



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 11-21-07 TIME 3:30pm

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 14, 2007
8. PRESENTATIONS
  - a) St. Michael's High School Girls' Soccer Team – 2007 A-AAA State Champions. (5 minutes)
  - b) St. Michael's High School – 2007 Cross Country State Champions. (5 minutes)
  - c) 5<sup>th</sup> Grade Santo Nino Angels – 2007 SFIYBP Girls Basketball Division 3 Champions. (5 minutes)
9. CONSENT CALENDAR
  - a) Bid No. 08/07/B – Modular Office Building for Wastewater Management Division; Morgan Management. (Bryan Romero)
    - 1) Request for Approval of Budget Transfer – Wastewater Enterprise Fund.
  - b) Bid No. 06/51/B – Portable Toilet Rental Service for Parks Division; Waste Management of New Mexico, Inc. (Fabian Chavez)
  - c) Request for Approval of Grant Award – Santa Fe Arts Commission Artwork Program; Buckaroo Ball Committee. (Sabrina Pratt)
  - d) Request for Approval of Supplement to Agreement – Mobile Data Browser Software for Police Department; Sungard H.T.E., Inc. (Caryn Fiorina)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

- e) Request for Approval of Professional Services Agreement – Arts-In-Traffic Calming Demonstration Project – Sculpture on Botolph Road (RFP #07/32/P); Clemens and Associates, Inc. (Leroy Pacheco)
- f) Request for Approval of a Memorandum of Agreement – GRIP2 2007 Legislative Appropriations For Cerrillos Road Reconstruction Project; New Mexico Finance Authority. (Eric Martinez)
- g) Request for Approval of Lease Agreement – Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Pacific Wings Airlines d/b/a New Mexico Airlines. (Jim Montman)
- h) Request for Approval of Amendment No. 4 to Professional Services Agreement – Heating and Air Conditioning Services at GCCC; Travers Mechanical Services. (Liz Roybal)
- i) Request for Approval of Amendment No. 5 to Legal Services Agreement – Buckman Direct Diversion Project; Modrall Sperling, P.A. (Rick Carpenter)
- j) Request for Approval of Amendment No. 2 to Professional Services Agreement – Transport and Disposal of Residual (Sludge) for Water Treatment Plant; Rhino Environmental Services, Inc. (Robert Gallegos)
- k) Request for Approval of Amendment No. 4 to Professional Services Agreement – Water Resource Planning Related to Aamodt Settlement Agreement; Daniel B. Stephens & Associates, Inc. (Claudia Borchert)
- l) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Mayor Coss and Councilor Chavez)  
A Resolution Regarding Waivers or Reduction of Fees for Special Events or for the Use of City Facilities. (Bill Tallman)
- m) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Councilor Bushee and Councilor Calvert)  
A Resolution Supporting a Partnership Between the City of Santa Fe and the U.S. Environmental Protection Agency WaterSense Program. (Dan Ransom)
- n) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Councilor Chavez)  
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)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

- o) Request for Approval to Publish Notice of Public Hearing on January 9, 2007:
  - 1) Bill No. 2007-58 – An Ordinance Amending Chapter 7 Regarding Building and Related Codes; Adopting the 2006 International Building Code, the 2007 International Residential Building Code, the 2006 International Existing Building Code, the 2006 Uniform Mechanical Code, the 2006 Uniform Plumbing Code, the 2008 National Electric Code and Other Related Codes as Amended by the State of New Mexico and City of Santa Fe. (Councilor Calvert, Wurzburger and Councilor Bushee) (Jack Hiatt)
    - a) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Councilor Calvert and Councilor Wurzburger)  
A Resolution Readopting Fee Schedules for Building Permits, Electrical Permits, Mechanical/Gas/Plumbing Permits, Sewer and Sign Permits. (Jack Hiatt)
    - b) Request for Approval of Budget Increase – General Fund (For New Code Books).
  - 2) Bill No. 2007-63 – An Ordinance Creating a New Rate Schedule 10 of Exhibit B, Chapter 25 SFCC 1987 Establishing a Special Charge for all Water Service Customers in Order to Fund Water Conservation Programs. (Councilor Calvert and Councilor Bushee) (Dan Ransom)
  - 3) Bill No. 2007-64 – An Ordinance Amending Section 14-8.14 1987 Regarding Impact Fees and Adding a New Impact Fee Schedule. (Councilor Chavez) (Reed Liming)
  - 4) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Councilor Chavez)  
A Resolution Adopting the “Impact Fee Capital Improvements Plan and Land Use Assumptions, 2007-2012” to Meet the State Required Impact Fee Program 5-Year Update as Called for in the State Development Fees Act (§5-8-30 NMSA 1978). (Reed Liming)
- p) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_.  
A Joint Resolution Directing City Staff and Santa Fe Public School Staff to Explore Options for Police Officers at Santa Fe Public High School Campuses. (Councilor Dominguez) (Police Chief Eric Johnson)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

- q) Request for Approval of Vendor Agreement – Services for Senior Division; State of New Mexico Non-Metro New Mexico Area Agency on Aging (AAA). (Terrie Rodriguez)
- r) Request for Approval of Amendment No. 1 to Agreement – Nutrition Service Incentive Program for Senior Services Division; North Central New Mexico, Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)
  - 1) Request for Approval of Budget Increase From Grant Revenues – Grant Fund.
- s) Request for Approval of City of Santa Fe Facilities Needs Assessment and Master Plan. (Richard Fiedler)
- t) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_.  
A Resolution Relating to A Request for Approval of First Quarter Adjustments for FY 2007/2008. (Kathryn Raveling)

10. MATTERS FROM THE CITY MANAGER

11. MATTERS FROM THE CITY ATTORNEY

## EXECUTIVE SESSION:

Discussion of the Purchase, Acquisition or Disposal of Water Rights, Pursuant to NMSA 1978 Section §10-15-1(H)(8).

12. Action Regarding the Purchase, Acquisition or Disposal of Water Rights.

13. MATTERS FROM THE CITY CLERK

14. COMMUNICATIONS FROM THE GOVERNING BODY

## EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

C. INVOCATION

D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from Dinky, Inc., for a Waiver of 300 Foot Location Restriction to Allow the Sale/Serving of Alcohol at Celebrations at Village West, 1620 St. Michael's Drive, which is within 300 Feet of the College of Santa Fe, 1600 St. Michael's Drive.
- 2) Request from Julia Castro and Carlos Castro, for a Restaurant (Beer & Wine) Liquor License to be located at Café Castro, 2811 Cerrillos Road. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL NO. 2007-54: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_. (Councilor Ortiz, Mayor Coss, Councilor Chavez, Councilor Dominguez, Councilor Calvert, Councilor Wurzbarger and Councilor Trujillo)  
An Ordinance Amending Article 28-1 SFCC 1987 Regarding the Living Wage; Requiring All Businesses to Pay a Living Wage and Making Changes Regarding Future Increases. (Kathy McCormick)
- 4) CONSIDERATION OF BILL NO. 2007-52: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_. (Councilor Heldmeyer)  
An Ordinance Amending Section 14-9.2(F)(1) SFCC 1987 Regarding the General Requirements for Sidewalks. (Jack Hiatt)
  - a) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Councilor Heldmeyer)  
A Resolution Directing Staff to Prepare New City Street Standard Details for Adoption by the Governing Body.
- 5) CONSIDERATION OF BILL NO. 2007-53: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_. (Mayor Coss)  
An Ordinance Amending Various Sections of the Santa Fe City Code to Reflect the Recently Adopted Reorganization of City Departments. (Galen Buller)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

- 6) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_.  
**Case #M 2007-24. Weston Studio Gallery General Plan Amendment.** Dell Weston, Property Owner Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 3.708± Acres of Land From Office to Transitional Mixed Use. The Area is Located at the Southeast Corner of Airport Road and Buffalo Grass Road. (Lou Baker)
- 7) CONSIDERATION OF BILL NO. 2007-60: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_.  
**Case #M 2007-25. Weston Studio Gallery Annexation.** Dell Weston, Property Owner Requests Annexation of a Tract of Land Comprising 3.708 +/- Acres Located at the Southeast Corner of Airport Road and Buffalo Grass Road; and also Annexation of 1.356+/- Acres of Public and Private Right-of-Way Adjoining the Dell Weston Property; and also Annexing 1.88+/- Acres of Airport Road Right-of-Way West of the Dell Weston Parcel. (Lou Baker)
- 8) CONSIDERATION OF BILL NO. 2007-61: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_.  
**Case #ZA 2007-06. Weston Studio Gallery Rezoning from R-1 to MU.** Dell Weston, Property Owner Requests Rezoning of 3.708± Acres of Land From R-1 (Residential – 1 Dwelling Unit Per Acre) to MU (Mixed Use). The Application Includes a Master Plan for Live-Work and Commercial Building Comprising of Approximately 17,785 Square Feet. The Property is Located at the Southeast Corner of Airport Road and Buffalo Grass Road. (Lou Baker)
- 9) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_.  
**Case #M 2007-31. 518, 520, 526 and 532 Agua Fria Street General Plan Amendment.** Steve Rizika, Agent for the Property Owners Requests Approval of General Plan Future Land Use Map Amendment to Change to Designation of .669± Acres of Land to Community Commercial. The Area is Located on the South Side of Agua Fria and West of Montezuma Avenue. (Dan Esquibel)
- 10) CONSIDERATION OF BILL NO. 2007-62: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_.  
**Case #ZA 2007-07. 518, 520, 526 and 532 Agua Fria Street Rezoning.** Steve Rizika, Agent for the Property Owners Requests Rezoning of 4 lots Totaling .669 ± Acres of Land From RM-1 (Residential – Multi-family, 21 Dwelling Unit Per Acre) to BCDWES (Business Capitol District, Westside Townscape Subdistrict). The Property is Located on the South Side of Agua Fria and West of Montezuma Avenue. (Dan Esquibel)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 28, 2007  
CITY COUNCIL CHAMBERS

## 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.

**SANTA FE CITY COUNCIL MEETING  
November 28, 2007**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
<b><u>AFTERNOON SESSION</u></b>		
ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	1-2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: Reg. City Council Meeting – November 14, 2007	Approved	5
<b>PRESENTATIONS</b>		
ST. MICHAEL'S HIGH SCHOOL GIRLS' SOCCER TEAM – 2007 AAAA STATE CHAMPIONS		5
ST. MICHAEL'S HIGH SCHOOL – 2007 CROSS COUNTRY STATE CHAMPIONS		5
5 <sup>TH</sup> GRADE SANTO NINO ANGELS – 2007 SFIYBP GIRLS BASKETBALL DIVISION 3 CHAMPIONS		5
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
CONSIDERATION OF RESOLUTION NO. 2007- 109. A RESOLUTION REGARDING WAIVERS OR REDUCTION OF FEES FOR SPECIAL EVENTS OR FOR THE USE OF CITY FACILITIES	Approved [amended]	6-7
MATTERS FROM THE CITY MANAGER	None	8
MATTERS FROM THE CITY CLERK	None	8
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	8-12
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	12
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	12
ACTION REGARDING THE PURCHASE, ACQUISITION OR DISPOSAL OF WATER RIGHTS	No action	12



<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
<b><u>EVENING SESSION</u></b>		
<b>CALL TO ORDER AND ROLL CALL</b>	<b>Quorum</b>	<b>13</b>
<b>PETITIONS FROM THE FLOOR</b>	<b>Information/discussion</b>	<b>13-15</b>
<b><u>APPOINTMENTS</u></b>		
<b>Board of Adjustment</b>	<b>Approved</b>	<b>15</b>
<b>400<sup>th</sup> Anniversary Committee</b>	<b>Approved</b>	<b>16</b>
<b>Bicycle and Trails Advisory Committee</b>	<b>Approved</b>	<b>16</b>
<b>Healthy Lifestyles for Children and Adolescents Task Force</b>	<b>Approved</b>	<b>16-17</b>
<b><u>PUBLIC HEARINGS</u></b>		
<b>REQUEST FROM DINKY, INC., FOR A WAIVER OF 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE/SERVING OF ALCOHOL AT CELEBRATIONS AT VILLAGE WEST, 1620 ST. MICHAEL'S DRIVE, WHICH IS WITH 300 FEET OF THE COLLEGE OF SANTA FE, 1600 ST. MICHAEL'S DRIVE</b>	<b>Approved</b>	<b>17-18</b>
<b>REQUEST FROM JULIA CASTRO AND CARLOS CASTRO, FOR A RESTAURANT (BEER &amp; WINE) LIQUOR LICENSE TO BE LOCATED AT CAFÉ CASTRO, 2811 CERRILLOS ROAD</b>	<b>Approved</b>	<b>18</b>
<b>CONSIDERATION OF BILL NO. 2007-54; ADOPTION OF ORDINANCE NO. 2007- 43. AN ORDINANCE AMENDING ARTICLE 28-1 SFCC 1987, REGARDING THE LIVING WAGE; REQUIRING ALL BUSINESSES TO PAY A LIVING WAGE AND MAKING CHANGES REGARDING FUTURE INCREASES</b>	<b>Approved [amended]</b>	<b>18-34</b>
<b>CONSIDERATION OF BILL NO. 2007-52; ADOPTION OF ORDINANCE NO. 2007- 44. AN ORDINANCE AMENDING SECTION 14-9.2(F)(1) SFCC 1987, REGARDING THE GENERAL REQUIREMENTS FOR SIDEWALKS</b>	<b>Approved</b>	<b>35-37</b>
<b>CONSIDERATION OF RESOLUTION NO. 2007- 110. A RESOLUTION DIRECTING STAFF TO PREPARE NEW CITY STREET STANDARD DETAILS FOR ADOPTION BY THE GOVERNING BODY</b>	<b>Approved</b>	<b>35-37</b>

