff and the group working on the ordinance recommended striking this language, and asked their thoughts about putting it back in.

Ms. Martinez said they would love to have it back in, and believe it would be more than fair. She believes immediate family members of a Plaza vendor with a prior license who can document they were making the work should be allowed to get the additional points, noting they all agreed on that.

Councilor Wurzburger asked why this language was deleted.

Mr. Gurule said it was thought that when the applicant is deceased, their children are now eligible for the bonus points, and their children and their childrens children, and it would continue from generation to generation.

Councilor Wurzburger asked if he thought that was a bad thing.

Mr. Gurule said this was done to make the ordinance more applicable and open for other new artists and artisans to come in, and to emphasize that the original bonus points were given to the applicant.

Councilor Wurzburger said this is the second case where there is an impression given that you are all standing behind this together, but we are coming up with things with which you don't agree, and this is starting to concern her. She wants to be sure we are adopting something which is what you want.

Ms. Martinez said, "We actually all wanted that to be in there. Because I'm in the same boat. My husband, Robert, is the license holder, but I make all the art work. So, if he dies in a car wreck on the way home, I'm out, even though I'm the primary artist. Tina's in the same boat, because her mom was the person that went out there and sold. They both made the jewelry. We were told this came down from legal, not from us. It wasn't our choice."

Councilor Wurzburger asked if they looked at any minimum number of openings which should be kept for new people.

Ms. Martinez said yes, noting a bunch opened up last time.

Friendly amendment: Councilor Bushee proposed to amend the ordinance on page 26 of the packet, line 6, as follows: "Applicants who are an immediate family member of a plaza vendor with a prior license, and who can document that they made or sold the wares since the initial time of the license may also receive the respective additional points."

Discussion on the friendly amendment: Councilor Bushee said she doesn't necessarily believe people should inherit the position, and this is her amendment if everyone could agree.

Mr. Katz said the problem with this is "made or sold," and what happens if the maker dies or if the seller dies.

Councilor Bushee said the issue is who is making the goods since someone died, pointing out that she said "made or sold." She said she could just make it "made" and not "made or sold."

Withdrawal of the friendly amendment. Councilor Bushee withdrew her friendly amendment.

Mr. Gurule said currently bonus points are awarded only to those who have an individual license or are applying for an individual license category or a rotating category. He said the collective category does not receive bonus points in the current ordinance. He said if we want to bring equity to the program, this needs to be considered.

Councilor Calvert said a new person has to start out either in a collective or as rotating. Mr. Gurule said this is correct.

Councilor Chavez said Mr. Gurule and the vendors worked on this for months, and now we're amending this at this level. He hopes the product is something with which both we and they will be comfortable. He said Mr. Gurule will be the person who will be administering this program.

The motion to amend Ordinance No. 2007-48 was approved on the following Roll Call Vote:

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

Against: None.

Explaining her vote: Councilor Heldmeyer said she understands the problems, but she also understands the problem of saying that you are going to take it into account without being specific as to how to do that. She would rather go with certainty, but can go with an uncertainty which might sound better.

Continuation of discussion on the Ordinance, as amended. Councilor Bushee said she thought Councilor Wurzburger introduced something about collecting gross receipts, and asked if that was just in relationship to the Plaza vendors.

Councilor Wurzburger said it wasn't in relation to Plaza vendors, it was with regard to

events on the Plaza, and they aren't picking on Councilor Bushee or those events, it is an issue even at the galleries, and it something we need to look at. She asked Mr. Katz if there was any corollary language from that resolution we could discuss whether we could add it.

Councilor Bushee said she was concerned that it was just geared toward things on the Plaza. She believes we need to deal with the Railyard, the Plaza, and such. She said we have more than the Plaza vendors.

Councilor Wurzbarger said perhaps the best way is to modify the Resolution she is working on, so it will be separate, and we don't try to do this tonight. Once she has the language, she can meet with some of the Councilors to look at the language and how they can help.

Councilor Bushee said galleries are complying with State law, and it is the State with which we need to argue about mailing out of town and not collecting GRTs. This should be pursued, but she doesn't know how.

Councilor Dominguez thanked Mr. Gurule and his staff and the others for all of the work done on this. He knows this wasn't easy. He asked if the meetings which were held were open to all participants.

Responding to Councilor Dominguez, Mr. Gurule said the meetings were open to all licensed vendors in the program, no one was excluded from the meetings, but the meetings weren't held as publicly advertised meetings. He said there were a few meetings discussing timelines and staff asked that the artists/artisans organize themselves in their respective art meetings, and they elected representatives from those art mediums. He said they even had additional meetings here at City Hall to discuss and take this ordinance to its "bare tooth," rebuild it and try to address all issues of concern. There were many meetings with staff, but there were even more meetings among themselves.

