



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 10, 2007
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1-5-07 TIME 3:05 pm

SERVED BY _____

RECEIVED BY Indomiguoz

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: Council Study Session – December 5, 2006
Council Study Session – December 12, 2006
Reg. City Council Meeting – December 13, 2006
8. PRESENTATIONS
 - a) Employee of the Month for January 2007 – Yolette Catanach, Benefits Coordinator.
 - b) Neighborhood Awards. (Mayor Coss)
 - c) Plan for Northern New Mexico Communities to Cooperate in the Investment of Gross Receipts Tax Revenues Resulting From the New Los Alamos National Laboratory Contract. (Mayor Joseph Maestas)
9. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss)
A Resolution Repealing Resolution No. 2006-1 Relating to the Open Meetings Act; Adopting the State of New Mexico Open Meetings Act by Reference; and Adopting Notice Requirements. (Yolanda Y. Vigil)
 - b) Request for Approval of Grant Award – Santa Fe Arts Commission Artworks Program; Nancy G. Dickenson. (Sabrina Pratt)
 - 1) Request for Approval of Budget Increase – Grant Fund.



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- c) Request for Approval of Professional Services Agreement – Physicals for Firefighters; Concentra Medical Center (RFP #07/03/P). (Brian Caldwell)
- d) Request for Approval of Memorandum of Agreement – Household Hazardous Waste Day; City of Santa Fe, Santa Fe County and Solid Waste Management Agency. (William DeGrande)
- e) Request for Approval of Sole Source Procurement and Professional, Services Agreement – Immigrant Advocacy in Northern New Mexico; Somos Un Pueblo Unido. (Ron Quarles)
 - 1) Request for Approval of Grant Agreement – Fair Housing Initiatives Program; U.S. Department of Housing and Urban Development.
 - 2) Request for Approval of Budget Increase From Grant Revenues – Grant Fund.
- f) Request for Approval of Professional Services Agreement – Services for Public Water Supply System for MRC (RFP #07/14/P); R.A.M. Plumbing & Water Services. (Larry Lujan)
- g) Request for Approval of Budget Increase from 2006 Bond Issue Proceeds for GCCC Improvements. (Robert Siqueiros and Ruben Lovato)
- h) Request for Approval of Underground Right-of-Way Easement from City of Santa Fe – Lensic Redevelopment Parking Garage; Greer Enterprises, Inc.; Karl H. Sommer, Agent. (Robert Siqueiros)
- i) Request for Approval of Budget Increase for Digital Cameras from Grant Revenues – Police Department; Wal-Mart Foundation and Sam's Club Foundation. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase – General Fund Police.
- j) Request for Approval of Staff Recommendations Regarding Establishment of Dog Parks at Salvador Perez Park and Villa Linda Park (West of Arroyo) and to Continue to Look for Potential Locations in Tierra Contenta. (Anne McLaughlin)



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- k) Request for Approval of Professional Services Agreement – Website Services for Santa Fe Convention and Visitors Bureau (RFP #07/07/P); Studio X, Inc. (Tom Maguire)
- l) Request for Approval of Joint Powers Agreement – Disseminate Santa Fe Information Along with Visitor Guides for Promotion of City of Santa Fe at New Mexico State/Santa Fe Visitor Information Center; New Mexico Department of Tourism. (Tom Maguire)
- m) Request for Approval or Amendment No. 4 to Professional Services Agreement – Publication Services of Santa Fe Visitors Guide; Miscellaneous Publications, Inc. (Tom Maguire)
- n) Request for Approval of Cooperative Agreement for Water Harvesting; Santa Fe Railyard Community Corporation, the City of Santa Fe and the Trust for Public Land. (Frank Romero)
- o) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Calvert, Mayor Coss, Councilor Wurzburger and Councilor Bushee)
A Resolution Directing Staff to Prepare an Ordinance Amending Chapter VII SFCC 1987 in Order to Rescind all References and Uses of the Universal Building Code and Associated Codes and to Adopt the International Building Code and Associated Codes in Accordance with the State of New Mexico Construction Industries Division; and to Develop Additional Green Building Standards. (Jack Hiatt and Jeanne Price)
- p) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz, Councilor Trujillo and Councilor Dominguez)
A Resolution Supporting the Efforts of the Santa Fe Public Schools to Promote Fitness and Healthy Lifestyles. (Lynn Hathaway)
- q) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer and Councilor Trujillo)
A Resolution Establishing a City Cooperative Program with the New Mexico Department of Transportation. (Robert Romero and Lawrence Ortiz)



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- r) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss, Councilor Bushee and Councilor Trujillo)
A Resolution Repealing Resolution No. 2001-27 and Adopting a Resolution Reestablishing the Santa Fe River Commission. (Robert Romero and Janine Johnston)
- s) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss, Councilor Trujillo, Councilor Chavez, Councilor Wurzbarger, Councilor Calvert and Councilor Bushee)
A Resolution Expressing the Governing Body's Desire to Employ a Youth Conservation Corps Program to Assist the City in Making Improvements to the Santa Fe River. (Robert Romero and Janine Johnston)
 - 1) Request for Approval of Sole Source Procurement of Professional Services Agreement – Provide Job Training and Employment for the Santa Fe River and Related Watershed; Youthworks. (Janine Johnston)
 - a) Request for Approval of Budget Adjustment – Project Fund.
- t) Request for Approval to Start Negotiations with AAA and Santa Fe County to Split City and County Senior Services and Federal and State Funding Allocations. (Ruben Lovato)
- u) Request for Approval of Santa Fe Farmers Market Use of Railyard Plaza and Alameda; the Santa Fe Railyard Community Corporation. (Frank Romero)
- v) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss)
A Resolution Organizing a Working Group to Make Recommendations to the Governing Body Regarding Policies and Procedures, Management, Maintenance and Operations, and Budget for the Railyard Park, Plaza and Alameda. (Robert Romero and Frank Romero)
- w) Request for Approval of Budget Increase (General Fund) for Salary Adjustments Pursuant to Santa Fe Firefighters Association Collective Bargaining Contract. (Kathryn Raveling)



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- x) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz and Councilor Dominguez)
A Resolution Directing Staff to Implement a Reduced Annual Fee for Downtown Tour Companies. (Robert Romero, Bill Hon and Walter Roybal)
 - 1) Request for Approval of Budget Decrease – Parking Enterprise Fund.
 - y) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee, Councilor Calvert, Councilor Trujillo and Councilor Dominguez)
A Resolution Supporting Statewide Legislation that Would Protect Kids, Workers, and People with Breathing Problems by Eliminating Smoking in Workplaces – Including Restaurants, Bars, Offices and Other Indoor Public Places. (Jeanne Price)
 - z) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer, Councilor Wurzbarger and Councilor Chavez)
A Resolution Clarifying the Powers and Duties of the City Manager. (Jeanne Price) **(Postponed at the December 13, 2006 City Council Meeting)**
 - aa) Request for Approval of Wayfinding Program. (Tom Maguire)
 - bb) Request for Approval of Process for Development Review of Railyard Property Projects and Infrastructure. (Frank Romero) **(Postponed at the December 13, 2006 City Council Meeting)**
 - 10. Review of and Potential Approval of Action on Amendments of Resolution No. 2006-43 Amending the Governing Body Procedural Rules Regarding Council Meeting Start Times. (Galen Buller)
 - 11. MATTERS FROM THE CITY MANAGER
 - 12. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- a) Discussion of Pending Litigation Regarding Tierra Contenta, Pursuant to §10-15-1 (H) (7) NMSA 1978.