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2007-53; ADOPTION OF ORDINANCE NO. 2007- 45. AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE SANTA FE CITY CODE TO REFLECT THE RECENTLY ADOPTED REORGANIZATION OF CITY DEPARTMENTS	Approved [amended]	37-38
CONSIDERATION OF RESOLUTION NO. 2007- 111. <u>CASE #M-2007-24.</u> WESTON STUDIO GALLERY GENERAL PLAN AMENDMENT. DELL WESTON, PROPERTY OWNER, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 3.708± ACRES OF LAND FROM OFFICE TO TRANSITIONAL MIXED USE. THE AREA IS LOCATED AT THE SOUTHEAST CORNER OF AIRPORT ROAD AND BUFFALO GRASS ROAD	Approved	38-40
CONSIDERATION OF BILL NO. 2007-60; ADOPTION OF ORDINANCE NO. 2007- 46. <u>CASE #M-2007-25.</u> WESTON STUDIO GALLERY ANNEXATION. DELL WESTON, PROPERTY OWNER REQUESTS ANNEXATION OF A TRACT OF LAND COMPRISING 3.708± ACRES LOCATED AT THE SOUTHEAST CORNER OF AIRPORT ROAD AND BUFFALO GRASS ROAD; AND ALSO ANNEXATION OF 1.356± ACRES OF PUBLIC AND PRIVATE RIGHT-OF-WAY ADJOINING THE DELL WESTON PROPERTY; AND ALSO ANNEXING 1.88± ACRES OF AIRPORT ROAD RIGHT-OF-WAY WEST OF THE DELL WESTON PARCEL.	Approved [amended]	40-41
CONSIDERATION OF BILL NO. 2007-61; ADOPTION OF ORDINANCE NO. 2007- 47. <u>CASE #ZA-2007-06.</u> WESTON STUDIO GALLERY REZONING FROM R-1 TO MU. DELL WESTON, PROPERTY OWNER, REQUESTS REZONING OF 3.708± ACRES OF LAND FROM R-1 ( RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO MU (MIXED USE). THE APPLICATION INCLUDES A MASTER PLAN FOR LIVE-WORK AND COMMERCIAL BUILDING COMPRISING APPROXIMATELY 17,785 SQUARE FEET. THE PROPERTY6 IS LOCATED AT THE SOUTHWEST CORNER OF AIRPORT ROAD AND BUFFALO GRASS ROAD	Approved [amended]	42-43

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>CONSIDERATION OF RESOLUTION NO. 2007- ____.</p> <p>CASE #M-2007-31. 518, 520, 526 AND 532 AGUA FRIA STREET GENERAL PLAN AMENDMENT. STEVE RIZIKA, AGENT FOR THE PROPERTY OWNERS REQUESTS APPROVAL OF GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE DESIGNATION OF .669± ACRES OF LAND TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA AND WEST OF MONTEZUMA AVENUE</p>	Postponed to 02/2008	43-45
<p>CONSIDERATION OF BILL NO. 2007-62; ADOPTION OF ORDINANCE NO. 2007- 48. <u>CASE #ZA-2007-07.</u> 518, 520, 526 AND 532 AGUA FRIA STREET REZONING. STEVE RIZIKA, AGENT FOR THE PROPERTY OWNERS, REQUESTS REZONING OF 4 LOTS TOTALING .669± ACRES OF LAND FROM RM-1 (RESIDENTIAL – MULTI-FAMILY, 21 DWELLING UNITS PER ACRE) TO BCDWES (BUSINESS CAPITOL DISTRICT, WESTSIDE TOWNSCAPE SUBDISTRICT). THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA AND WEST OF MONTEZUMA AVENUE</p>	Postponed to 02/2008	45
ADJOURN		45

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
November 28, 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 November 28, 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  
Councilor Rebecca Wurzbarger

**5.     APPROVAL OF AGENDA**

Councilor Chavez said he would like to postpone Item 9(n) to the next Council meeting

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

**Friendly amendment:** Mr. Buller said there is a request to postpone Item 9(g) until January 9, 2008. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

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

**6.     APPROVAL OF CONSENT CALENDAR**

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

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

**Against: None.**

**Absent: Councilor Bushee.**

- a) **BID NO. 08/07/B – MODULAR OFFICE BUILDING FOR WASTEWATER MANAGEMENT DIVISION; MORGAN MANAGEMENT. (BRYAN ROMERO)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – WASTEWATER ENTERPRISE FUND.**
- b) **BID NO. 06/51/B – PORTABLE TOILET RENTAL SERVICE FOR PARKS DIVISION; WASTE MANAGEMENT OF NEW MEXICO, INC. (FABIAN CHAVEZ)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT GCCC; CHAVEZ SECURITY, INC. (LIZ ROYBAL)**
- d) **REQUEST FOR APPROVAL OF GRANT AWARD – SANTA FE ARTS COMMISSION ARTWORK PROGRAM; BUCKAROO BALL COMMITTEE. (SABRINA PRATT)**
- e) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ARTS-IN-TRAFFIC CALMING DEMONSTRATION PROJECT – SCULPTURE ON BOTULPH ROAD (RFP #07/32/P); CLEMENS AND ASSOCIATES, INC. (LEROY PACHECO)**
- f) **REQUEST FOR APPROVAL OF A MEMORANDUM OF AGREEMENT – GRIP2 2007 LEGISLATIVE APPROPRIATIONS FOR CERRILLOS ROAD RECONSTRUCTION PROJECT; NEW MEXICO FINANCE AUTHORITY (ERIC MARTINEZ)**
- g) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – AIRLINE TERMINAL BUILDING COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; PACIFIC WINGS AIRLINES D/B/A NEW MEXICO AIRLINES. (JIM MONTMAN)**  
*[This item was postponed to the Council meeting of January 9, 2008]*
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – HEATING AND AIR CONDITIONING SERVICES AT GCCC; TRAVERS MECHANICAL SERVICES. (LIZ ROYBAL)**

- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO LEGAL SERVICES AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT; MODRALL SPERLING, P.A. (RICK CARPENTER)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – TRANSPORT AND DISPOSAL OF RESIDUAL (SLUDGE) FOR WATER TREATMENT PLANT; RHINO ENVIRONMENTAL SERVICES, INC. (ROBERT GALLEGOS)**
- k) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – WATER RESOURCE PLANNING RELATED TO AAMODT SETTLEMENT AGREEMENT; DANIEL B. STEPHENS & ASSOCIATES, INC. (CLAUDIA BORCHERT)**
- l) ***[Removed for discussion by Councilor Heldmeyer]***
- m) **CONSIDERATION OF RESOLUTION NO. 2007- 106 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION SUPPORTING A PARTNERSHIP BETWEEN THE CITY OF SANTA FE AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY WATERSENSE PROGRAM. (DAN RANSOM)**
- n) **CONSIDERATION OF RESOLUTION NO. 2007- \_\_\_\_\_ (COUNCILOR CHAVEZ). 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)**

***[This item was postponed to the next Council meeting, December 12, 2007]***
- o) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 9, 2008**
  - 1) **BILL NO. 2007-58 – AN ORDINANCE AMENDING CHAPTER 7 REGARDING BUILDING AND RELATED CODES; ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, THE 2007 INTERNATIONAL RESIDENTIAL BUILDING CODE, THE 2006 INTERNATIONAL EXISTING BUILDING CODE, THE 2006 UNIFORM MECHANICAL CODE, THE 2006 UNIFORM PLUMBING CODE, THE 2008 NATIONAL ELECTRIC CODE AND OTHER RELATED CODES AS AMENDED BY THE STATE OF NEW MEXICO AND CITY OF SANTA FE (COUNCILOR CALVERT, WURZBURGER ND COUNCILOR BUSHEE). (JACK HIATT)**

- a) **CONSIDERATION OF RESOLUTION NO. 2007- \_\_\_\_.**  
**(COUNCILOR CALVERT AND COUNCILOR WURZBURGER).**  
**A RESOLUTION READOPTING FEE SCHEDULES FOR**  
**BUILDING PERMITS, ELECTRICAL PERMITS, MECHANICAL/**  
**GAS/PLUMBING PERMITS, SEWER AND SIGN PERMITS.**  
**(JACK HIATT)**
  - b. **REQUEST FOR APPROVAL OF BUDGET INCREASE –**  
**GENERAL FUND (FOR NEW CODE BOOKS)**
- 2) **BILL NO. 2007-63 – AN ORDINANCE CREATING A NEW RATE**  
**SCHEDULE 10 OF EXHIBIT B, CHAPTER 25, SFCC 1987,**  
**ESTABLISHING A SPECIAL CHARGE FOR ALL WATER SERVICE**  
**CUSTOMERS IN ORDER TO FUND WATER CONSERVATION**  
**PROGRAMS (COUNCILOR CALVERT AND COUNCILOR BUSHEE).**  
**(DAN RANSOM)**
- 3) **BILL NO. 2007-64 – AN ORDINANCE AMENDING SECTION 14-8.14**  
**1987 REGARDING IMPACT FEES AND ADDING A NEW IMPACT FEE**  
**SCHEDULE (COUNCILOR CHAVEZ). (REED LIMING)**
- 4) **CONSIDERATION OF RESOLUTION NO. 2007- \_\_\_\_ (COUNCILOR**  
**CHAVEZ). A RESOLUTION ADOPTING THE “IMPACT FEE CAPITAL**  
**IMPROVEMENTS PLAN AND LAND USE ASSUMPTIONS, 2007-2012”**  
**TO MEET THE STATE REQUIRED IMPACT FEE PROGRAM 5-YEAR**  
**UPDATE AS CALLED FOR IN THE STATE DEVELOPMENT FEES ACT**  
**(§5-8-30 NMSA 1978). (REED LIMING)**
- p) **CONSIDERATION OF RESOLUTION NO. 2007- 107 (COUNCILOR**  
**DOMINGUEZ). A JOINT RESOLUTION DIRECTING CITY STAFF AND SANTA**  
**FE PUBLIC SCHOOL STAFF TO EXPLORE OPTIONS FOR POLICE**  
**OFFICERS AT SANTA FE PUBLIC HIGH SCHOOL CAMPUSES. (POLICE**  
**CHIEF ERIC JOHNSON)**
- q) **REQUEST FOR APPROVAL OF VENDOR AGREEMENT – SERVICES FOR**  
**SENIOR DIVISION; STATE OF NEW MEXICO NON-METRO NEW MEXICO**  
**AREA AGENCY ON AGING (AAA). (TERRIE RODRIGUEZ)**
- r) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT –**  
**NUTRITION SERVICE INCENTIVE PROGRAM FOR SENIOR SERVICES**  
**DIVISION; NORTH CENTRAL NEW MEXICO, ECONOMIC DEVELOPMENT**  
**DISTRICT, NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT**  
**REVENUES – GRANT FUND.**
- s) **REQUEST FOR APPROVAL OF CITY OF SANTA FE FACILITIES NEEDS**  
**ASSESSMENT AND MASTER PLAN. (RICHARD FIEDLER)**

- t) **CONSIDERATION OF RESOLUTION NO. 2007- 108. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER ADJUSTMENTS FOR FY 2007/2008. (KATHRYN RAVELING)**

**7. APPROVAL OF MINUTES: Reg. City Council Meeting – November 14, 2007.**

Councilor Trujillo moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of November 14, 2007, as presented. The motion was approved on a voice vote, with Councilors Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzburger voting for the motion, none against, and Councilor Bushee absent.

**8. PRESENTATIONS**

- a) **ST. MICHAEL'S HIGH SCHOOL GIRLS' SOCCER TEAM – 2007 AAAA STATE CHAMPIONS.**

Mayor Coss presented Muchas Gracias Certificates to the members of the St. Michael's High School Girls' Soccer Team, the 2007 AAAA State Champions. He congratulated the team on behalf of the Governing Body and the City. The team Coach said this is the best Girls' soccer team St. Michaels has ever had. The team Captain thanked everyone, especially their parents and the coaches for their success.

- b) **ST. MICHAEL'S HIGH SCHOOL – 2007 CROSS COUNTRY STATE CHAMPIONS.**

Mayor Coss presented Muchas Gracias Certificates to the members of the St. Michael's High School 2007 Cross Country State Champions. He congratulated the team on behalf of the Governing Body and the City.

Lenny Gurule, Coach, said their success is due to the hard work and unity of the team.

- c) **5<sup>TH</sup> GRADE SANTO NINO ANGELS – 2007 SFIYBP GIRLS BASKETBALL DIVISION 3 CHAMPIONS.**

Mayor Coss presented Muchas Gracias Certificates to the members of the 5<sup>th</sup> Grade Santo Nino Angels, the 2007 SFIYBP Girls Basketball Division 3 Champions. He congratulated the team on behalf of the Governing Body and the City.

Coach Gabaldon thanked the Mayor and Council for taking time to recognize these girls, who are very skilled 5<sup>th</sup> graders. He said in 3-4 years, they will be high school champions. He thanked the parents for their support.



## **CONSENT CALENDAR DISCUSSION**

### **9(I) CONSIDERATION OF RESOLUTION NO. 2007- 109 (MAYOR COSS AND COUNCILOR CHAVEZ). A RESOLUTION REGARDING WAIVERS OR REDUCTION OF FEES FOR SPECIAL EVENTS OR FOR THE USE OF CITY FACILITIES. (BILL TALLMAN)**

Councilor Heldmeyer said there has been a lot of discussion in the past two weeks about Resolutions which are adopted by this Council, but are never put into effect. She asked if this Resolution is intended to go into effect, noting Mr. Buller is the person who will have to say no at some point, given the contents of this Resolution.