Councilor Chavez said it is his understanding that sales of food are exempt from GRTs, so there won't be a lot of GRTs from the Farmer's Market.

Councilor Chavez noted that there is an amendment sheet with this Ordinance as well.

The motion to adopt Ordinance No. 2007-48, as amended, with the amendment sheet from Councilor Chavez, was approved on the following Roll Call Vote:

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

Against: None

Explaining her vote: Councilor Heldmeyer voted yes, and thanked staff and Councilor Chavez for seeing this through, noting it isn't the easiest ordinance to work on, and they have

cleared up a lot of the problems, and after the review we'll see if any more exist.

Explaining her vote: Councilor Bushee thanked everyone for their work, and voted yes.

Explaining his vote: Councilor Calvert thanked staff, Councilor Chavez and the artists and artisans for their cooperation and voted yes.

- 5) **CONSIDERATION OF BILL NO. 2007-59; ADOPTION OF ORDINANCE NO. 2007- 49 (COUNCILOR HELDMEYER AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING SECTION 24-1.1 SFCC 1987 REGARDING THE CITY OF SANTA FE UNIFORM TRAFFIC CODE; AND AMENDING VARIOUS SECTIONS OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE. (CHIEF ERIC JOHNSON)**

There were no questions of Chief Johnson regarding this ordinance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2007-49.

The motion was approved on the following Roll Call Vote:

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

Against: None

Councilor Heldmeyer thanked the members of the Public Safety Committee whose members actually worked their way through this ordinance.

- 6) **CONSIDERATION OF BILL NO. 2007-67; ADOPTION OF ORDINANCE NO. 2007- ____ (COUNCILOR ORTIZ). AN EMERGENCY ORDINANCE CREATING A NEW SECTION IN CHAPTER 14 SFCC 1987, TO PROHIBIT OUTDOOR NIGHT TIME CONSTRUCTION THAT IS IN, NEAR OR ADJACENT TO RESIDENTIAL NEIGHBORHOODS. (JACK HIATT)**

This item was withdrawn by the sponsor, Councilor Ortiz.

- 7) **CONSIDERATION OF BILL NO. 2007-25; ADOPTION OF ORDINANCE NO. 2007- ____ (COUNCILOR HELDMEYER AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 16-13.6 SFCC 1987, REGARDING CURFEW FOR PARKS AND RECREATION AREAS. (FABIAN CHAVEZ). (Postponed to January 9, 2008 City Council Meeting)**

This item was postponed to the January 9, 2008 City Council meeting.

- 8) **CONSIDERATION OF BILL NO. 2007-56; ADOPTION OF ORDINANCE NO. 2007- ____ (COUNCILOR BUSHEE). AN ORDINANCE AMENDING ARTICLE 23-5.2 SFCC 1987, TO INCLUDE "PRIDE ON THE PLAZA" AS AN ADDITIONAL PERMITTED ANNUAL MAJOR COMMERCIAL EVENT ON THE PLAZA. (SEVASTIAN GURULE AND BARBARA LOPEZ.) (Postponed to January 30, 2008 City Council Meeting)**

This item was postponed to the January 30, 2008 City Council meeting.

- 9) **CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION AMENDING RESOLUTION NO. 2003-106 THE ANNUAL WATER BUDGET ADMINISTRATIVE REGULATIONS AND PROCEDURES REGARDING THE DESIGNATION OF WATER RIGHTS FOR LOW PRICED DWELLING UNITS. (KATHY McCORMICK). (Postponed at the June 27, 2007 City Council meeting) (Postponed to February 13, 2008 City Council Meeting)**

This item was postponed to the February 13, 2008 City Council meeting.

- 10) **CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY McCORMICK) (Postponed at the June 27, 2007 City Council meeting) (Postponed to February 13, 2008 City Council Meeting)**

This item was postponed to the February 13, 2008 City Council meeting.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Wurzbarger

Councilor Wurzbarger said she is passing out some information for Leadership Santa

Fe, which is a wonderful leadership program founded in 1983, and they are asking for applicants for the program to apply by December 15, 2007. She said it is an 8-month program, and asked Councilors to give the information to anyone they think might be interested in applying.

Councilor Calvert

Councilor Calvert introduced a Resolution which is cosponsored by Councilor Wurzbarger, directing staff to research the concept of a Solar Energy Loan program for homeowners in Santa Fe. He asked that it go to Business & Quality of Life, Public Utilities and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Calvert introduced an Ordinance amendment, cosponsored by Councilor Bushee, amending certain sections on the calculation of allowable dwelling units, basically undoing the rounding up provision. He asked that it go to the Planning Commission and then to the Public Works Committee. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "7."