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- b) Discussion of Proposed Settlement Agreement for the East High Water Tank, Regarding Pending or Threatened Litigation, Pursuant to §10-15-1 (H) (7) NMSA 1978.
- c) Discussion of Proposed Settlement Agreement for Sonny and Lorraine Otero vs. City of Santa Fe, U.S. District Court CIV-06-864, Regarding Pending or Threatened Litigation, Pursuant to §10-15-1 (H) (7) NMSA 1978.
- 13. Action on Proposed Settlement Agreement for the East High Water Tank. (Gary Martinez and Maureen Reed)
- 14. Action on Proposed Settlement Agreement for Sonny and Lorraine Otero vs. City of Santa Fe, U.S. District Court CIV-06-864. (Maureen Reed)
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) Request from Plaza Mercado Limited Co., for a Transfer of Location of Dispenser License #2768 from Garden Bar and Cats, 116 West San Francisco Street, Suite 310, to The Matador, 112 West San Francisco Street, Suite 312. (Yolanda Y. Vigil)



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- 2) Request from CVS Pharmacy Inc., for a Transfer of Ownership of Dispenser License #0430 from Jewel Osco Southwest Inc., dba Savon Drug Store #9269 to CVS Pharmacy Inc., dba CVS Pharmacy #9269. The License Will Remain at 195 Paseo de Peralta. (Yolanda Y. Vigil)
- 3) Request from CVS Pharmacy Inc., for a Transfer of Ownership of Dispenser License #0236 from Jewel Osco Southwest Inc., dba Savon Drug Store #9263 to CVS Pharmacy Inc., dba CVS Pharmacy #9263. The License Will Remain at 511 West Cordova. (Yolanda Y. Vigil)
- 4) CONSIDERATION OF BILL NO. 2006-59: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Bushee, Councilor Trujillo and Councilor Dominguez)
An Ordinance Declaring a Motor Vehicle to be a Public Nuisance if the Vehicle is Operated by a Person Under the Influence of Intoxicating Liquor and/or Drugs Under Certain Circumstances; and Creating a New Section 24-9 SFCC 1987 to be Known as the Vehicle Forfeiture Ordinance. (Deputy Chief Raye Byford) **(Postponed at November 29, 2006 City Council Meeting)**
 - a) Request for Approval of Budget Increase – Internal Advance from Police Property Tax Fund.
 - b) Request for Approval of Additional Positions; Paralegal, Administrative Secretary and Police Officer.
- 5) Case # H-06-87. Appeal of Historic Design Review Board's Decision Concerning Property at 121 West Santa Fe Avenue. Michelle Meyer, Agent/Owner, Requests that the Governing Body Rescind the Denial on September 26, 2006 to Construct a Front Yardwall with Gates, to Replace Historic Windows on Primary Elevations, and to Spray Foam Insulate the Exterior Walls of a Contributing Building. (David Rasch)
- 6) Case # H-06-26. Appeal of Historic Design Review Board's Decision Concerning Property at 103 South St. Francis Drive. Michael Melos, Agent/Owner, Requests that the Governing Body Rescind the Denial on October 10, 2006 to Pave a Parking Lot with Asphalt on a Non-Contributing Property. (David Rasch)

H. ADJOURN



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

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

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

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SANTA FE CITY COUNCIL MEETING
January 10, 2007

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| <u>AFTERNOON SESSION - 5:00 p.m.</u> | | |
| ROLL CALL | Quorum | 1 |
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| APPROVAL OF MINUTES: | | |
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| Council Study Session – December 12, 2006 | Approved | 5 |
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| Plan for Northern New Mexico Communities to Cooperate in the Investment of Gross Receipts Tax Revenues Resulting from the New Los Alamos National Laboratory Contract | Informational/discussion | 6-9 |
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| Request for Approval of Underground Right-of-way Easement from city of Santa Fe – Lentic Redevelopment Parking Garage; Greer Enterprises, Inc.; Karl H. Sommer, Agent | Approved [amended] | 9-12 |
| CONSIDERATION OF RESOLUTION NO. 2007- 7. A Resolution Directing Staff to Prepare an Ordinance Amending Chapter VII SFCC 1987, in Order to Rescind All References and Uses of the Universal Building Code and Associated Codes and to Adopt the International Building Code and Associated Codes in Accordance with the State of New Mexico Construction Industries Division; and to Develop Additional Green Building Standards | Approved [amended] | 12-13 |

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| Request for Approval to Start Negotiations with AAA and Santa Fe County to Split City and County Senior Services and Federal and State Funding Allocations | Approved [amended] | 13-15 |
| Request for Approval of Santa Fe Farmers Market Use of Railyard Plaza and Alameda; the Santa Fe Railyard Community Corporation | Approved [amended] | 16-21 |
| CONSIDERATION OF RESOLUTION NO. 2007-8 A Resolution Organizing a Working Group to Make Recommendations to the Governing Body Regarding Policies and Procedures, Management, Maintenance and Operations, and Budget for the Railyard Park, Plaza and Alameda | Approved [amended] | 21 |
| Request for Approval of Process for Development Review of Railyard Property Projects and Infrastructure | Approved [amended] | 22-23 |
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| PETITIONS FROM THE FLOOR | Information/discussion | 23-24 |
| APPOINTMENTS | | |
| Mayor's Blue Ribbon Panel to End Homelessness | Approved | 24 |
| Mayor's Committee on Disability | Approved | 24 |
| Children and Youth Commission | Approved | 25 |
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| <u>EVENING SESSION</u> | | |
| ROLL CALL | Quorum | 26 |
| <u>PUBLIC HEARINGS</u> | | |
| Request from Plaza Mercado Limited Co., for a Transfer of Location of Dispenser License #2768 from Garden Bar and Cats, 116 West San Francisco Street, Suite 310, to The Matador, 112 West San Francisco Street, Suite 312 | Approved | 26-27 |