Mr. Buller said it is his intent that this Resolution will go into effect. He said for the most part the thresholds established in this Resolution haven't been met since he has been City Manager, and he has only had 3-4 request from Councilors. He said he doesn't believe this is a huge problem, but it could be in the future.

Councilor Heldmeyer said during the last Presidential Election year, there were numerous groups wanting to be on the Plaza with election events, or anti-war events, or anti-war election events, etc. She said these situations have occurred in recent memory. She wants to be sure, if this Resolution is passed, it isn't just a hollow resolution.

Mr. Buller said it is his intent to enforce the Resolution. He is concerned because fees have been established either by Resolution or Ordinance with discretion given to his office, and there is the potential for a considerable fiscal impact. He feels a responsibility to do this. Since there has never been any policy guidance on it, he believes this will be helpful, reiterating it is his intent to follow this Resolution and to enforce it.

Councilor Heldmeyer said, with that promise she will move for approval.

**Councilor Heldmeyer moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2007-109, with an amendment which provides, "This Resolution shall be reviewed within twelve months of adoption."**

**Discussion:** Councilor Chavez said this standard review language is something he has been told is standard practice, and agrees that it should be in writing, rather than assuming it will be done. He asked that the provision be consistent and in writing, and he trusts that staff will review these in a timely fashion.

Councilor Heldmeyer said this is the reason it is added as an amendment to the Resolution, so that puts it in writing.

Councilor Chavez said he has asked this to be in writing in the past, and was told by staff it doesn't need to be in writing because staff is tracking these ordinances and resolutions. He believes it should be in writing in all future ordinances and resolutions which provide for a review.

Ms. Price said the section to which she was referring is about fees, noting all fees are supposed to be reviewed annually by the department directors as part of their budget preparation, noting this is a Code provision.

Councilor Chavez said the review section is a "blanket" statement providing, "in most cases, especially in the case of ordinances," that those should be reviewed in a timely fashion. However, although it is good to review the fee section, it is equally important to review policy to ensure policy is going in the right direction.

**Clarification of the motion:** Councilor Heldmeyer said she is not just including the fee schedules, but also the outcome of the Resolution – how much it has been used, how many times the fees have been waived, and the financial impact. She assumes this all would be subsumed under the motion that she made. **Councilor Chavez said he agrees that it should be.**

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

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

**Against: None**

**Abstain: Councilor Ortiz.**

\*\*\*\*\*

Mayor Coss recognized Councilor Bushee to speak on Item 9(o)(2), which has been approved for publication.

Councilor Bushee noted she is a cosponsor of this Ordinance. She has had some calls from people who are on low income, some seniors and some with disabilities, objecting to this fee. They are low water users, and would like to work out a different scheme. Councilor Bushee would like this item to go back to the Committees to discuss a different way to consider this. She would hope there would be a way not to charge a conservation fee to those who don't use a lot of water. She said these people have limited discretionary funds and this fee, to them, isn't necessary because they don't use a lot of water. She wants to support the conservation programs, noting we used to reward those who conserved water, but now we are charging this fee of everyone.

Councilor Calvert said there are provisions in the rates, a lifeline provision, which would allow the City to work with people who are having a problem in paying their bills.

Councilor Bushee said it isn't about not being able to pay the water bill. It is about not wanting to pay an additional fee when you already don't use a lot of water, so it is very different.

Mayor Coss gave direction to staff to send this back to the Conservation, Public Utilities and Finance Committees, noting this does nothing to change the publication date, nor public hearing before the Council.

\*\*\*\*\*  
**END OF CONSENT CALENDAR DISCUSSION**  
\*\*\*\*\*

**10. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

\*\*\*\*\*  
Mayor Coss said he would like to move Items #11 and #12 to the end of the afternoon agenda following Communications from the Governing Body.  
\*\*\*\*\*

**13. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**14. COMMUNICATIONS FROM THE GOVERNING BODY.**

**Councilor Dominguez**

Councilor Dominguez had no communications.

**Councilor Calvert**

Councilor Calvert said he hopes this evening's problems with the microphones are a temporary glitch in the sound system, and he is hoping IT is looking into these issues. He said he understood the reason for the new sound system was to avoid these kinds of problems.

**Councilor Trujillo**

Councilor Trujillo had no communications.

**Councilor Wurzbarger**

Councilor Wurzbarger introduced an Ordinance amendment requiring vendors participating in major commercial events on the Plaza to provide CRS tax returns to the City indicating income received during the event. She said this is to deal with the issue of loss of income to the City. A copy of this Ordinance is incorporated herewith to these minutes as Exhibit "1."

Councilor Wurzbarger said she would like, as one solution to the issue of resolutions which haven't been implemented, if we have the capacity, to track the resolutions on the computer along with the date we are to get a report. She said the City Manager could say, "And this month you can expect a report on the following five areas." She would like to look at doing this again.

Mr. Buller said staff does track the 2006 documents, and now are entering 2005 into the computer.

Councilor Wurzbarger wants the input to be given to the Council every month at Council.

Mr. Buller said he can create that report.

### **Councilor Bushee**

Councilor Bushee asked to be added as a cosponsor to Councilor Ortiz's Resolution on homelessness and Councilor Heldmeyer's Resolution regarding a moratorium on drilling.

Councilor Bushee distributed a copy of an Ordinance amendment to the Official Zoning Map of the City. A copy of the Resolution is incorporation herewith to these minutes as Exhibit "2." This ordinance would change the RM-1 zoning category to RC-8 which is Residential Compound. She said this is for a specific area of town as indicated in the heading. Councilor Bushee summarized the general provisions of the Ordinance.

Councilor Bushee said Frank Katz advised that State law would allow the City to refuse to or not to issue building permits, a moratorium in essence, for things which did not meet the kind of zoning she is trying to achieve with this Ordinance change. She asked Mr. Katz to speak to this issue.

Frank Katz, City Attorney, said it is better than a moratorium. It allows people to go forward if what they are doing is within the RC-8. If what they want to do would exceed that, the Land Use Department can deny a permit, or not grant a permit until this zoning process. He said it requires that it be a process which proceeds along apace, but he believes we have a schedule which would meet that requirement.

Councilor Bushee said she is handing out amendments to the Short Term Rentals ordinance, incorporating the overlay district "that I had been working on earlier." She said there is still a lot of work to do on that ordinance, and a lot of discussion, and she hopes we can interject some of these points into the dialogue.

Councilor Bushee said there has been an issue with the Board of Adjustment which has not had a quorum for two months in a row. All of the projects which need to go before that Board are stalled. She understands from Jack Hiatt that the members just aren't showing up for the meetings. She hopes we can turn that around, commenting that the Mayor is making an appointment to that Board this evening.

### **Councilor Ortiz**

Councilor Ortiz distributed a Resolution, cosponsored by Councilors Bushee, Dominguez and Wurzbarger, adopting the Plan to end Homelessness, without the financing plan. He said we will need to continue to have discussion on this particular plan, in light of some of the recent events. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Ortiz said he is introducing a Resolution to honor the life of Dr. Martin Luther King, Jr., and to recognize the Santa Fe branch of the NAACP which will be holding an Essay and Poster Artist contest to commemorate the 40<sup>th</sup> anniversary of Dr. King's passing. He said we need time to publicize the contest with the high schools. He hopes to pass this Resolution to the Councilors by the end of the meeting, and if not he will email it to the Mayor and Councilors tomorrow.

### **Councilor Chavez**

Councilor Chavez introduced a Resolution directing staff to work with other governments to mitigate the economic impacts of the layoffs at LANL. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "4." He asked that it go to Business & Quality of Life and Finance Committees, and then back to the Council.

### **Councilor Heldmeyer**

Councilor Heldmeyer congratulated Councilor Chavez on being appointed to the National League of Cities Board of Directors.

Councilor Heldmeyer introduced a Resolution supporting efforts for a moratorium on oil and gas drilling in the Galisteo Basin, cosponsored by Councilors Calvert, Bushee, and Wurzbarger. She asked that it go to the Finance Committee and back to Council. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Heldmeyer said she is introducing an amendment to the Ordinance that Councilor Bushee just introduced. She congratulated the Juanita neighborhood for bringing the problems to the Council and the public – issues of overbuilding, over-zoning, inappropriate infill. She said these problems were anticipated in the past by Resolutions which were adopted, but not carried out over a succession of City Managers and Land Use Directors over the years. She said it isn't enough just to do this for the Juanita Street residents.

Councilor Heldmeyer proposed an amendment to the Ordinance which provides,

"Within one year of passage of the Ordinance all areas identified within the general plat that merit rezoning from RM-1 to their built densities shall be rezoned."

She said this gives staff a year to work it, to look at the built densities, to consider the appropriate rezoning level and to go through the appropriate public process. She hopes this amendment tracks with that ordinance as it goes through the public process, so that we get a

total package. She said Juanita Street can be first because it has taken the most to the public and led the way, but we can't ignore all of the other neighborhoods in three of the four Districts which are suffering from this same problem.

Councilor Chavez believes that infill as a concept or a way to accommodate growth, whether in the Historic District or not, will affect neighborhoods throughout the City in a negative or positive way. He noted many situations along Agua Street where it is very dense, and there is a lot of infill slated in the immediate area of Varela Lane and Velarde Street which will depend on an aging infrastructure – water and sewer lines, and streets, etc. – which will have to be improved to accommodate that infill, and this ordinance should apply to those as well.

Councilor Heldmeyer said she isn't talking just about Historic Districts. She is talking about what is in the 1999 General Plan. She agrees there are other neighborhoods which may not be identified specifically in the General Plan which need this same kind of help. There are a number of things she has tried to get adopted in the past, or is bringing forward in the future to try to deal with inappropriate infill. She doesn't believe there is a "one size fits all," to deal with this. However, she agrees that it has to be addressed all across the City in a variety of different neighborhoods.

Councilor Bushee said she is slightly taken aback, noting this is the first time she's had an amendment to an ordinance which she hasn't introduced. She didn't add this language in the first place because she didn't want to weigh down what she believes to be the urgency of this particular neighborhood. She said, "I would ask the Councilor to bring forward a separate ordinance, because I don't think something as simple as a statement...this is kinda like how we got into the short term rental mess where we just sort of lump sum put some language in as a cleanup, and it entirely changed what I think staff is capable of doing in a year. If you look at that map of RM zonings, there's a lot of them and they all merit taking a look at. But, I don't want this to become the debate of this ordinance. That's why I purposely carved off that particular section. And so, it is really to me not just a simple little amendment, it's saying...you know, we already don't know if we have the staff to...you know...we have to do some contracting to get out there and do this. I mean, that's why nothing got done for so long. So, I'm just gonna ask that you consider submitting a separate ordinance that follows the map that you brought us the other night and has staff, in phases, looking at and putting resources toward doing that. I mean I, understand, I thought this was language you would put in the resolution which was because Historic areas got left out. But this is really something that I think could weigh the other down considerably, in terms of timing."

Mayor Coss said he's glad the Juanita Street residents "built a fire under us," and we're going to change the zoning we've been talking about since 1999, whichever way we do it. He asked to be a cosponsor of the ordinance.

Councilor Bushee said, in response to Councilor Ortiz introducing the homeless resolution, she would like, if possible, to have a facility to deal with the teen homeless situation in the downtown area, on which the Council could have separate, very specific discussions. She wants to know how we can get to that point.

**Mayor Coss**

Mayor Coss had no communications.

**11. MATTERS FROM THE CITY ATTORNEY**

**EXECUTIVE SESSION**

- a) **DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF WATER RIGHTS, PURSUANT TO NMSA 1978 SECTION 10-15-1(H)(8).**

Councilor Chavez moved, seconded by Councilor Ortiz, 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). The motion was approved on a Roll Call vote as follows:

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

**Against: None.**

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

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**At 7:02 p.m., Councilor Calvert 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 for discussion, and no action was taken.**

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

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

There was no action.

**END OF AFTERNOON SESSION AT 7:03 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 7:04 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 Wurzbarger

### **E. PETITIONS FROM THE FLOOR**

A Memorandum dated November 16, 2007, to the Governing Body, from Dave McQuarie, Chair, Mayor's Committee on Disability, regarding curb ramp portion on pavement rehabilitation rehab delay, is incorporated herewith to these minutes as Exhibit "6."

**David McQuarie**, Chairman of the Mayor's Committee on Disability, read his Memorandum into the record, asking why the delay, will the 2008 bond be a duplication, if it is proper to issue a bond if the previous work hasn't been started, and asking for a response to the Mayor's Committee on Disability.

**Carol Ryan, 36 Calle Marisol**, said she is here with twelve other students from the Santa Fe School for the Arts & Sciences, to talk about teen homelessness in Santa Fe. She said she and the other students are part of an after school group called Youth United, who are striving to bring awareness to this issue. She said there is not a single teen shelter in Santa Fe, and there are 60-100 homeless teens every night. This group is in attendance this evening to ask the City Council to do something about this issue and to help teens to find a place to stay. She said each of the teens have prepared remarks this evening. She asked the Governing Body to take this issue further than this meeting and do something about it.

**Laura [no last name given], 6750 Camino Carlita**, said she attends middle school. Laura spoke about the problem teens having in finding a warm place to stay. Landlords usually don't rent houses to teens under 18, but if they would, the teens have no way to pay for the housing. She said teens want a safe and warm place to live. She asked the Council to put "yourself in their shoes. Think about it."

**Corina Leatherwood, #4 Vuelta de la Tusa**, reiterated the dire need for a youth shelter(s) in Santa Fe. She said Youth Shelters & Family Services have funding for the shelter, but need a place for a shelter. She suggested using an old warehouse or the old Albertson's



which would house many many teens. She said the place isn't the issue. The issue is the peoples' attitude toward homeless teens. These are just normal teens who just need somewhere to sleep. She asked the Council to help them to find an answer.

**Gaylen Tari, 5 Herradura Way**, said more than 30 people died of hypothermia last winter. If there was a bigger place for outreach, less homeless would die and they would have a place to stay. She wants you to open your eyes and minds to the outside world of homelessness.

**Tasha [no last name given], 2267 Ruta Corte**, said she is very upset there is no shelter for homeless teens in Santa Fe. There was a shelter, First Street Outreach, which offered a place for homeless teens to shower, work and sleep, and was only opened during the day, and at night, teens were given sleeping bags. It served more than 600 teens with no problems, and no neighbors ever complained. It closed due to lack of funds. She said there was to be a shelter on McKenzie, but the neighbors were worried about having homeless teens in their neighborhood, and the shelter never opened. Now there is nowhere for them to go, and we need to change this.

**Lawrence Vocel, 6787 Camino Carlita**, said the only youth shelter in Santa Fe is only for children to age 16, and you must be signed in by a parent or guardian. He said the main reason for homeless teens is that they are trying to escape abusive parent environments. He said if parents are called, they won't sign in their children, but will take them back into the same or a worse environment of abuse and agony. This is why we need a teen shelter in Santa Fe.

**Dorian [no last name given], Quawpaw Street**, said there is a pressing issue of homeless teens in Santa Fe, and we need to do something about it.

**Amelia Maura Perez, 524 Franklin Avenue**, age 12, said she cares about homeless teens. She wants to make a difference in the number of homeless teens in Santa Fe. She asked if anybody would like to sleep outside in the cold every night just because you are not safe in your own home. She wants to change the fact that many teens have no place to go, and asked the Council to help. She asked how you would feel if you had teenage children sleeping outside at night with no place to go.

**Josh Simber, 1603 Don Gaspar**, middle school student, said homeless teens need a place to sleep quickly. He asked if your parents beat you, and used drugs and alcohol on a daily basis, if you wouldn't run away too. He thinks it's horrible there are no teen shelters in Santa Fe. He said all of the students feel strongly about this and are united, and will be doing a protest and sleeping outside all night at City Hall on December 1, 2007, to raise awareness for homeless teens.

**Diego Suarez, 972 Camino Vista Aurora**, is 13 years old. He said last year their gym group made a movie about homeless teens in Santa Fe which won the Mayor's film competition. He asked everybody to watch the film to see if there is anything you can do to help, because you can make a difference in Santa Fe.

**Mary Etry, 64 Calle Sinsonte**, said there are four animal shelters in Santa Fe, but there is no teen homeless shelter. She reiterated that Youth United is performing a peaceful protest

on December 1<sup>st</sup> in front of City Hall, with a rally at the Plaza during the day. She said they hope by doing that and being here tonight, they can raise awareness as well as inspire Santa Fe to do something for teen homelessness. She said the teens are our future. She hopes you will keep what they say in mind and will stand with them and do something.

**Sheryl Abhold, 558 Onate Place**, said she supports a living wage for everyone without exceptions, because teenagers can be very independent, responsible and self reliant. She noted many teenagers have to support their families, and others are homeless and need to provide for themselves. She said young adults need more than the current minimum wage so they can attend schools and colleges to improve their lives. She asked the Council to make sure every worker gets a living wage.

**Paul Margetson** said he and his partners were discussing this topic this afternoon, noting another partner, Earl Potter is here this evening. He said, with the majority partner of Las Palomas, Neil and Allison Rosenshein, he would like to make three casitas available instantly for the next four months at Las Palomas for homeless teens. He said this is with the understanding that there would be adult supervision.

Mayor Coss said he met with Youth Shelters & Family Services and the City has extended the same arrangements for the use of Ft. Marcy as last year, and also discussed the Shelter's space and money needs.

Mr. Buller said it is good to hear from the teens and their perspective. He said the Commission on Homelessness met yesterday. One of the current projects is that churches are volunteering resources – people and space – for housing on a revolving basis, noting that program is growing. More and more churches are joining and participating in the program. He said the City will commit funds to help with the operational costs of the participating churches to provide resources for the homeless community.

## **F. APPOINTMENTS**

### **Board of Adjustment**

Mayor Coss appointed the following individual to the Board of Adjustment:

Rachel L. Winston – to fill unexpired term ending 9/2009.

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

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

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

Mayor Coss appointed the following individual to the 400<sup>th</sup> Anniversary Committee:

Anthony D. Lopez.

Councilor Bushee said she would like to suggest another person for appointment to this Committee if there are additional vacancies.

Mayor Coss said there are two more, and asked her to submit names to Yolanda Vigil.

**Councilor Bushee moved, seconded by Councilor Trujillo, to approve the appointment.**

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

#### **Bicycle and Trails Advisory Committee**

Mayor Coss appointed the following individual to the Bicycle and Trails Advisory Committee:

James S. Bordegaray – term ending 11/2009.

**Councilor Bushee moved, seconded by Councilor Dominguez, to approve the appointment.**

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

#### **Healthy Lifestyles for Children and Adolescents Task Force**

Mayor Coss appointed the following individual to the Healthy Lifestyles for Children and Adolescents Task Force:

Emily Wingren (Youth) – term ending 5/2008.

**Councilor Calvert 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, Trujillo and Wurzbarger voting for the motion, none against, and Councilor Ortiz absent.**

#### **G. PUBLIC HEARINGS**

**1) REQUEST FROM DINKY, INC., FOR A WAIVER OF 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE/SERVING OF ALCOHOL AT CELEBRATIONS AT VILLAGE WEST, 1620 ST. MICHAEL'S DRIVE, WHICH IS WITH 300 FEET OF THE COLLEGE OF SANTA FE, 1600 ST. MICHAEL'S DRIVE.**

The staff report was given by Yolanda Vigil. Ms. Vigil said these waivers normally are accompanied by the liquor license. However, Alcohol & Gaming has revised its policy for processing liquor licenses. She said recent litigation found that once a division grants preliminary approval to an application, and a public hearing is called by the local option district and it grants approval of the issuance or transfer, the Division then must approve the license. As a result of this ruling, the Division now must complete its investigations into the qualifications of the applicant and location, including whether the local option district has waived the 300 ft. restriction prior to granting preliminary approval. If the waiver is granted by the local option district, the Division will complete its investigation, and then submit the request for the liquor license to the local option district for its consideration at a future council meeting. Ms. Vigil said this will be the first request which will be handled in this manner.

#### **Public Hearing**

**There was no one speaking for or against this request.**

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

**Councilor Heldmeyer moved, seconded by Councilor Bushee, to grant the request for a waiver of the 300-foot location and to allow the sale/serving of alcohol at Celebrations.**

**Discussion:** Councilor Heldmeyer asked how long Sylvia is going to have to wait for her license, noting she was held up by Alcohol and Gaming because it lost her fingerprints.

Ms. Vigil said Sylvia will come to her office first thing tomorrow morning to pick up the letter she drafted to Alcohol & Gaming. Ms. Vigil has made arrangements with Alcohol & Gaming for Sylvia to walk the letter to them, and Alcohol and Gaming will try to send the City the application immediately. She said we might receive it by December 12, 2007.

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Ortiz.**

- 2) REQUEST FROM JULIA CASTRO AND CARLOS CASTRO, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT CAFÉ CASTRO, 2811 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, saying this is a Restaurant (beer & wine) Liquor License. It is not located within 300 feet of a church or school, and staff is asking that the business be required to comply with the Litter and Noise Ordinances and with all other City Ordinances.

**Public Hearing**

**There was no one speaking for or against this request.**

**The Public Hearing was closed**

**Councilor Heldmeyer moved, seconded by Councilor Bushee, to grant the request for a restaurant license to be located at Café Castro.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None**

**Absent: Councilor Ortiz.**

- 3) CONSIDERATION OF BILL NO. 2007-54; ADOPTION OF ORDINANCE NO. 2007- 43 (COUNCILOR ORTIZ, MAYOR COSS, COUNCILOR CHAVEZ, COUNCILOR DOMINGUEZ, COUNCILOR CALVERT, COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLE 28-1 SFCC 1987, REGARDING THE LIVING WAGE; REQUIRING ALL BUSINESSES TO PAY A LIVING WAGE AND MAKING CHANGES REGARDING FUTURE INCREASES. (KATHY McCORMICK)**

A packet of signed Petitions in Support of a Living Wage for All Workers," gathered by the Santa Fe Living Wage Network, submitted for the record by Eliza Less, are incorporated herewith to these minutes as Exhibit "7."

A bound list of "Supporters of a Living Wage For All Workers," listing the names of people and businesses who support the bill, submitted for the record by Alfonso Chavez Lujan, is incorporated herewith to these minutes as Exhibit "8."

Mayor Coss said some people are still in the halls, and there is TV and sound available in the hallway, which also is available in the Constituent Services Office so those who need to sit to watch can do so. He said he wants to ensure that everyone who wants to speak has the opportunity to do so, so it may be necessary to ask those who have spoken to leave the Chambers so more people can come in. He asked Sebastian Gurule to assist him in ensuring that everyone who wants to speak to this issue has the opportunity to do so, noting Mr. Gurule will be the gatekeeper for those outside the Council Chambers. Mayor Coss asked that Mr. Gurule ensure the press can come into the Chambers as well.

At the suggestion of Councilor Heldmeyer, Mayor Coss asked that some of the front row seats be vacated for people who are unable to stand in the line, so they can sit until they are able to speak.

Ms. Vigil said Sam Adelo is in attendance to translate for Spanish-speaking individuals.

Mayor Coss said there would be one minute for each person to speak in favor of the Ordinance, and because there is only one person speaking against the Ordinance, he will allow him a little more time. He asked that people not be repetitive in their remarks. He asked everyone to hold their applause until the end of the hearing so everyone, including the Councilors and himself, can hear the remarks.

#### **Presentation by staff**

Frank Katz, City Attorney, presented information regarding the proposed Ordinance to the Governing Body. He said two changes are being proposed. One is to eliminate the exemption for businesses with 25 or fewer workers, and to apply the ordinance to all businesses without this limitation. The other is to delete the increase to \$10.50 per hour, which otherwise would have occurred on January 1, 2008. This leaves the increase on a cost of living basis in 2009. It does eliminate the need for the City Council to approve the cost of living increase every year.

*Councilor Ortiz arrived for the Evening Session*

#### **Public Hearing**

##### **Those speaking against the Ordinance**

**Joe Cieszinski, 2503 Siringo Lane**, said he has lived in Santa Fe for 23 years, and grew up in Roswell. He asked what is going to be done for homeless business owners, noting some of the owners will be damaged to the extent of going out of business. Last year his taxable income was \$16,100, and he calculates that this ordinance will decrease that income by at least \$10,000 for a taxable income of \$6,000. He has no tax shelters, and may have to rent his home and live in the back of his store. He would like for everybody to have a living wage. He has a degree in accounting and understands economics and math. He said if everybody is in a wagon, but nobody is pulling the weight of the wagon, the wagon won't go anywhere.

Mr. Cieszinski said he has given seven kids their first job in Santa Fe, and he wants to be able to continue that. He said he won't be able to do this at \$9.50 per hour. He has two employees without major work skills, and he hates to tell them on January 1<sup>st</sup> that he is removing them from the payroll. He said it will be hard for small businesses, and will be extremely difficult to start a new business in Santa Fe.

Mr. Cieszinski said he serves on a Board which works with homeless people in Santa Fe, and he tries to give back to the community, but it will be very very hard for him and other businesses to stay in existence if this Ordinance passes. He reiterated that he wants everyone to have a "fair shake." He said a job at \$8.50 is better than no job at \$9.50 per hour. He wishes everyone good luck in the job market, and in growing skills and taking responsibility in the work force.

#### **Those speaking in favor of the Ordinance.**

**Tomas Rivera, organizer for the Living Wage Network**, said this is a historical event, and eyes are on the City from across the Country to see if this law is passed, noting Santa Fe has the highest living wage in the Nation. This action would make it the "most concrete, most expansive living wage in the country." He said the workers in Santa Fe are the ones who are pulling the weight of everybody in the wagon, and are what makes this City great and this City different. He said the 25 person threshold has led to several loopholes, and he wants to eliminate those. He asked that the Governing Body pass the living wage with no exemptions for anybody.

**Eliza Less, 1061 San Acacio**, said she is 17 years old, currently attending the Santa Fe Community College. She left high school for a GED and is in support of the living wage which has helped her to save money for school, and to be able to focus more time on her studies while working less. Ms. Less presented petitions in favor of the amendment without any exception, noting these petitions contain almost 4,000 signatures, and she continues to receive more every day. [Exhibit "7"]

**Alfonso Chavez Lujan, 504 Onate Place, a senior Monte del Sol Charter School**, said living in Santa Fe is very expensive, and housing is very uncomfortable. He makes low wages and lives cramped, uncomfortably with his whole family. He supports the living wage because it helps to relieve stress on teens, adults and families. He supports a living wage for

everyone without exception. Mr. Lujan submitted for the record a list of typed names of people who are in support of the bill, but does not include those who did not check the public box on the petition, distributing a copy to the Mayor and Councilors. [Exhibit "8"].

**Omar Perez, Capital High student**, expressed support for the living wage for everyone with no exemptions. He said if there are exemptions, it will hurt those who have to work, such as the youth. He urged the Governing Body to pass the living wage ordinance.

**Norman Budo, 2138 Candelero**, and has been in St Vincent's Hospital until recently, and spoke about his experience in the Second World War II, after which he was a History Professor for 33 years. He said history is either progressive or regressive, and it always is a struggle. One of the bright spots in a "cloudy sky," is the Living Wage in Santa Fe. He said one of the things which makes Santa Fe the City Different is that we made the national headlines on the passage of the Living Wage. He urges passage of the ordinance with no exceptions.

**Mercedes Dowling, age 13, 2708 Rincon Court**, is a student at Capshaw Middle School. She supports the living wage without exceptions, because most people need the money, and everybody should be paid enough to live in Santa Fe, no exceptions. She said we strive for fairness and equality and we have to support ourselves and our families, and we need to be paid for this.

**Emily Franklin, 212 Tesuque Drive**, said she is representing the Green Party of Santa Fe, this evening, noting she is the Co-Chair. The Green Party membership is composed of 2,500 voters in Santa Fe, and completely supports a Living Wage for all, with no exceptions. She is a small business owner, and it is not a hardship, but a responsibility to pay a living wage to her employees.

**Sean Knight, 212 Tesuque**, said he is the Treasurer of the Santa Fe Green Party. However, he is speaking personally to the Council to urge them to stay strong with what is presented to them. He said they may hear amendment ideas. He said basically, businesses which are doing the right thing already are paying a living wage and are at a competitive disadvantage to those who have not set up their businesses so they can pay their employees well or fairly well. He said \$9.50 an hour isn't a living wage in Santa Fe, but it is the best we can do now. He said businesses owners are crunched by high real estate taxes. He said those who buy and real estate, who keep this churning are making a killing and we're taking this from our workers by keeping wages low. He wants to get the pressure moving in the other direction.

**Debra Romero** said she has a disability, but she gets paid the living wage, and has worked at Mervyn's and the Pizza Hut. She said people should be paid a living wage. She needs money to pay for exercise classes. She volunteers at the Senior Center and Hospice. She said her disability payment and medical services help her to have the same life as everyone else. She would like her own apartment some day.

**Steven Maes, 33 Cuerno de Vaca Drive**, said he works at St. John's as a dishwasher and earns the living wage. He said he has a disability, and doesn't understand as well as



others. He can't read or write, but he learns quickly, and is a good worker. He gets along with others at work, although some people bully him and make fun of him. He is supporting a child, and he wants to live independently and to help his child. He has the same needs for money as others, and he should be paid the living wage.

**Matthew Maes, 33 Cuerno de Vaca Drive**, said he works at St. John's in the cafeteria, where he earns \$10 per hour, and earns \$12 for his work at Berardinelli Family Funeral Services. He said he has a developmental disability, has trouble understanding things and gets overanxious. He has difficulty in reading and in math, and was in special education all through his high school years. Although it is more difficult for him, he wants to live independently some day. He is proud that he is a good worker, and is on the DD waivers for support which he needs to hold a job. He said before he had a job coach, people thought he understood more than he did, thought he couldn't do the job and he would be fired. He felt helpless, useless and unwanted. He is a good worker and is worth as much as anyone else, and just because he has a disability doesn't mean he should be treated differently than a person without disabilities. Once properly trained on a job, he can do as good as anyone else.

**Patricia Rivera**, said she is a native, and a 32-year educator in Santa Fe, teaching business education, career education and technology education at both the high school and college level. She supported the Living Wage years ago, and she supports this bill this evening. She encouraged the Governing Body to vote appropriately. She expressed concern about the issue of teen homelessness. She suggested apprenticeship programs and more cooperative education programs. Children are our future, but they are also our present.

**Emma Crain, 115 Mateo Circle North**, said she supports the passage of the living wage with no exceptions. She believes people should be paid based on the labor they do and not on their housing, age or other factors which don't matter in the work place. Her mother supports her and her brother alone, and because of that she has asked her to pay for her own college education. The living wage would help her to do that.

**Ferrin Bustos, 415 Salazar Place**, said she 18 years old, has worked all her life and this year she is receiving the living wage of \$9.50. She works with Warehouse 21, and hers is the only program which is still running – a fashion design and silk screening program. She has been working since she was 14 years old to support herself. She thinks the living wage will help anyone who is working and supporting a family and themselves.

**Cian Williams, 2357 Botolph**, supports the Living Wage with no exceptions, because a living wage adds to the economy of Santa Fe, and helps with the high inflation rates. He said this vote is a reflection of the Councilors' values of economic justice and compassion. He said no student drops out of school for the prestige of \$9.50 per hour. Allowing exemptions of any kind "condemns a citizen to the servitude of poverty."

**Zack Boatman, 15 Cumbres Pass**, said every citizen deserves a seat at the table. He said this issue affects both now and the future.

**Dr. Tomas Rivera, 105 Calle Real**, said he is a native. He said the Living Wage has been working well. However, the problems now are the "gimmicks" and the loopholes. The living wage should be for everybody, no exceptions. He would like to see it go up. The children of his friends are leaving Santa Fe because they can't afford to live here, although they are just beginning to day because they are finding better jobs. He said, Que Viva Living Wage.

**Elaine Sullivan, 264 Plaza Canada**, said she is speaking as a volunteer with the Santa Fe Alliance, the Living Wage Network and Somos un Pueblo Unido. She believes something remarkable happened after the Living Wage went into effect. That process resulted in collaboration and negotiation among diverse groups, which created the amendments before the Council this evening. She said the process of collaboration and negotiation which resulted in these amendments makes Santa Fe, once again, a model for other communities. She said, with regard to the bound copies of the petitions, the businesses and not-for-profits are in italics.

**Quinn Tincer**, said he currently has no address. The cost of living rises every day, and as our environmental and political situations change, the basic cost of living will continue to increase. It is short-sighted to say a small business would be injured by this ordinance. He said a long-sighted view would be that if you continue to allow exemptions to the Ordinance, small businesses would lose employees to larger corporations that can support the laws. If the local business can't get the minimum base of employees, they cannot function at all.

**Ron Goff, Jr., 2350 Placita la Marquesina**, said he is a Junior at Monte del Sol. His father quit his job at Santa Fe Power Equipment after 26 years, and opened a small engine repair business. He said people just have to find a way to make it on their own and to pay the living wage

**Tom DeMott, General Manager, Marriott Courtyard Hotel, and President of the Santa Lodgers' Association**, said he is appearing on behalf of the Association which represents more than 45 lodging establishments in Santa Fe and the workplace for thousands of fellow Santa Feans. He said he is in support of the ordinance this evening, and the Association believes this measure is the right business measure for our businesses in Santa Fe and is the right move for Santa Fe going forward.

**Christopher Johnson, 473 Dunlap Street**, said he makes more than the living wage, but he has noticed that what brings comfort to his neighbor brings comfort to him as well. He is willing to make do with less if it increases the general prosperity of all.

**Oscar Lopez** said he is speaking on behalf of Albuquerque City Council President, Martin Heinrich who sponsored Albuquerque's Living Wage ordinance. He read a statement into the record from Councilor Heinrich, commending Santa Fe, saying the Living Wage ordinance is a beacon of hope to working people across the country. He expressed support for the ordinance this evening, particularly of efforts to create a level playing field for all workers. Mr. Lopez said Councilor Heinrich supports the cost of living adjustment, and look forward to the day when even the Federal minimum wage incorporates a cost of living adjustment. He thanked the Council for its leadership in this regard.

**Rachel Blevin**, said she is 21 years old, with an entirely self-directed education, and supports the Living Wage with no exceptions. She believes young people should have same rights as everybody else, and should have a say over all areas of their life, including how and where they're educated and how much money they will earn to support their own hopes and dreams, their family and loved ones, and their well being and safety. She said if it is an argument that it would be tempting for young people to drop out of school because of the money they could make, would it not also be tempting for businesses to want to hire young people if they are getting paid as little as \$5 per hour.

**Richard Ellenberg, 1714 Canyon Road**, said he is speaking on behalf of the Santa Fe County Democratic Party, noting the Central Committee has passed a resolution supporting the Living wage and urge the Council to adopt the bill before it. He urged everyone to actively work for candidates in November who would like to make this a national standard.

**Jerry Bradley, New Mexico Voices for Children**, said he is attending on behalf of Eric Griego, Executive Director, to express support for the changes to the ordinance, the increase to \$9.50, the cost of living increase, and dropping the 25 person exemption. He said, "The eyes of the state are upon you." He said Santa Fe started this movement, which moved to Albuquerque, Bernalillo County, Gallup, and resulted in the increase in the statewide minimum wage passed by the Legislature in 2000. He congratulated Santa Fe on its noble experiment and wished it well in the future.

**Kate [no last name given]** said she is in favor of increasing the Living Wage for everyone in all businesses. She believes it will give the backbone of Santa Fe the time and energy to create community. A higher wage will give people more time to connect with each other, as well as having more money to spend at local businesses.

**Ariel Bustos, 415 Salazar Place** said she supports the living wage for all size businesses, because she likes to work for local businesses and not support giant corporations, but still get paid the same wages. Working for a small business keeps the money here in Santa Fe.

**Sandy Buffett, 658 Granada**, said she is a 3<sup>rd</sup> generation New Mexican, and is the Executive Director of the Conservation Voters New Mexico. She said they pay all staff, even part time interns above the living wage. She said if a small, lean non-profit can do it, then all Santa Fe businesses can do it. She urged the Council to ensure that every worker gets the Living Wage.

**Paul Margetson** said perhaps we're "preaching to the choir," noting he read in the paper this morning that all of the Governing Body is in favor of this. He said when he began work in London, he earned \$9.50 per week. A few years ago, he was on the opposite side of this issue. However, he believes this is the most appropriate amendment. He manages three different businesses, one with 5 employees, one with 18 and the other 125, but they didn't take advantage of the loopholes, and paid the Living Wage to everyone. He is here this evening in support of this amendment.

**Earl Potter, 325 Paseo de Peralta**, said there was a "topping off" ceremony at the new convention center last week, where Mayor Coss said the Council unanimously supported that new structure. He believes we are building another pillar here tonight to show that we really care about all of the members of the community. He said there is no opposition from the business community here tonight, and there is nothing but support. It is a remarkable occasion for Santa Fe, and an example of what we can do when we work together.

**Miguel Angel Acosta, Santa Fe Partnership**, is in support of the Living Wage with no exemptions. He said In past there were exemptions to wages in America for various ethnic and gender groups. He said the impact is not only lesser wages, but the creation of the permanent working poor, which eventually will cost us anyway in terms of benefits and resources. He said the City adopted a Resolution designating Santa Fe as a child friendly city. He commends the City for that, but said to exempt young people from the living wage would contradict that. He said the data doesn't support that kids drop out of school to earn the Living Wage. He said if young people have to work, we need to look at changing school schedules to accommodate those needs.

**Ivan Gornajo, 1004 Velarde Road**, said he totally supports the Living Wage, no exceptions. He believes he deserves to be paid the same as others. He is a 20-year-old SFCC student, and thanks to the Living Wage he has been able to pay for his school, become independent and make a better future for himself in Santa Fe.

**Chris Chavez, Executive Director, New Mexico AFL/CIO** said he represents all of the unions, and lobbies for all workers in the State. He is here to thank Santa Fe for addressing the Living Wage, and he supports amendments as discussed previously.

**Arlen Gwynis Hubbard, Old Santa Fe Trail**, said she is a full time student at SFCC, and can stay in school because she is working at the Living Wage, and she supports the Living Wage for everyone with no exceptions.

**Collin O'Hara, 1872 Camino del Pueblo**, said he is 15 and a student at Monte del Sol. He believes everyone should have a living wage, because we need money for gas, food, rent, school, books and such. He believes a youth exploitation rule will become a youth exploitation.

**Rev. Holly Beaumont, New Mexico Conference of Church, and the Living Wage Network**, said she also is a small business owner. She is grateful for this Mayor and Council who are willing to take this bold step to ensure that out children will thrive in strong, hopeful families, that our young people will be empowered to shape their future, to save for higher education and stay in Santa Fe to raise the next generation of Santa Feans, surrounded by their extended families.

**Brian Conkling, Santa Fe County Firefighters Association, IFF Local #4366**, said they urge the Governing Body to support the Living Wage with no exceptions.

**Vicki Paziban, Executive Director, Santa Fe Independent Business Alliance**, said she is representing a 15-member Board of Directors, and more than 600 independent business

members. The Alliance supports the Living Wage Ordinance which makes sense for all businesses and citizens. She said the Alliance is launching a pilot program in work force development and community development which will provide meaningful opportunities for the youth of Santa Fe to connect with business owners, and she described that program. She asked the Council to support a Living Wage Ordinance which works for all citizens and businesses of Santa Fe.

**Albert Cordova**, United Food & Commercial Workers Union, said on behalf of 400 plus hard working employees of Albertson's and Smith's, he would ask the Council to do the right and fair thing and pass the Living Wage Ordinance.

**Robin Gould, President of the Northern New Mexico Central Labor Council**, said she is also the **President of the State Employee Alliance Communications Works of America, Local 7076**, and they support the \$9.50 across board with annual cost of living increase. They believe it is equitable for all workers and easier to enforce by closing the loopholes for employers. She said asked that the City Council pass the Ordinance without any exemptions.

**Roberto Sanchez, Board Member Somos un Pueblo Unido**, said this is a pro immigrant organization based in Santa Fe, representing 1,200 members. He said they have received a lot of complaints from their members that their bosses are abusing them, using laws which permit them to abuse them and take advantage of them. There are a lot of complaints from immigrants and non-immigrants, and this is the reason Somos un Pueblo Unido supports this Living Wage without exception. [Mr. Sanchez spoke through translator Sam Adelo]

**Ken Mayers, 74 Monte Alto Road, founder of the Santa Fe Chapter of Veterans for Peace**, said at the last Chapter meeting, SF Veterans for Peace voted overwhelmingly to support the Living Wage with no exceptions. They are interested in this issue, because there currently is a poverty draft which is built on a non-living wage.

**Emily Esperanza, Sophomore at Santa Fe High**, said her stepmother runs a small locally owned business, and supports her workers and pays them the Living Wage, so it isn't impossible to do. Her Mom is a struggling single parent who cares for her and her younger brother, with barely enough to pay the mortgage every month. She has attended private schools by way of scholarships. She wants to attend college, but her Mom can't afford to pay the tuition, so she will have to pay her own way. She said to do this, she needs to be paid the living wage.

**Grace Mayer, 621 Velarde Street, a public school teacher, and NEA Santa Fe Union President**, said their union advocates for workers' rights and the rights of the students. She said this union is proud to say that the Santa Fe Public School System and the union have negotiated all salaries at \$9.50 and above, and wages have been negotiated for bus drivers as high as \$14 per hour. She said this wage is the Living Wage, and if the organizations can't afford to pay this wage, then we can't recruit and retain quality workers for the Public School System or any other local business. She understands some students need to work to support themselves and their families to buy the basic supplies to clothe and feed themselves, and

believes this is a noble effort on their part, and part of the learning process. She said NEA advocates the Living Wage with no exceptions.

**Kathy Holian, #4 Camino Azul** said she would like to add her voice of support to the overwhelming support for the amendments to the Living Wage. She believes anyone who works is an important member of the community, no exceptions. This is the right thing to do, and it ultimately will benefit the whole community and will make us a stronger community.

**Jim Harrington, 1588 Cerro Gordo Road**, said he supports the proposed modifications in the Living Wage Ordinance, because both reflect wise public policy. He said the limitation to \$9.50 with cost of living increases will help ensure against the risk that, at some point, the Living Wage ordinance may begin to reduce employment opportunities for low wage workers, a risk he believes still exists, notwithstanding the optimistic conclusions of the BBER study. The elimination of the exemption for 25 employees is a wise change, and the exemption has been problematic from the outset. He urged the Governing Body to vote in favor of the proposed modifications.

**Avery Faith, 8 Columbine** said she supports the Living Wage for everyone without exceptions because age limitation is a form of discrimination, and that's not okay. She asked the Governing Body to be sure every worker is paid the Living Wage.

**David Lucero, President of Local 1782 AFSCME**, said he supports the Living Wage, because he has two children and would like them to continue to live in Santa Fe and not have to move away.

**Rabbi Marvin Schwab, Temple Beth Shalom**, said the Union for Reform Judaism nationally has passed resolutions supporting living wage legislation. He said his congregation Board of Trustees unanimously passed such a resolution at the urging of the Social Action Committee. He said this is his Wedding Anniversary, but he felt it important that his voice be heard on behalf of his congregation, his religious movement and the citizens of Santa Fe. He said the Op Ed piece he wrote for The New Mexican was intended to be cosigned by Monsignor Martinez Alire of the Basilica, as well as Pastor Ben Larzoler of Christ Lutheran Church. He asked the Governing Body to vote for social and economic justice tonight, and expressed confidence the Governing Body will do the best thing for our community.

**Tomas Garduno, representing the Southwest Organizing Project**, said this is a statewide community-based organization working on social and economic justice issues. He loves New Mexico, you love New Mexico, and have shown that in originally passing the Living Wage ordinance. He asked that the Governing Body pass this ordinance.

**Toby Bott Lyons**, said he works with YouthWorks, is a native, graduated from Santa Fe High, and plans to grow old in New Mexico. He is excited the Council is looking at the issue of dropouts. He urged the Council to pass the Living Wage ordinance without exemptions. He commented that he knows of no student who has dropped out for a salary of \$9.50. However, many kids have to drop out because they have kids, or to help their families to make a living.

**Rey Garduno, Albuquerque City Councillor, and Southwest Organizing Project** said he worked hard to get the minimum wage adopted in Albuquerque. He said Santa Fe is an inspiration. He said he will continue Councilor Heinrich's good work, and hopefully learn from what Santa Fe has done in this great step it has taken, which is an inspiration for Albuquerque, the State and hopefully the Nation.

**C.E. Pugh, 2472 Camino Capitan, General Manager of La Montanita Food Coop.,** said they employ more than 200 people, and in 2004 they instituted an internal living wage based on a model established by a number of natural food coops in the nation. Once in Santa Fe, they adopted the City's Living wage. He said their experience suggests that paying a living wage is an asset, a competitive advantage, and have seen huge improvements in their business, customer satisfaction, staff retention and profitability since taking this "scary" step in 2004, and continuing it today. He said their model will put its 2008 internal Santa Fe wage at \$11.50 per hour, counting the \$1.50 per hour for benefits. He suggested the Council move forward confidently and then perhaps take the more difficult step to address the City staff, which he believes is still a great need in the City of Santa Fe.

**Marilyn Bane, 622 ½ Canyon Road,** said she is the president of two non-profits, and on the board of two others. In that capacity, she spends a lot of time wondering where we will get the next generation of community volunteers, and believes people will want to contribute back to the community because we have helped them. She asked the Governing Body to support the Living Wage with no exception.

**Mark Marquez** said he first spoke on the Living Wage at Sweeney Center, and the only issue he had was the exemption for 25 or fewer employees. He is glad this is being deleted. He supports the Living Wage, and urged the Council to support the Living Wage. He is a candidate for County office and will work to extend the Living Wage to the County.

**Dea Winograd, 16 BailloRoad,** supports a living wage for everyone without exceptions. As a Santa Fe Realtor she sees a great disparity of resources and lifestyles in the community. She said the least we can do is to pay the Living Wage to those on the other end of the spectrum. She asked the Governing Body to ensure that every worker gets the Living Wage.

**Adrian de Romero** said the Mayor and Councilors are our leaders, our hope, and the community is counting on you. The Community is very challenged, and to get quality of life, we have to tie in public policy. She is touched with the level of commitment of the young adults in community issues. She spoke about her work with the Schools regarding economic and social injustice, and she sees how money impacts all employees. She said the bottom line is that our kids need money.

**Virginia Miller, 125 Calle Don Jose,** said she would like to add that the City is acting in line with the United Nations Declaration for human rights, because there is a provision that all workers should be paid a wage sufficient to provide for the needs of their families, which is an essential part of a sustainable process. She asked that the Governing Body vote for the Living Wage with no exceptions.



**Carol Oppenheimer, 1300 Canyon Road**, said she is **Co-Chair of the Santa Fe Living Wage Network**, and they oppose any changes at all to the proposed amendments. These amendments have the support of the business community, the unions, religious organizations, veterans, environmental groups, the immigrant community, students, their parents, their teachers and so many others who care about the quality of life for all of us in Santa Fe. She said the amendments show the progress that we, as a community, can make when we all come together. She urged the Governing Body to pass these amendments without any exceptions.

**Matthew Smith, 725 Santa Ana Street**, said he has little to add what has been said, and he supports the Living Wage without exceptions.

**Owen Connolly** said he works here in Santa Fe, and \$9.50 is a good start. He would like the City to take the step into rent control next, and for equality and justice for all.

**Manuela Marquez, member Somos un Pueblo Unido**, said she would like to say that an excluded worker is a family that's being excluded, and this is the reason why they support this ordinance. [Speaking through translator Sam Adelo]

**Pat Smith, Eldorado**, said she retired in New Mexico from Los Angeles. She said this evening, there has been a wonderful litany of reasons why these amendments should be passed. She said the law should include everyone, including part time workers. She would like to speak on behalf of retirees who come to Santa Fe from all over the nation and the world, many of whom live on social security, and come here for the wonderful culture, the beautiful scenery and the progressive attitude. She said many have to return to their homes because they can't afford to live in Santa Fe on social security and need to make more money per hour.

**Catherine Chavez Lujan, 504 Onate Place**, said she is not a native Santa Fean, but she has lived and raised her children here and they graduated from Santa Fe high schools. She said her son Alfonso became involved with the Living Wage movement at age 17, and he is still involved and is for justice, equality and change. She has seen the complexion of Santa Fe change, and within the last few years there are more people transplanting themselves here from the East and West Coasts, and basically are changing the heritage and traditions of Santa Fe. She said people who are not making a living wage are really struggling, and many families may live in one household because housing is so exorbitant. She asked that the Governing Body pass the Living Wage Ordinance without exceptions.

**Gabin de Pueblo**, said there are three happy moments in the workers life: (1) when one does a thing correctly; (2) when the boss realizes that one did it; and (3) and the other is payday. He said exempting any workers would be a disaster and "worryful" and shameful. [Speaking through translator Sam Adelo]

**John Gee** said the Living Wage is still not a living wage, but this is the first step. He said there has only been one small business owner against this. He hopes the Council makes the great decision.



**Alex Dunbars, 415 Salazar Place**, said he is speaking before, and on behalf of his friends and community. He said to pay someone not enough to survive in the community, is saying that trading their time isn't worth enough to survive, and everyone is worth enough to survive.

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

Mayor Coss said in one hundred years, historians, philosophers and poets will read the minutes of the Living Wage hearings for the last five hearings and get a lot out of it.

**Councilor Wurzbarger moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2007- 43, with no exceptions, and with the following amendment:**

**"The Staff is directed to contract for a study or studies to review the impact of these ordinance changes on businesses with less than 10 employees, and on the Santa Fe student dropout rate, with a report provided to the Governing Body no later than July 1, 2009."**

**Discussion:** Councilor Wurzbarger said this is an amendment regarding process. She said we have heard comments that we are an inspiration to other communities, as well as the movement we've made in the past 3-4 years, and the collaboration. She believes part of this is because we debunked the myth about what was going to happen by having information about what actually happened. She believes there are two issues in the community which are not shared by this group, but information about these issues can help to move this from Santa Fe throughout the State and the United States. These have to do with continuing evaluation which was left out of the ordinance. She didn't notice this until 4:00 a.m., or she would have spoken with them about it. She said this will give us plenty of time to assess the positive impact of these changes.

Councilor Dominguez thanked everyone who spoke to us this evening, including all of those who took their time to telephone the Councilors in support of this initiative. He said he is excited because this his first opportunity to speak in favor of this issue. He does not support exemptions. He doesn't know where those rumors arose.

Councilor Dominguez said we need to do more to value our youth, and taking that another step, we need to do more to value the education of our youth. He said some of the rumors of exemption may have arisen because of some of the tough questions we've had to ask, and this is the reason he supports Councilor Wurzbarger's proposal because we need that data. We need the data to be able to evaluate as well as to debunk any rumors or false information which might be out there. He said he has been a strong youth advocate as a City Councilor, noting one of the first things he did as a Councilor was to provide free transportation for homeless youth. He said Santa Fe has become a youth friendly community, and had that been in place earlier, we might not have had this level of discussion regarding youth. That

initiative is intended to go to the youth to ask how what we do here impacts you – empowering youth in the community.

**Friendly amendment:** Councilor Dominguez said he would like to amend the motion to make the study proposed by Councilor Wurzburger about the youth and dropout to include the youth to help to design the study, to facilitate the study, and to use our resources to facilitate roundtable discussions, or whatever kinds of discussions they need to have in order to obtain qualified information. **The amendment was friendly to the maker and the second, and there were no objections from the other Councilors.**

Councilor Bushee said she never really liked the 25 employee business threshold exception, and didn't feel it would create a level playing field. She understands we were phasing in the concept at that time. She said it was good that several large businesses which were in opposition previously, came forward and spoke in support. She doesn't understand why the exemption for interns remains in the ordinance, commenting that we all know that \$9.50 "is not something you can live on in this town."

**Friendly amendment:** Councilor Bushee asked to strike lines 9 through 25 on page 4 of the Ordinance as follows:

~~"However, interns working for a business for academic credit in connection with a course of study at an accredited school, college or university or persons working for an accredited school, college or university while attending that school, college or university, or persons working for a business in connection with a court-ordered community service program such as teen court or workers who are in apprenticeship program in a 501(C)(3) organization (such as the Santa Fe Opera) shall not be counted as a worker for such purposes."~~

**The amendment was not friendly to maker, Councilor Wurzburger** who explained that the friendly amendment she made is a process amendment. She wants to rely on the significant work which was done and pulling together a coalition. She said that group spent time on every single aspect of these revisions, and she is uncomfortable accepting this amendment.

**Councilor Bushee moved to strike lines 9 through 25 on page 4 of the Ordinance as follows:**

~~"However, interns working for a business for academic credit in connection with a course of study at an accredited school, college or university or persons working for an accredited school, college or university while attending that school, college or university, or persons working for a business in connection with a court-ordered community service program such as teen court or workers who are in apprenticeship program in a 501(C)(3) organization (such as the Santa Fe Opera) shall not be counted as a worker for such purposes."~~

**The Motion died for lack of a second.**

**Explaining her Motion.** Councilor Bushee said if the Warehouse 21 folks can pay \$9.50 an hour, the Santa Fe Opera can pay \$9.50 per hour. She doesn't understand why we are leaving this small segment of the economy in the ordinance, noting the State pays at least as much as \$9.50.

**Continuation of Discussion on the Main Motion as amended:** Councilor Bushee asked how "the whole COLA bit that goes with the Consumer Price Index for western region for urban wage earners and clerical works. How is that gonna actually play out...every year is there going to be some kind of paper or something issued by the City's attorney's office, or whoever is now in...I think it's the City Manager's Office that actually implements this...correct or not."

Mr. Katz said the figures come out every month which cumulates throughout the year, and there is a final yearly figure which is done in January, and he believes we can implement that with some sort of publication at the end of the year to the employers as to what the COLA increase is.

Councilor Bushee asked how people and the workers will know what the new wage will be.

Mr. Katz said the City will not be able to contact every single worker and employer in the City, and the information would have to come through, perhaps, something done at the first Council meeting in January, and an advertisement and announcements in the newspapers.

Councilor Bushee asked if the City employees will have to negotiate and bargain for the COLA, saying she's trying to understand how this applies practically. She said the City now does 3% cost of living increases and the employees negotiate through the union, and wonders how this will be done for non-union and union employees.

Mr. Katz said the COLA is only for the living wage and he does not believe we are paying City employees at that level, and to the extent that we are, that would have to increase with each year's COLA increase.

Councilor Bushee said then this will be done without negotiations, and will just come through in the paychecks.

Mr. Katz said he suspects that would have to be a part of the negotiations with the unions, and he believes the union would be willing to accept the increase annually that is provided under the ordinance. However, it would have to come through a negotiation with the union.

Councilor Bushee would like a follow up after this vote which indicates very clearly who implements this, who people go to, how it is put into effect, and how people have the knowledge of the amount of the cost of living increase. She didn't see this in the ordinance, and asked if administrative parts will follow it. She said we had difficulties initially in determining how to enforce the ordinance previously. She wants something in place which follows this.

Councilor Bushee said she would like to see this extended into Santa Fe County, and would like to see the Living Wage Network pursue that. She said ideally, we will pursue health care for all workers, admitting that is something we should see at the national party level. She recognized the Green Party for its efforts that brought the issue to the front in this community. Councilor Bushee said she was a small business owner in the past 20 years, and it was never an option not to pay people well because you can't get people to work for you if you don't. Although she has sympathy for the small businesses who feel this is a stretch, she believes it is something they will have to do to stay in businesses.

Councilor Chavez acknowledged two former Councilors Frank Montano and Jimmy Martinez for their efforts who helped to lead the way to get this done. He said we are standing on their shoulders as well and believes we need to recognize them. He wants to recognize all of us as individuals for contributing and playing a part of making our community a better place to live, work, to raise our families and to leave the City a better place than we found it. He is excited to be here in the capacity of a public servant to further that effort, and to encourage you to continue your position and to encourage us to work in the best interest of the public.

Councilor Heldmeyer thanked Councilors Montano and Martinez as well, who got this "ball rolling" on the Council. She said it is too bad that we don't have the minutes of the previous meetings where the Living Wage was discussed, so you can trace the history of the Living Wage to this point. She said what is remarkable about this meeting is that the business community, which fought this previously, has signed onto the Ordinance and spoken in favor this evening, noting that the Small Business Alliance and the Chamber of Commerce are in support.

Councilor Trujillo said he is one of the Councilors who asked questions about the dropout rate, and it was just to get the information, not to exclude anyone from making money. He said Santa Fe does have a high dropout rate, and he is concerned about those students who are teetering between staying in school and not staying. He is glad Councilors Wurzbarger and Dominguez are adding this amendment. He thanked everyone for attending in support, and those who phoned their support to him. He said initially, he wanted to take this issue before the public for a vote. He wants his kids to be able to stay in Santa Fe. He believes the Living Wage will enable a lot of young people to stay here. He said many of his friends have moved away from Santa Fe for better wages and jobs. He wants this revenue to stay here in Santa Fe in the future. He believes the Living Wage is a good start. He thanked all of the previous Councilors who started this, saying this is a good thing for Santa Fe.

Councilor Ortiz said the vibe in this room is different that it was a while back. He agrees with Councilor Chavez that none of us would have had the opportunity to do some of the things we did to see this come for fruition if not for the very hard work of Councilors Martinez and Montano who put this forward at great political risk to themselves. He said when the Living Wage was done initially, it took a toll, and we all paid a price, both politically and personally. He said he found solace in a poem written by Ralph Waldo Emerson, which he believes is emblematic of what we've done here on this Council on the Living Wage. He quoted the poem as follows:

"To laugh often and much, to earn the appreciation of honest critics and to endure the

betrayal of false friends. To appreciate beauty and to find the best in others. To leave the world a bit better, whether by a healthy child, a garden patch or redeemed social condition. To know even one life has breathed easier because you have lived, this is to have succeeded."

Councilor Ortiz said we were told from the start that this ordinance was going to fail, and those of us who supported the Living Wage were told that we were failing, failing ourselves, failing our community. He said the comments tonight along with the data which supported their positions at that time, are the best testament of the success of this Ordinance. He said he never would have succeeded if you hadn't supported what is the right thing to do. He thanked everyone for coming out this evening, and Mayor Coss for his strength.

Councilor Calvert thanked everyone for coming out this evening, and said he believes it is time for a vote.

Mayor Coss said this summer he was able to tell Los Angeles Mayor Newsom that Santa Fe has the highest living wage in the Nation, not Los Angeles. Santa Fe is a national example. He thanked all of the Councilors who will be voting this evening. He thanked Councilor Martinez and Councilor Montano who started this years ago, and Councilor Moore who organized the first meeting on this in 1993, and to acknowledge that Councilor Ortiz was the legislative strategist to get this done. He said it almost failed. He said Councilor Ortiz worked the deal with Councilors Martinez and Montano who put the roundtable together.

Mayor Coss said the living wage comes from the goodness of the whole community – the labor community, the faith community, the youth community, the immigrant community and the business community. He said it is memorable to see Paul Margetson and Frank Potter wearing Living Wage stickers. He said we are closing a chapter in a 15-year struggle. However, our work as a community is not yet done. He is going to rely on the goodness of this community to help the Governing Body to address crime and violence, especially against women, housing and homelessness, especially the homeless youth and veterans, hunger and health care for the veterans, the uninsured and the mentally ill.

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

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

**Against: None.**

*There was a break from 9:15 p.m. to 9:31 p.m.*

- 4) **CONSIDERATION OF BILL NO. 2007-52; ADOPTION OF ORDINANCE NO. 2007- 44 (COUNCILOR HELDMEYER). AN ORDINANCE AMENDING SECTION 14-9.2(F)(1) SFCC 1987, REGARDING THE GENERAL REQUIREMENTS FOR SIDEWALKS. (JACK HIATT)**
  - a) **CONSIDERATION OF RESOLUTION NO. 2007- 110. (COUNCILOR HELDMEYER). A RESOLUTION DIRECTING STAFF TO PREPARE NEW CITY STREET STANDARD DETAILS FOR ADOPTION BY THE GOVERNING BODY.**

Jack Hiatt presented information regarding this matter to the Governing Body from the materials in the Council packet.

### **Public Hearing**

**David McQuarie** said he is representing the Mayor's Committee on Disability. He said the NM DOT has endorsed these standards for adoption, but has said do not change them, and leave it to the State to spend the money to. He said these were done by the Federal and State Governor's Commission, Planners, citizens, and himself as the NM DOT ADA Committee representative. He recommends that the Committee recommend adoption only of the ADA service part of the sidewalks and not deal with the structure. He said the City design details will deal with the structure. He said The New Mexican remodeled and installed two curb ramps on Otero at the intersection of Nusbaum. Unfortunately, they will have to make major changes to it, because 12 of 14 technical details are substandard. He detailed an intersection where some of the ADA compliance changes are over a year late, and should have been completed by January 2007.

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

Councilor Heldmeyer said the Mayors Committee took a group on a tour two years ago, and said the corner referenced by Mr. McQuarie is one of the corners that was most in need of help, and apparently it still is. She said this Ordinance and the accompanying Resolution will only be as good as the enforcement. She is glad we are moving from a Resolution to an Ordinance, and is most appreciative of the help of the Mayor's Committee and the Planning Commission.

**Councilor Heldmeyer moved, seconded by Councilor Calvert, to adopt Ordinance No. 2007- 44 and Resolution No. 2007-110.**

**Discussion:** Councilor Heldmeyer said there is a new project at the corner of Coronado and Old Pecos Trail. It was brought to her attention this evening that after it received its certificate of occupancy, someone cut large holes in the sidewalk. These holes now make the sidewalk nonaccessible because the sidewalk is no longer wide enough for someone in a wheelchair. She asked the City Manager to send someone to check on this.

Responding to Councilor Bushee, Councilor Heldmeyer said there are trees, and holes were made for the trees, but someone made those bigger and she doesn't know why.

Councilor Bushee said some of the largest obstacles on sidewalks are City signs and bus benches, which make it more difficult for people in wheelchairs as well as people walking two by two.

Councilor Heldmeyer said the Council passed a resolution last summer which provided funding for an engineering intern to do a study of sidewalks and barriers to accessibility, beginning downtown and working out as far as the intern could go during the summer. She said for some reason, the money was forgotten and the person was never hired. She said by the time she asked what happened, and by the time we could have gone through the process of hiring, it was too late to get that done by the end of the summer. She hopes we are starting that process now for this summer. She is also hoping, along with enforcement, when City staff installs anything, they are made aware that it is not appropriate to install things in the middle of the sidewalk. She suggested perhaps Joe Lujan might do some training of people in public works in this regard.

**Friendly amendment:** Councilor Bushee would like to amend line 8, on page 3 as follows: "...any structures, signs, landscaping..." **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Bushee asked if the traffic calming signs can be put on the road instead of on the sidewalks.

Councilor Heldmeyer noted fewer signs are being installed for traffic calming now.

Councilor Bushee would like all clutter removed from the sidewalks, and asked to be a cosponsor of the Ordinance and Resolution.

Councilor Wurzbarger asked to be shown as a cosponsor of both as well.

***[NOTE: The motion made by Councilor Heldmeyer included the adoption of both Ordinance No. 2007- 44, and Resolution 2007-110. However, Mayor Coss called for the two to be voted upon separately]***

**The motion to adopt Ordinance No. 2007-44, as amended, was approved on the following Roll Call vote.**

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

**Against: None.**

**Absent: Councilor Dominguez**

**The motion to adopt Resolution No. 2007-110 was approved on the following Roll Call vote.**

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

**Against: None.**

**Absent: Councilor Dominguez**

- 5) CONSIDERATION OF BILL NO. 2007-53; ADOPTION OF ORDINANCE NO. 2007- 45 (MAYOR COSS). AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE SANTA FE CITY CODE TO REFLECT THE RECENTLY ADOPTED REORGANIZATION OF CITY DEPARTMENTS. (GALEN BULLER)**

Galen Buller presented information regarding this matter to the Mayor and Council.

**Public Hearing**

**There was no one speaking for or against this Ordinance**

**The Public Hearing was closed**

**Councilor Calvert moved, seconded by Councilor Wurzburger, to adopt Ordinance No. 2007- 45.**

**Discussion:** Councilor Heldmeyer said this is just cleanup language which affects the departments. She sees problems regarding which divisions go into which departments, and how those will relate with one another within a given department. She said when we approved the Resolution approving this reorganization, she discussed these issues. She said there are some uneasy alliances and divisions which float around and are plucked and put in certain departments. She is particularly concerned about the role of Long Range Planning. She said many things about which people have been complaining for the past month are things which should have been done in Long Range Planning, but were never done – things which were authorized by Resolution, but for whatever reasons weren't done.

**Friendly amendment:** Councilor Heldmeyer would like to amend Page 5, line 8, to add a new Section 2-22 as follows: "2-22. The City Manager shall report to the City Council every six months on the organization of the departments and divisions of the City." **The amendment was friendly to the maker and second and there were no objections from the other Councilors.**

Councilor Heldmeyer said six months will give time to see what's working, what's not working, what needs to be tweaked, and the opportunity for the Council to say what they think is and is not working.



Councilor Bushee said she believes the amendment addresses her concerns, commenting that she believes the reorganization was done without having the staffing levels up to par, which she believes still aren't. She asked when we can do this with the current reorganization.

Responding to Councilor Bushee, Mr. Buller said in six months we can talk about what divisions are well coordinated as well as the staffing.

Councilor Bushee said her point is that the problems may not be caused by the reorganization, but that we didn't get to the adequate staffing levels.

Councilor Heldmeyer said this is the reason her amendment has very general language.

Responding to Councilor Chavez, Mr. Buller said the flow chart is on the last page of the Council packet, and takes it through divisions, but not down to sections, noting that this is the latest flow chart.

**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, Councilor Trujillo and Councilor Wurzbarger.**

**Against: None.**

- 6) CONSIDERATION OF RESOLUTION NO. 2007- 111. CASE #M-2007-24. WESTON STUDIO GALLERY GENERAL PLAN AMENDMENT. DELL WESTON, PROPERTY OWNER, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 3.708± ACRES OF LAND FROM OFFICE TO TRANSITIONAL MIXED USE. THE AREA IS LOCATED AT THE SOUTHEAST CORNER OF AIRPORT ROAD AND BUFFALO GRASS ROAD. (LOU BAKER)**

**Items G(6), (7) and (8) were combined for purposes of presentation, public hearing and discussion, but were voted on separately.**

*[Stenographer's Note: For the most part during this discussion, Councilor Heldmeyer's microphone was off and her remarks were inaudible.]*

Memorandum dated November 16, 2007, for November 28 City Council meeting, with attachments, to City of Santa Fe City Council, from Lou Baker, AICP, Senior Planner, Development Review, regarding Case #M-2007-24, #M-2007-25 and #ZA-2007-06, is incorporated herewith to these minutes as Exhibit "9."

A letter dated November 28, 2007, to Mayor David Coss, from Roman Abeyta, County Manager, regarding Weston Studio Gallery Annexation, is incorporated herewith to these minutes as Exhibit "10."

Staff report was presented by Lou Baker, which is contained in Exhibit "9."

Ms. Baker said, for the record she received a letter from Roman Abeyta, County Manager [Exhibit "10"], and the County is aware of this annexation and agrees to it, as follows: "In light of our ongoing progress in developing a global strategy for annexation, the County has no objection to the proposed Weston Studio Gallery Annexation."

Ms. Baker said, for the record, there is an issue with Buffalo Grass Road as follows:

"The issue of title to the private road west of the Weston property is under review by City legal staff, and it may be necessary to have an additional owner's signature on the annexation plat. The other owner in question has indicated his willingness to agree to annexation and dedication of the road if necessary."

**Staff Recommendation:**

Case #M 2007-24. Weston Studio Gallery General Plan Amendment. On October 4, 2007, the Planning Commission moved to recommend the City Council approve Case #M 2007-24. The requested Mixed Use (MU) designation is appropriate for the subject property designated in the General Plan as Office (*classification provides sites for administrative, financial, business, professional, medical and public offices, and small scale restaurants in areas where retail and other community commercial uses are not appropriate*). Staff does not have any conditions of approval for General Plan amendment application #M 2007-24.

Case #M 2007-25. Weston Studio Gallery Annexation. On October 4, 2007, the Planning Commission moved to recommend the City Council approve Case #M 2007-25 with Condition #1 in John Romero's July 20, 2007 Memo (Exhibit D of Bill 2007-60 Annexation). Land use staff recommends approval of the Weston Studio Gallery Annexation application. Staff recommends one additional condition of approval for the annexation:

1. The annexation plat shall be corrected to extend the City-initiated portion of Airport Road right-of-way to the westerly side of the Paseo del Sol intersection.

Case #ZA 2007-06. Weston Studio Gallery Rezoning from R-1 to MU. On October 4, 2007, the Planning Commission moved to recommend the City Council approve Case #M 2007-06, with the condition a final development plan goes before the Planning Commission at the time of development.

Cases #M 2007-24, #M 2007-25 and #ZA 2007-06 are combined for purposes of staff

report, public hearing and City Council comment and action, but are intended to be voted upon separately.

### **Public Hearing**

**There was no one speaking for or against approval of the three agenda items**

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

**Councilor Chavez moved, seconded by Councilor Ortiz, to adopt Resolution No. 2007-111, Case #M-2007-24, as recommended by staff.**

**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.**

- 7) CONSIDERATION OF BILL NO. 2007-60; ADOPTION OF ORDINANCE NO. 2007- 46. CASE #M-2007-25. WESTON STUDIO GALLERY ANNEXATION. DELL WESTON, PROPERTY OWNER REQUESTS ANNEXATION OF A TRACT OF LAND COMPRISING 3.708± ACRES LOCATED AT THE SOUTHEAST CORNER OF AIRPORT ROAD AND BUFFALO GRASS ROAD; AND ALSO ANNEXATION OF 1.356± ACRES OF PUBLIC AND PRIVATE RIGHT-OF-WAY ADJOINING THE DELL WESTON PROPERTY; AND ALSO ANNEXING 1.88± ACRES OF AIRPORT ROAD RIGHT-OF-WAY WEST OF THE DELL WESTON PARCEL. (LOU BAKER)**

**Councilor Chavez moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2007-46, Case #M-2007-25, with conditions as recommended by the Planning Commission and Planning and Land Use Staff.**

**Friendly amendment:** Councilor Heldmeyer would like to amend the motion to add the following as a condition of approval: **The issue of title to the private road west of the Weston property is under review by City legal staff, and it may be necessary to have an additional owner's signature on the annexation plat. The other owner in question has indicated his willingness to agree to annexation and dedication of the road if necessary.** She asked Mr. Weston if he is willing to sign.

**Dell Weston, 701 Airport Road, was sworn.** Mr. Weston said yes, he is willing to sign.

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

Councilor Calvert asked the source of the 2.41 afy of water for this project.

Mr. Weston said it will be through City water.

Mayor Coss said it is subject to retrofit, noting Mr. Weston has to follow the ordinance.

**Friendly amendment:** Councilor Calvert said he wants that to be specified so there is no doubt. *There was no response from the maker and second to this friendly amendment.*

Councilor Heldmeyer said Mr. Weston is going to cap his well, noting that the development plan has to go back to the Planning Commission.

Councilor Chavez said there is language on page 3 which provides, "There is currently a well serving the foundry, but this will be vacated and property plugged by a licensed well driller after connecting to City water."

Responding to Councilor Calvert, Mayor Coss said he thinks the condition he wants is that Mr. Weston will hook up to City water, pay the UEC and do whatever is required in the Water Budget Ordinance.

Mr. Smith said this is correct. He said because the water budget is less than 5 afy per year, they aren't required by Code to transfer water rights. They may choose to transfer water or they may choose to use retrofits at the time of permit approval.

Councilor Calvert asked if this reflects the most recent amendment or change to the Santa Fe Homes Program.

Ms. Baker said the application was already in the process and had already been heard by the Planning Commission prior to the adoption of the amended ordinance. She said there is documentation in the packet, and Mr. Weston will pay a fee in lieu of payment to comply with the Santa Fe Homes Program which was in place at the time Mr. Weston submitted his application.

**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, Councilor Trujillo and Councilor Wurzbarger.**

**Against: None.**

- 8) **CONSIDERATION OF BILL NO. 2007-61; ADOPTION OF ORDINANCE NO. 2007- 47. CASE #ZA-2007-06. WESTON STUDIO GALLERY REZONING FROM R-1 TO MU. DELL WESTON, PROPERTY OWNER, REQUESTS REZONING OF 3.708± ACRES OF LAND FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO MU (MIXED USE). THE APPLICATION INCLUDES A MASTER PLAN FOR LIVE-WORK AND COMMERCIAL BUILDING COMPRISING APPROXIMATELY 17,785 SQUARE FEET. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF AIRPORT ROAD AND BUFFALO GRASS ROAD. (LOU BAKER)**

**Councilor Chavez moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2007- 47, Case #ZA-2007-06, with conditions as recommended by staff.**

**Discussion:** Councilor Calvert asked Mr. Weston if he would be willing to make the residential units Energy Star rated.

Mr. Weston said he doesn't know what this is, but he is planning to build the geothermal with the heating and cooling, and with aerated concrete blocks so it's like a "cave." He said it is autoclaved, aerated concrete blocks.

**Friendly amendment:** Councilor Calvert would like to impose a condition of approval that Mr. Weston will build to Energy Star. **The amendment was friendly to the maker and second, and there were no objections from the other members of the Council.**

Councilor Calvert asked Mr. Weston what he is doing for water harvesting – is he doing anything of that nature.

Mr. Weston said there are retention ponds which will recirculate the water and go back in the ground.

Responding to Councilor Calvert, Mr. Weston said there is a trail and there will be a bronze sculpture.

Councilor Calvert said he presumes Mr. Weston might want to irrigate that somehow.

Mr. Weston said no, it will be natural grass, gravel, and perhaps two trees. He said if he does that he could do something different in watering the plants. He asked for suggestions.

Councilor Calvert said there is a fair amount of hardscape around some of the buildings, and suggested perhaps catching some of the water,

Mr. Weston said he would be willing to install a cistern, noting that has been discussed.

**Friendly amendment:** Councilor Calvert would like to amend the motion to provide that Mr. Weston will investigate the different methods of water harvesting, and use whatever is appropriate for his project.

**Discussion on the friendly amendment:** Mayor Coss asked Councilor Chavez as the maker of the motion if this is a friendly amendment.

Councilor Chavez said he is unsure. He said Councilor Calvert is asking Mr. Weston to comply with Energy Star rating, with which Mr. Weston is unfamiliar, and Mr. Weston will have to study up on that. He said Mr. Weston will have to work with staff to understand what is being asked of him, and hopes it will fit with the project.

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

Councilor Calvert said if we continue to do annexations, he is going to suggest an Airport Road Improvement District as we move forward. He said that street and the area could use some help, and the source of funding will need to come from projects we annex.

Councilor Chavez said impact fees could be used for some of these improvements as well.

Councilor Bushee doesn't understand what Councilor Calvert means by an improvement district.

Councilor Calvert said he is talking about improvements to "soften it up," and make it more pedestrian friendly and a lot of things.

Councilor Bushee pointed out that there are very few businesses left to build, and asked how he would do an improvement district.

Mayor Coss said this isn't part of the motion, and was only an observation by Councilor Calvert.

**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.**

- 9) **CONSIDERATION OF RESOLUTION NO. 2007- \_\_\_\_ . CASE #M-2007-31. 518, 520, 526 AND 532 AGUA FRIA STREET GENERAL PLAN AMENDMENT. STEVE RIZIKA, AGENT FOR THE PROPERTY OWNERS REQUESTS APPROVAL OF GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE DESIGNATION OF .669± ACRES OF LAND TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA AND WEST OF MONTEZUMA AVENUE. (DAN ESQUIBEL)**

***Items #9 and #10 were combined for purposes of staff report and discussion, but were scheduled to be voted on separately.***

Memorandum dated November 16, 2007 for November 28, 2007 Council meeting, with attachments, to the Governing Body, from Daniel A. Esquibel, Land Use Planner Senior, regarding Case #M 2007-31 and Case #ZA 2007-07, is incorporated herewith to these minutes by reference.

The staff report was presented by Greg Smith, which is contained Mr. Esquibel's Memorandum of November 16, 2007, with attachments.

Councilor Heldmeyer said she has a process question, noting this a request for rezoning to a BCD subdistrict, and yet this case did not appear before the BCD DRC which is supposed to make recommendations as the Planning Committee is on rezonings which involve the BCD. She asked why not.

Mr. Smith said staff's analysis of the regulations regarding the authority of the BCD says that they are to make recommendations with regard to redevelopment subdistricts, but are not charged specifically with making recommendations on other zoning cases.

Councilor Heldmeyer said sometimes things show up and sometimes they don't.

**Councilor Heldmeyer moved, seconded by Councilor Wurzburger, to postpone Items #G(9) and #G(10) to the first Council meeting in February 2008, to allow these items to be heard by the BCD DRC for its recommendation on this rezoning, prior to this being heard by the Council.**

**Discussion:** Councilor Wurzburger requested, since we are postponing this item, assuming that it passes, staff assistance in getting clarification on the findings of fact which she had great difficulty discovering as she reviewed the minutes of the Planning Commission meetings.

**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 Wurzburger.**

**Against: None.**

**Explaining her vote:** Councilor Bushee said yes, and said she was looking at some minutes "from the Commissioner O'Reilly thing, and it was going to the BCD after if it would become a BCD West Side Townscape.

**Explaining her vote:** Councilor Heldmeyer said yes, and if it became a part of a subdistrict it would go to the BCD under some circumstances for the development plan, but it has not gone there for a recommendation on the rezoning.

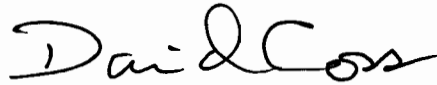
- 10) **CONSIDERATION OF BILL NO. 2007-62; ADOPTION OF ORDINANCE NO. 2007- 48. CASE #ZA-2007-07. 518, 520, 526 AND 532 AGUA FRIA STREET REZONING. STEVE RIZIKA, AGENT FOR THE PROPERTY OWNERS, REQUESTS REZONING OF 4 LOTS TOTALING .669± ACRES OF LAND FROM RM-1 (RESIDENTIAL – MULTI-FAMILY, 21 DWELLING UNITS PER ACRE) TO BCDWES (BUSINESS CAPITOL DISTRICT, WESTSIDE TOWNSCAPE SUBDISTRICT). THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF AGUA FRIA AND WEST OF MONTEZUMA AVENUE. (DAN ESQUIBEL)**

This item was postponed to the first Council meeting in February 2008.

#### **H. ADJOURN**

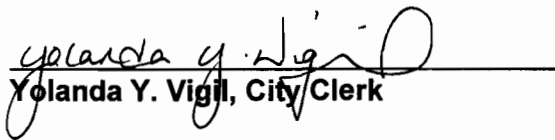
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:30 p.m.

**Approved by:**



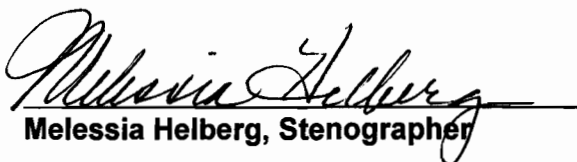
**Mayor David Coss**

**ATTESTED TO:**



**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**



**Melessia Helberg, Stenographer**



CITY COUNCIL MEETING  
EXECUTIVE SESSION  
November 28, 2007

The governing body of the City of Santa Fe met in an executive session duly called on November 28, 2007 beginning at 5:55 p.m.

**The following item was discussed:**

**1) Purchase, Acquisition or Disposal of Water Rights, Pursuant to §10-15-1 (H)(8) NMSA 1978.**

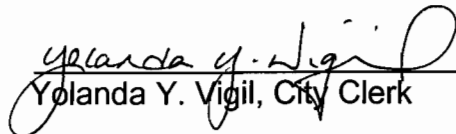
PRESENT

Mayor Coss  
Councilor Bushee  
Councilor Chavez  
Councilor Calvert  
Councilor Dominguez  
Councilor Heldmeyer  
Councilor Ortiz  
Councilor Trujillo  
Councilor Wurzbarger

STAFF PRESENT

Galen Buller, City Manager  
Frank Katz, City Attorney  
Yolanda Y. Vigil, City Clerk  
Gary Martinez, Water Division Director  
Claudia Borchert, Water Resources Project Coordinator  
Marcos Martinez, Assistant City Attorney

There being no further business to discuss, the executive session adjourned at 6:45 p.m.

  
Yolanda Y. Vigil, City Clerk