Councilor Dominguez

Councilor Dominguez wished his wife a Happy Birthday.

Councilor Trujillo

Councilor Trujillo had no communications.

Councilor Ortiz

Councilor Ortiz wished everyone a very Merry Christmas, and urged enforcement of the noise ordinance.

Councilor Bushee

Councilor Bushee introduced an Ordinance amendment opposing oil and gas exploitation within Santa Fe County in the Galisteo Basin, and instructing City legal staff to report to the Governing Body on the City's legal standing in this issue, and to recommend ways in which our resources can be most effectively employed. She asked that it go to the Public Works Committee and any other relevant Committees. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Bushee would like to work with staff to find a way to grapple with the sign ordinance and make it work for more people.

Councilor Heldmeyer

Councilor Heldmeyer said she checked with Robert Romero, and there is \$100,000 in the CIP funds specifically designated for the Plaza. She would like to move forward and spend some of these funds to fix the concrete. She said we can get the SHPO issues resolved now and do the concrete repairs when it gets warm.

Councilor Heldmeyer introduced an Ordinance Change to Chapter 14, cosponsored by Councilor Calvert and Mayor Coss, which would create a lot more lot coverage in RM-1 zoned areas. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "9."

Councilor Heldmeyer wished everyone a Happy Holiday and New Year. She hopes in this season of light that we get more light than heat from the discussions of this body.

Councilor Chavez

Councilor Chavez wished everyone a very Merry Christmas.

Mayor Coss

Mayor Coss introduced a Resolution adopting the Open Meetings Act. He asked that it come back to the Council at the January 9, 2008 meeting. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Mayor Coss thanked the Council for all of their work in 2007, and wished everyone a very Joyous Holiday Season with family and friends.

Frank Katz introduced Kelly Brannon, the new Land Use Attorney.

F. APPOINTMENTS

Senior Services Advisory Board

Mayor Coss appointed the following individual to the Senior Services Advisory Board:

Kenneth Scott (Joint City/County Appointment) – term ending 12/31/09.

Councilor Bushee moved, seconded by Councilor Calvert, to approve the appointment.

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

Children and Youth Commission

Mayor Coss appointed the following individuals to the Children and Youth Commission:

Alyce Weaver – reappointment – term ending 01/2011;
Matthew Carrasco-Trujillo – reappointment – term ending 01/2011; and
Steven R. Brugger – term ending 01/2011.

Councilor Chavez moved, seconded by Councilor Calvert, to approve the appointments.

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

Immigration Committee

Mayor Coss appointed the following individual to the Immigration Committee:

Ampara Elisa Guerrero – term ending 02/2009.

Councilor Chavez moved, seconded by Councilor Calvert, to approve the appointment.

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

Sister Cities Executive Committee

Mayor Coss appointed the following individual to the Sister Cities Executive Committee:

Daniel R. Anthony – term ending 03/2008.

Councilor Chavez moved, seconded by Councilor Bushee, to approve the appointment.

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

Santa Fe Regional Juvenile Justice Board

Mayor Coss appointed the following individuals to the Santa Fe Regional Juvenile Justice Board:

Jamesfrancis (Jim) Bianca – term ending 10/2010;
Alice Sealey – term ending 10/2009;
Mary Beth Brady – term ending 10/2010; and
Sergio Garcia – term ending 10/2009.

Councilor Chavez moved, seconded by Councilor Dominguez, to approve the appointments.

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

Anti-Graffiti Task Force

Mayor Coss appointed the following individuals to the Anti-Graffiti Task Force:

Pilar Faulkner, Chair – term ending 06/2009;
Peter Komis – term ending 06/2009;
Manuel Gonzales – term ending 06/2009;
William Schmitt – term ending 06/2009;
Patricia L. Jonietz – term ending 06/2009; and
Jamilah (Meme) Dixon – term ending 06/2009.

Councilor Chavez moved, seconded by Councilor Heldmeyer, to approve the appointments.

Discussion: Councilor Heldmeyer asked why George Johnson wasn't appointed, saying he is our graffiti person.

Mayor Coss said he can be appointed *ex officio*, but he never submitted anything with regard to being appointed.

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

H. ADJOURN

There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:15 p.m.

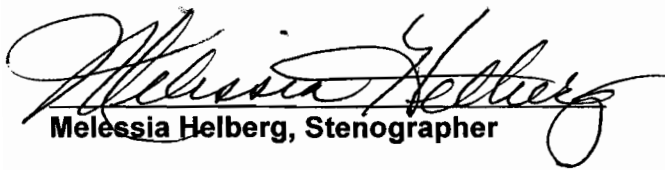
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer