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| Request from CVS Pharmacy, Inc., for a Transfer of Ownership of Dispenser License #0430 from Jewel Osco Southwest, Inc., d/b/a Savon Drug Store #9269 to CVS Pharmacy, Inc., d/b/a CVS Pharmacy #9269. The License Will Remain at 195 Paseo de Peralta | Approved | 27 |
| Request from CVS Pharmacy, Inc., for a Transfer of Ownership of Dispenser License #0236 from Jewel Osco Southwest, Inc., d/b/a Savon Drug Store #9263 to CVS Pharmacy, Inc., d/b/a CVS Pharmacy #9269. The License Will Remain at 511 West Cordova | Approved | 27-28 |
| CONSIDERATION OF BILL NO. 2006-59; ADOPTION OF ORDINANCE NO. 2007- 1. An Ordinance Declaring a Motor Vehicle to be a Public Nuisance if the Vehicle is Operated by a Person under the Influence of Intoxicating Liquor and/or Drugs under Certain Circumstances; and Creating a New Section 24-9 SFCC 1987, to be Known as the Vehicle Forfeiture Ordinance Request for Approval of Budget Increase – Internal Advance from Property Tax Fund. | | |
| Request for Approval of Additional Positions; Paralegal, Administrative Secretary and Police Officer | Approved [amended] | 29-32 |
| Case #H-06-87. Appeal of Historic Design Review Board's Decision Concerning Property at 121 West Santa Fe Avenue. Michelle Meyer, Agent/Owner, Requests that the Governing Body Rescind the Denial on September 26, 2006, to Construct a Front Yardwall with Gates, to Replace Historic Windows on Primary Elevations, and to Spray Foam Insulate the Exterior Walls of a Contributing Building | Appeal Granted [amended] | 32-37 |
| Case #H-06-25. Appeal of Historic Design Review Board's Decision Concerning Property at 103 South St. Francis Drive. Michael Melos, Agent/Owner, Requests that the Governing Body Rescind the Denial on October 10, 2006, to Pave a Parking Lot with Asphalt on a Non-Contributing Property | Appeal denied | 37-42 |
| Review of and Potential approval of Action on Amendments of Resolution No. 2006-43, Amending the Governing Body Procedural Rules Regarding Council Meeting Start Times | Approved [amended] | 42-44 |

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| CONSIDERATION OF RESOLUTION NO. 2007-9. A Resolution Declaring a Disaster | Approved | 44 |
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| MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION | Approved | 47 |
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| Action on Proposed Settlement Agreement for the East High Water Tank | Approved | 48 |
| Action on Proposed Settlement Agreement for <u>Sonny and Lorraine Otero vs. City of Santa Fe</u>, U.S. District Court, CIV 06-864 | Approved | 48 |
| MATTERS FROM THE CITY CLERK | None | 48 |
| ADJOURN | | 48 |

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 10, 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 January 10, 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 Wurzburger

5. APPROVAL OF AGENDA

Galen Buller, City Manager, asked to pull items 9 (r) (t) and (z). He noted that 9(bb) part one was not placed on the agenda and will be postponed to the next meeting, and that 9bb(2) which is on the Consent Agenda can go forward.

Councilor Heldmeyer said there was a second backup part to 9(t) if this didn't pass, then we were asked to consider the other part, but Finance Committee is happy for it to go forward as is.

Councilor Bushee noted 9(t) should have gone to Public Works, but she will pull it here and ask questions, and it won't be necessary to postpone to the next meeting.

Mr. Katz said an emergency declaration needs to be added to the agenda as Item #11, [and renumber succeeding items].

Councilor Calvert moved, seconded by Councilor Chavez, to approve the agenda as amended. The motion to approve the agenda, as amended, was passed on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Wurzburger and Trujillo voting for the motion and none against.

6. APPROVAL OF CONSENT CALENDAR

Councilor Ortiz moved, seconded by Councilor Wurzbarger , to approve the following Consent Calendar as amended. The motion was passed 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.

- a) CONSIDERATION OF RESOLUTION NO. 2007-1 (Mayor Coss). A Resolution Repealing Resolution No. 2006-1, Relating to the Open Meetings Act; Adopting the State of New Mexico Open Meetings Act by Reference; and Adopting Notice Requirements. (Yolanda Y. Vigil)**
- b) Request for Approval of Grant Award – Santa Fe Arts Commission Artworks Program; Nancy G. Dickenson.
1. Request for Approval of Budget Increase - Grant Fund.**
- c) Request for Approval of Professional Services Agreement – Physicals for Firefighters; Concentra Medical Center (RFP #07/03/P). (Brian Caldwell)**
- d) Request for Approval of Memorandum of Agreement – Household Hazardous Waste Day; City of Santa Fe, Santa Fe County and Solid Waste Management Agency. (William DeGrande)**
- e) Request for Approval of Sole Source Procurement and Professional Services Agreement – Immigrant Advocacy in Northern New Mexico; Somos Un Pueblo Unido. (Ron Quarles)
1) Request for Approval of Grant Agreement – Fair Housing Initiatives Program; U.S. Department of Housing and Urban Development.
2) Request for Approval of Budget Increase from Grant Revenues – Grant Fund.**
- f) Request for Approval of Professional Services Agreement – Services for Public Water Supply System for MRC (RFP #07/14/P); R.A.M. Plumbing & Water Services. (Larry Lujan)**
- g) Request for Approval of Budget Increase from 2006 Bond Issue Proceeds for GCCC Improvements. (Robert Siqueiros and Ruben Lovato)**
- h) *[Removed for discussion by Councilor Calvert]***

- l) Request for Approval of Budget Increase for Digital Cameras from Grant Revenues – Police Department; Wal-Mart Foundation and Sam's Club Foundation. (Chief Eric Johnson)**
 - 1) Request for Approval of Budget Increase – General Fund Police.**
- j) Request for Approval of Staff Recommendations Regarding Establishment of Dog Parks at Salvador Perez Park and Villa Linda Park (West of Arroyo), and to Continue to Look for Potential Locations in Tierra Contenta. (Anne McLaughlin)**
- k) Request for Approval of Professional Services Agreement – Website Services for Santa Fe Convention and Visitors Bureau (RFP #07/07/P); Studio X, Inc. (Tom Maguire)**
- l) Request for Approval of Joint Powers Agreement – Disseminate Santa Fe Information Along with Visitor Guides for Promotion of City of Santa Fe at New Mexico State/Santa Fe Visitor Information Center; New Mexico Department of Tourism. (Tom Maguire)**
- m) Request for Approval of Amendment No. 4 to Professional Services Agreement – Publication Services of Santa Fe Visitors Guide; Miscellaneous Publications, Inc. (Tom Maguire)**
- n) Request for Approval of Cooperative Agreement for Water Harvesting; Santa Fe Railyard Community Corporation, the City of Santa Fe and the Trust for Public Land. (Frank Romero)**
- o) *[Removed for discussion by Councilor Heldmeyer]***
- p) CONSIDERATION OF RESOLUTION NO. 2007- 2 (Councilor Ortiz, Councilor Trujillo and Councilor Dominguez). A Resolution Supporting the Efforts of the Santa Fe Public Schools to Promote Fitness and Healthy Lifestyles. (Lynn Hathaway)**
- q) CONSIDERATION OF RESOLUTION NO. 2007- 3 (Councilor Heldmeyer and Councilor Trujillo). A Resolution Establishing a City Cooperative Program with the New Mexico Department of Transportation. (Robert Romero and Lawrence Ortiz).**
- r) CONSIDERATION OF RESOLUTION NO. 2007- ____ (Mayor Coss, Councilor Bushee and Councilor Trujillo). A Resolution Repealing Resolution No. 2001-27 and Adopting a Resolution Reestablishing the Santa Fe River Commission. (Robert Romero and Janine Johnston) *[This item was postponed to the Council meeting of January 31, 2007]***

- s) **CONSIDERATION OF RESOLUTION NO. 2007- 4 (Mayor Coss, Councilor Trujillo, Councilor Chavez, Councilor Wurzbarger, Councilor Calvert and Councilor Bushee). A Resolution Expressing the Governing Body's Desire to Employ a Youth Conservation Corps Program to Assist the City in Making Improvements to the Santa Fe River. (Robert Romero and Janine Johnston)**
 - 1) **Request for Approval of Sole Source Procurement of Professional Services Agreement – Provide Job Training and Employment for the Santa Fe River and Related Watershed; Youthworks. (Janine Johnson)**
 - a) **Request for Approval of Budget Adjustment – Project Fund**
- t) ***[Removed for discussion by Councilor Bushee]***
- u) ***[Removed for discussion by Councilor Chavez]***
- v) ***[Removed for discussion by Councilor Chavez]***
- w) **Request for Approval of Budget Increase (General Fund) for Salary Adjustments Pursuant to Santa Fe Firefighters Association Collective Bargaining Contract. (Kathryn Raveling)**
- x) **CONSIDERATION OF RESOLUTION NO. 2007- 5 (Councilor Ortiz and Councilor Dominguez). A Resolution Directing Staff to Implement a Reduced Annual Fee for Downtown Tour Companies. (Robert Romero, Bill Hon and Walter Roybal)**
 - 1) **Request for Approval of Budget Decrease – Parking Enterprise Fund**
- y) **CONSIDERATION OF RESOLUTION NO. 2007- 6 (Councilor Bushee, Councilor Calvert, Councilor Trujillo and Councilor Dominguez). A Resolution Supporting Statewide Legislation that Would Protect Kids, Workers and People with Breathing Problems by Eliminating Smoking in Workplaces – Including Restaurants, Bars, Offices and Other Indoor Public Places. (Jeanne Price)**
- z) **CONSIDERATION OF RESOLUTION NO. 2006- ____ (Councilor Heldmeyer, Councilor Wurzbarger and Councilor Chavez). A Resolution Clarifying the Powers and Duties of the City Manager. (Jeanne Price). (Postponed at the December 13, 2006, City Council Meeting) *[This item was postponed to the Council meeting of January 31, 2007]***
- aa) **Request for Approval of Wayfinding Program. (Tom Maguire)**
- bb) ***[Removed for discussion by Councilor Chavez]***

**7. APPROVAL OF MINUTES: Council Study Session – December 5, 2006
Council Study Session – December 12, 2006 Chavez/W
Reg. City Council Meeting – December 13, 2006**

Councilor Bushee moved, seconded by Councilor Dominguez, to approve the minutes of the Council Study Session of December 5, 2006, as presented. The motion was approved on a voice vote, with Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger voting for the motion and none against.

Councilor Chavez moved, seconded by Councilor Wurzbarger, to approve the minutes of the Council Study Session of December 12, 2006, as presented. The motion was approved on a voice vote, with Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger voting for the motion and none against.

The following correction was made to the minutes of the Regular City Council Meeting of December 13, 2006: Page 47, paragraph 2, line 2, "...jurisdiction on demolition by neglect."

Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular City Council Meeting of December 13, 2006, as amended. The motion was approved on a voice vote, with Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

a) Employee of the Month for January 2007 – Yolette Catanach, Benefits Coordinator.

Mayor Coss presented the Employee of the Month award for December to Yolette Catanach, Benefits Coordinator. Mayor Pro-Tem Chavez read the nomination into the record on behalf of the Mayor. Mayor Coss presented Ms. Catanach with a plaque and a check for \$200 from the Employees Fund. Ms. Catanach thanked the employees, the Mayor and Council for this honor.

b) Neighborhood Awards. (Mayor Coss)

Mayor Coss said it has been a difficult two weeks because of the heavy snowfall, and he wants to thank those who came forward to assist. He said we will be discussing how we can do better in the future. Mayor Coss presented neighborhood awards to those who helped during the recent snow. He gave special thanks to Youthworks and Canyon Road residents, businesses and galleries for their assistance, patience and cooperation, saying they are a model for helping neighbors, in particular Marilyn Bane who went door to door to spread the word. He said Carl and Suzanne Steele walked Double Arrow South every day, to bring medicine and groceries to the residents; Keith Watson of St. Vincent's Hospital, owner of Rio

Grande Landscapes, helped to help get patients home from the hospital; Tom McDonald, Turquoise Trail Volunteer Fire Department Chief; and the many City employees who worked day and night and went beyond the call of duty, including Brandon Ulibarri, part time Parks worker who drove a patient to Las Vegas, and returned with two nurses who work at the hospital.

Vince [?], Project Coordinator for YouthWorks, said it is great to have the opportunity to prove themselves and show the community that they are youth, willing to learn and the opportunity to make the community better for themselves and others, and hope to continue to work for the City.

[At this time Mayor Coss, suffering from laryngitis, asked Mayor Pro-Tem Chavez to assume the duties of chairing the meeting although staying for the meeting]

c) Plan for Northern New Mexico Communities to Cooperate in the Investment of Gross Receipts Tax Revenues Resulting from the New Los Alamos National Laboratory Contract. (Mayor Joseph Maestas)

A copy of "Investing in Northern New Mexico's Future," a power point presentation, is incorporated herewith to these minutes as Exhibit "1."

A copy of "A Plan for Economic Equity, Self-Sufficiency and Sustainability," is incorporated herewith to these minutes as Exhibit "2."

Mayor Joseph Maestas, Española, presented information via power point. The text of this presentation is contained in Exhibit "1."

Councilor Ortiz asked, regarding the priorities, if this list has been moved forward, or would Santa Fe, as a potential partner, have the opportunity to provide comment on the funding proposals which would go forward.

Mayor Maestas said yes. The legislation is being drafted with the assistance of the NMML, along with the Tax Research Institute. The initial request is still a working list of projects.

Councilor Ortiz asked the anticipated timeline to establish the members of the working group, and the working group to collaborate on the different priorities with regard to how to spend the funds which is being requested.

Mayor Maestas said it can be very informal, and is a matter of the partners looking at the projects and determining priorities. He said the test is whether these will help build a foundation for a sustainable economy, is it regional and does it benefit more than the individual municipality. However, if the City has comments about other project it feels are more important than the airport expansion and the solid waste authority recycling initiative, that would be fine and it can be changed.

Councilor Ortiz asked who decided that the solid waste authority and the airport expansion would be the City's priorities.

Councilor Chavez said he and Mayor Coss worked with Mayor Maestas and the initial working group, to establish what seemed to be obvious priorities which fit within the guidelines which Mayor Maestas just outlined. Councilor Chavez said as a member of SWMA and RTD had input into that. He said if it hadn't been for Mayor Maestas's initial step, we wouldn't be having this discussion.

Councilor Ortiz said this is readily clear and Mayor Maestas's efforts are admirable to bring together these municipalities. He said to give \$3.5 million to the Pueblo for an airport expansion, while at the same time getting 1/3 of the money for our airport expansion, on its face, seems to him a conflict, and still needs further discussion. He said this is one place where the priority of one entity would be in direct competition with priorities of another entity. He asked how that *prima facie* conflict will resolve itself.

Councilor Chavez said it's too early to tell. He said the other factor is that many of these projects will be before the State Legislature for funding as well, but we have no guarantee on the State funding. He said GRTs isn't a guarantee either, but we do have a dollar amount and a seven year window of opportunity, so it is time sensitive and we need to get something before the working group and then present it to the Council.

Councilor Ortiz thanked the representatives from Los Alamos County who are here, and who, from the beginning, have recognized that they are a part of the greater community.

Councilor Wurzbarger said she is very excited about the concept of this venture. She would like the working group to do as a part of its process, to look at concrete measurements of economic development we are collectively developing. She said it always isn't possible to make a direct tie with an infrastructure need. She views these funds as an opportunity to get some real resources to meet the vision as laid out. She would like to have further discussion, at least by the City, as to what would cause that to happen. She would hate this to become another method of funding our infrastructure projects which are so desperately needed. She believes there are things we can do collectively, and we must do, or we can't meet the vision. She is happy to work on this with the Mayor.

Mayor Maestas said there is somewhat of a lack of process in identifying the initial list, but that is to avoid the inclination of the Legislature to say go do a plan and come back. He said there is a redundancy in the projects among all of the local governments, which will assure everyone these have been vetted, are established priorities. He said these are primarily infrastructure. He believes we need to avoid funding programs, because they are high maintenance in monitoring. He said infrastructure projects which are without dispute, quickly will start building a foundation for the region will be a "win win" situation. He said the economic development plan which will be developed will guide the future requests. He hasn't spoken with Barbara Doux, but he feels a COG would be the appropriate organization to provide adequate oversight and administration of the funds, and satisfy the Legislature that this is money well spent.

Councilor Heldmeyer thanked the County Council of Los Alamos because the idea started with them, and for thinking of the whole region. She said Mayor Maestas has been involved from the start with this. She agrees with the remarks about priorities and how these things are prioritized. She is hesitant to say no programs, because there are a few very strong economic development programs, such as the Business Incubator with a proven track record.

She would like to look at proven programs. She would also suggest that the 1998 suggestion that we look at fiberoptic technology is outdated at this point, noting you do need to look at technology to get information into Northern New Mexico. However, it may not be the technology we were discussing eight years ago.

Councilor Bushee would like a rough break down of the losses on the gross receipts for the various communities.

Mayor Maestas said this was the initial step in this whole effort. He said we don't even know the source of our GRTs, and this has been a top issue for municipalities for a long time. It has to do with privileged information. The only way we can get this information, is if LANL voluntarily identified each and every single LANL contractor and identified the level of business. He said LANL testified at a Legislative Committee in 2003 and estimated the loss of revenue at about \$300,000 in the area outside Los Alamos, but he doubts it is that low and believes it to be more substantial.

Councilor Chavez noted that resolutions usually are distributed at the end of the meeting, but he does have two Resolutions to distribute on this topic at that time.

Mr. Buller introduced Los Alamos County Council Chairman Jim West, Vice-Chairman Mike Wheeler, County Manager Max baker, and RTD Project Manager Jack Valencia and Executive Director Josette Lucero.

Jack Valencia, RTD spoke about the efforts to finalize a cooperative agreement between Los Alamos County and regional partners as it relates to the tax status change at LANL. He said Santa Fe is one of the regional partners which would benefit from this agreement. He said three projects have been identified in the cooperative agreement: the Regional Transit District, an economic development study and the Española Basin Forum. The City of Santa Fe would benefit from the annual participation fee proceeds, along with a local match being paid for the City's portion of the North Center Regional Transit District earmark award for a portion of the proposed transit center and explore proposed routes with regional impact for public transportation. All could impact the City of Santa Fe up to \$225,000. The NCRTD is respectfully requesting that the previous resolution introduced before this Council be amended and all necessary steps be taken so a final adoption can be made at the next meeting of the City Council, so the cooperative agreement can be executed.

Mike Wheeler, Vice-Chairman of the County Council, said the change of tax status of the laboratory will result in an increase of \$11 million annually. They are proposing using a portion of these funds to support regional projects and programs which will benefit Los Alamos and its regional partners. They felt that transportation was the biggest need, and propose to use \$1 million to support the Regional Transportation District Three elements. Transportation is the biggest need \$1 million. They also pledge to support regional economic development and to continue the efforts of the Espanola Basin Regional Planning Issues Forum, which primarily is looking at water and wastewater issues. He believes there would be opportunity for major water and wastewater projects which can be formalized, defined and brought to the State for funding..

Max Baker, County Manager, said they have been working on this for about a year, and the County Council deserves praise for its initiatives in looking and acting regionally. He spoke

about the three initiatives being discussed. One is the North Central Regional Transit District which is in its infancy and is necessary throughout the region. The second is the economic development study, which Mayor Coss mentioned at their County Council meeting some months ago, and they agree with using the studies as the starting point and updating those as a method to build consensus and prioritize projects throughout the region. He said we need to focus on the fact that this needs to go somewhere to help match the vision discussed by Mayor Maestas. The third item is the Espanola Basin Regional Issues Planning Forum, which has been looking for more stable funding, and we see this as an entity which can provide some leadership guidance in addressing water and wastewater issues which are critical in our region. He said the Pueblos are participants and broadens the participation and the likelihood for success of anything which comes from that group. He said they see these three issues as a good starting place, and Los Alamos is happy to be able to use some of its increased revenue to help "jump start" many of these things, and they look forward to a long and continued relationship with Santa Fe and the regional partners.

Mayor Coss thanked Mayor Maestas and the people from Los Alamos County for the presentations.

Mr. Baker said the request is in regard to two separate resolutions. Mayor Maestas' Resolution seeks support and moving forward Legislatively on the projects, and Los Alamos' Resolution is for execution of a cooperative agreement which would bring immediate revenues to Santa Fe once it is executed by all regional partners.

Responding to Councilor Wurzburger, Councilor Chavez said timing is critical. He said the City would receive funds immediately on signing the cooperative agreement. The resolution, Mayor Maestas' proposal, would go to Committee and there would be discussion about the two proposed projects.

CONSENT CALENDAR DISCUSSION

9(h) Request for Approval of Underground Right-of-way Easement from city of Santa Fe – Lensic Redevelopment Parking Garage; Greer Enterprises, Inc.; Karl H. Sommer, Agent. (Robert Siqueiros)

Councilor Calvert said he understood this was for concept approval, but that word isn't there, and asked if something has changed. Mr. Siqueiros said we are still going through the conceptual process and the Council is being asked to approve the concept at this point.

Councilor Calvert moved, seconded by Councilor Wurzburger, to approve this request with the addition of wording that this is a conceptual approval.

Discussion: Councilor Heldmeyer said this is one of the slipperiest corners in Santa Fe, and it will get worse when a big building is built on the empty lot. She asked what kinds of plans the City has to get this building to mitigate the increased impact it will have on an already very difficult intersection.

Mr. Siqueiros said there have been no discussions in terms of snow removal when the

building is completed. He said there will be a minor realignment of that portion of the street which may reduce some of the curve just before Grant. He said this could be part of the approval process.

Councilor Heldmeyer said it isn't only the snow removal, it is everything else, noting she didn't think this was safe when it came through the first time. After a week of seeing vehicles slide through this intersection, she is more dubious about this. We are being asked to give an easement from the City of Santa Fe on City property to this project, and believes we should ask for more.

Friendly amendment: Councilor Heldmeyer would like to amend the motion to include language that this conceptual approval can't become formally approval until this development submits a plan to mitigate the traffic hazards exacerbated and introduce in some cases.

Discussion on the friendly amendment: Councilor Calvert understands the idea of concept approval is so they can do plans, and we can review those plans to see the kinds of impacts we will have.

Councilor Heldmeyer said she has seen people assert that they have conceptual approval and whatever they do is fine. She wants a statement now that anything they do isn't just fine.

Councilor Calvert said he has the same concerns about traffic on that curve as well, but he was thinking we would look at the plans before we asked for mitigation. He has no problem in adding that to this approval. **The amendment was friendly to the maker.**

Karl Sommer, attorney for Greer Enterprises, said the usual process for these things, and the reason for conceptual approval, is that they will now be paying for an appraisal and go through the process. There are timeframes in this case which will deal with ordinances and having to finalize it. He said they can't do a project plan unless they know whether they have an easement, and if it can't be finalized or formalized until we have a plan, there will be a big problem. He said once there is publication and an ordinance, and the plan is done, the easement is then created and the City is paid. He said they can't go forward with a project because they won't have an easement.

Councilor Calvert understands, but the City wants assurance that some of these things will be solved before granting an easement.

Mr. Sommer said there is a whole process where this project will come back to the Council, including a traffic study and the project plan has to be approved by the Council. He said the Council has the ability to ensure that the traffic impacts are mitigated or adequately addressed. He said not being able to get the easement, means the project can't move forward, and if they don't have a project, there is nothing to mitigate.

Councilor Heldmeyer reiterated her concerns.

Councilor Calvert said Mr. Sommer does have a point, and there is a certain sequence to the process. If we impose conditions on a conceptional approval, that could stop the process before we get to the point where we can mitigate issues surrounding the project.

Councilor Heldmeyer said conditions wouldn't stop conceptual approval, but it would allow the process of getting an easement to go through. She is hearing that they need to get an evaluation of the value of the easement which she believes isn't very much, and to come back at that time with some concepts about how to deal with these particular traffic problems. She understands from the point of view of representing the developers, Mr. Sommer doesn't want to do it, because the longer you can push stuff off, the easier it is to push it away.

Mr. Sommer said it is the opposite. The developer is having to pay for this easement up front before we have a project approved, and we can't go anywhere until there is an easement in place. The Council has required that all parking on this site be underground, and to do this on this site, that requires a ten foot easement underground. He said they are spending lots of money before a project is approved, and it isn't putting anything off, it is putting something up front to allow moving forward, which will be fairly expensive. He said they have to know this up front.

Councilor Wurzbarger asked about granting the easement as a revocable easement, subject to the approval of the project. This would be a cleaner way of saying you have an easement which has been granted.

Mr. Sommer said this would work for the developer, if you are saying we can go get the appraisal, do the design, go through the entire process, and finalize everything but signing and recording the easement, but get it signed subject to getting a plan approved.

Substitute friendly amendment. Councilor Wurzbarger would to give concept approval, and to grant the right-of-way easement as a revocable easement, subject to the next steps in the process.

Discussion on the substitute friendly amendment: Mr. Sommer said it is his understanding that we would go all the way through the end of the process, and if the Council approves it appropriate to grant the easement, it would approve the granting of the easement, but only after a plan had been approved. Councilor Wurzbarger said this is her attention.

Councilor Heldmeyer asked if this means that the developer wouldn't pay for the easement until such time as it was completely granted, and by agreeing to this it decreases your [client's] risk.

Mr. Sommer said the process is that we wouldn't finalize the easement, nor pay for it until the project is approved. He pointed out that this isn't his suggestion, and he is willing to do it either way. However, he objects to the suggestion that they get stopped because they can't do this – this what he is objecting to.

Councilor Heldmeyer said nobody made a suggestion to stop the project, and she didn't say that.

Mr. Sommer said the proposal suggested by her friendly amendment, would mean they couldn't go forward on anything. The alternative allows them to go forward, but does have the effect of deferring payment until the end, because the transaction wouldn't be closed until the project was approved. If the City wants them to close the transaction before hand, that would

be fine. They could pay for the easement, and the City could then refund the money and revoke the easement if the plan isn't approved.

Councilor Wurzburger said the money shouldn't be the issue here, because it is a process issue. If the Council wants to make the money an issue, then we can put in an escrow account. She believes her substitute friendly amendment addresses the issue of process.

Councilor Calvert said his original motion as amended was to give conceptual approval.

Mr. Sommer understands if the motion is approved with the substitute amendment, it would be conceptual approval, and we would be going through the whole process, and we could address payment of funds into an escrow account when we finish the process. Or, we could pay for the easement, subject to refund if it isn't granted. The applicant understands this is for conceptual approval, and will be working with Mr. Siqueiros to go through the final process.

Councilor Calvert asked Mr. Katz if this is okay with him, and Mr. Katz indicated that it is.

The substitute amendment was friendly to the maker and second.

The motion, as amended, was approved on a Roll Call vote as follows:

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

Against: Councilor Heldmeyer

9(o) CONSIDERATION OF RESOLUTION NO. 2007- 7 (Councilor Calvert, Mayor Coss, Councilor Wurzburger and Councilor Bushee). A Resolution Directing Staff to Prepare an Ordinance Amending Chapter VII SFCC 1987, in Order to Rescind All References and Uses of the Universal Building Code and Associated Codes and to Adopt the International Building Code and Associated Codes in Accordance with the State of New Mexico Construction Industries Division; and to Develop Additional Green Building Standards. (Jack Hiatt and Jeanne Price)

Councilor Heldmeyer said there is concern that different segments of the community are pushing different subsets of building codes.

Councilor Heldmeyer moved, seconded by Councilor Wurzburger, for adoption of Resolution No. 2007-7, with the following amendments:

Page 3, line 15, amend as follows: "...by CID, including but not limited to the existing building code, the historic preservation code and the adobe code, and green..."

Page 3, line 22, At 22, amend as follows: " of this resolution and all codes shall be

brought forward as a single package.

Discussion: Councilor Calvert said on page 1 it talks about the existing building code, and asked if this would repeat that.

Councilor Heldmeyer said it would repeat that. She said she added the historic preservation code and the adobe code which are other related codes which have been passed by the State of New Mexico Construction Industries Division. The idea is that everything will come forward as one package so we can see how all these codes will interact with one another.

Councilor Wurzbarger said this suggestion is a matter of looking at all those codes, but not saying that we will come back with an amalgamation of all the codes, rather than saying we're putting all these together in a bow and this will be the code.

Councilor Heldmeyer there are other subsets, but she has heard concerns about three additional codes, the existing building code, the historic preservation code and the adobe code, which are specific to the kinds of buildings we have in New Mexico and the reason those were adopted by the State CID.

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(t) Request for Approval to Start Negotiations with AAA and Santa Fe County to Split City and County Senior Services and Federal and State Funding Allocations. (Ruben Lovato)

Councilor Bushee is concerned that the City would be losing federal and state funding if this is approved.

Ms. Rodriguez said AAA is looking at splitting the \$860,000 50/50, because it is determined on population. However, even if we go to a lesser split, the amount subsidized by the City would be realized very quickly. She said staff is confident the City would not be losing money because of the City's current subsidy for the County services, as well as that the City is contributing a lot of money for administrative processes.

Councilor Bushee said she sees staff has been involving Speaker Lujan.

Ms. Rodriguez said Speaker Lujan's concern is that the northern senior centers in his area do not become ignored in the process, and he is looking out for his constituents in the north.

Councilor Bushee said this goes against economy of scale. Ms. Rodriguez said staff

would like to look at keeping some of the economies of scale as we develop the work plan to have things moved to the County. This will be done through a JPA.

Councilor Bushee wants to know how this will be different and that it won't be worse.

Ms. Rodriguez said the issue for the County is its ability to do things such as refrigeration and cold storage, and the City believes it can work with the County to continue to have economies of scale in purchasing and storing food. Staff doesn't believe this would be a monetary tradeoff. We would also look at keeping the small programs in the City. It would be our desire for the City and County to provide the best services possible.

Responding to Councilor Bushee, Ms. Rodriguez said the assurances received from the AAA is that it is willing to work with us, provide samples of other cities and counties which have split their services. They can't give us an exact split, but can tell us that the cost to provide services in the rural areas is different. Ms. Rodriguez said the original agreement between cities and counties is more common, and AAA has provided three examples of cities and counties have split their services. She said the reasons given are similar to those of the City.

Councilor Bushee said this is a big change and she wants to be sure it is the right one. Ms. Rodriguez reiterated that staff believes this would allow the City to serve its constituents in a better way.

Councilor Bushee asked if we are going to hear negative input from the Legislators. Ms. Rodriguez said no, this hasn't been a secret, and everything has been done openly.

Councilor Chavez said this is a request for approval to begin negotiations with AAA and the County to split City and County services.

Councilor Wurzbarger said concerns have been raised about this, including those from Commissioner Vigil. She said this split isn't absolutely a "done deal," or a "good deal." She supports this request as long as it is clear that we aren't starting negotiations to split, but are starting discussions to assess the split which has been made possible by the change in the legislation.

Councilor Bushee pointed out that this is approval to begin negotiations. She would like to send this back to Finance.

Councilor Heldmeyer said this has been discussed by many people from AAA, the County, Speaker Lujan. This was set into place when AAA said it was going to start paying money in a different way. It has always been the case in this arrangement, that the costs to run the County centers are much higher than those in the City, primarily because they are small and the distances are longer, and such. It is also the case that the County is very interested in opening several new Senior Centers, and they see this as a way to do that. If the City is going to have to come up with the money, the City understandably is reluctant. She sees positives on both sides.

Councilor Heldmeyer said as she understands, Speaker Lujan's main concern is that the quality of services doesn't change. The County has hired Rita Maes, to help the County and she is facilitating this process. She said Teresita Garcia, City Finance, has calculated the per

capita cost for the City and County centers. The idea is that we start talking about this and see whether this is a better way to go. She sees nothing wrong with doing this, noting everybody seems to be on board.

Councilor Heldmeyer moved, seconded by Councilor Ortiz, to approve this request to start negotiations with AAA and Santa Fe County.

Discussion: Councilor Wurzbarger said for clarification, the motion is to split the services, period.

Councilor Heldmeyer said it has two parts: one to split the services and the other to split the allocation. These have to be related to each other somehow. The Finance Committee discussed that existing County centers would stay under the City, but new centers would come under a different entity. This is approval to begin negotiations on these two things.

Councilor Wurzbarger said she believes the opinion is that the services will be split, and she believes we still need more information on tying the two things together, and she is unsure this is where our staff is. She wants to be sure we have an opportunity to address these as a part of the process based on what she has heard from some of the County Commissioners, and a former Representative, and the concerns raised by Speaker Lujan.

Councilor Heldmeyer said currently, in a sense the City and County do have dual administrative costs, because we have individuals in the Senior program who are responsible for programs in the County and the City pays the entire tab, and she wants to see this go away. She said this leaves it to staff to negotiate, and nobody is entirely sure what the result will be, but any agreement will come to both bodies for approval.

Councilor Bushee said with the addition of this language, she can support the motion.

Friendly amendment: Councilor Bushee proposed to add language to the motion: "and any revised contracts will come back to the governing body for approval." **The amendment was friendly to the maker and second.**

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

EXPLAINING HER VOTE: Councilor Bushee said there is no information from any of the area agencies or Representatives, or the County, indicating that this is a good idea. She wants this information when this comes back with any changes to the contract.

9(u) Request for Approval of Santa Fe Farmers Market Use of Railyard Plaza and Alameda; the Santa Fe Railyard Community Corporation. (Frank Romero)

Councilor Chavez said there was little information in the packet which reflected the discussions at either the Public Works or Finance Committees. He recalled approval of 68 spaces, and was more specific than the published caption for this agenda item.

Richard Czoski, Railyard Corporation, said his letter and the attached exhibit was part of the Memorandum which was submitted to the Committees, and he assumed that letter and attachment would be part of what you would be voting on this evening.

Responding to Councilor Chavez, Mr. Czoski said the November 3rd letter is the most current letter.

Responding to Councilor Calvert, Mr. Czoski said the hours were amended to 1:00 p.m., instead of 12 noon on Saturdays.

Councilor Chavez noted the map, Exhibit A, indicates the area within the Plaza and the Alameda which will be used on Tuesdays and Saturdays by the Santa Fe Farmers Market.

Responding to Councilor Chavez, Mr. Czoski said he didn't count the number of spaces.

Councilor Ortiz said the condition of approval isn't reflected on the action sheet, but he was in support of this item provisionally, only as it related to the authority that we gave to the group which has been set up on the Resolution which was passed on the Consent Calendar and the Resolution sponsored by Councilor Chavez in 2006.

Councilor Ortiz moved, seconded by Councilor Heldmeyer, to approve this request, and that said approval to the Farmer's Market is provisional, and shall be subject to any recommendations by the Railyard working group that is consistent with Resolution No. 2007 under item 9(v) and Resolution 2006 - ____ sponsored by Councilor Chavez.

Discussion: Councilor Ortiz said as he understands it, the Railyard work group in Resolution No. 2007 under Item 9(v), which he wants to cosponsor, will set out the final policies and procedures with regard to the public space on the Railyard.

Councilor Wurzbarger asked if this particular group is in support of the letter presented by Mr. Czoski, and are in agreement with what is proposed. Mr. Czoski said yes.

Councilor Bushee said the Finance Committee action says "With the understanding that there is no exclusion of others."

Councilor Ortiz said part of the motion was with the condition that the Farmer's Market not get any kind of priority, given that we have a Resolution which sets out a group of people who will develop policies and procedures for the public space. He thought he made that a

condition of approval, but it wasn't on the action sheet, and the reason for his motion this evening.

Councilor Bushee asked if this will undo the use of the Plaza by the Farmers Market on days when they use the space for their Market.

Councilor Ortiz said it gives them provisional approval pending this group being formed and meeting, and developing policies and procedures. He said, given the fact that we don't have a public space, or anything to guide us in the Railyard master plan which gives any group priority, it is his understanding that this group – TPL, Railyard Corporation and City staff – will develop those policies and procedures. He said given that one of these entities has already given the City a letter, it seems to him that this approval has to be provisional because we cannot give one group exclusivity over another group.

Councilor Bushee asked if the Farmers Market hasn't already received some sort of letter indicating they can have those days.

Councilor Ortiz said this is what we're acting on, and approval is provisional until the group develops its recommendations.

Councilor Bushee said this isn't what was in the letter.

Mr. Czoski said this is correct.

Councilor Ortiz reiterated this is why he moved for approval with the amendment, and he thought he did it at Finance, but it didn't show up.

Responding to Councilor Bushee, Councilor Ortiz said this action is consistent with what was done at Public Works.

Councilor Chavez said the problem is that they don't have minutes from Public Works or Finance in the packet.

Councilor Ortiz said we typically don't have minutes for a consent item.

Councilor Bushee said it wasn't a provisional approval at Public Works.

Councilor Ortiz said after Public Works, there was a Finance Committee meeting and the approval at Public Works was changed at Finance.

Councilor Bushee asked the Executive Director of the Farmers Market to speak to this change.

Sarah Noss, Executive Director, Santa Fe Farmers Market Institute, said this does change the agreement she thought they had reached at Public Works. The Farmers Market is asking to use the Plaza and Alameda on Tuesday and Saturday mornings to ensure that the Market can run according to its mission.

Councilor Chavez noted it is only for a portion of the Plaza and the Alameda.

Ms. Noss said the map in the exhibit discussed earlier, shows that the entire Plaza and the Alameda are part of what the Farmers Market needs to utilize in order to have enough space for its farmers to set up vending booths. She said the provisional amendment is something they would find unfriendly, because they need to secure the Farmers Market's space for when it moves outdoors April through November. To make it provisional, creates uncertainty for them in order to run their business in the Railyard, and it would make them feel uncomfortable in proceeding with the project under these circumstances.

Councilor Bushee said the Council just can't undo an action of the Railyard Board, and asked Mr. Czoski if he is concerned about this.

Mr. Czoski said they are concerned about it, primarily because they have a ground lease in place with the farmers. On a practical basis, they cannot proceed with their building without the reassurance he suggested to the City in his letter, because they wouldn't have the physical area to conduct their business. He said he also is concerned because there is a great deal of other space which will be available during market days which they would allocate for other groups to use, all the way to Montezuma. He said his letter doesn't advocate that the Farmers Market will get the entire Alameda, and it is limited. They were hoping to be able to provide all of the area to the north of the Plaza to other groups. He believes there will be the same number of stalls or table areas north of the Plaza to Montezuma, as could be realized, on the Plaza and the Alameda, south of the Plaza.

Mr. Czoski said there is also a piece of Alameda, south of Paseo de Peralta as well. He said given the location of the parking garage, people will come out of the parking garage and walk across this area and there will be adequate areas adjacent to the elevator from the garage that will allow other people to set up their businesses and stalls as well.

Councilor Bushee said she doesn't believe anyone from the Farmers Market expected the whole Alameda, and that was just misspeaking.

Councilor Bushee said she is seeing something advertised on the Consent Calendar that says, "Request Approval of the Santa Fe Farmers Market use of the Railyard Plaza and Alameda." She doesn't like this process, and asked Mr. Katz to comment.

Mr. Katz said this isn't a process which would go to the MRC.

Councilor Bushee said she is asking about overturning a lease arrangement and letter, a contract, which the Farmers Market has with the Railyard Corporation.

Mr. Katz said he is not aware of a contract which the Railyard has entered into with the Farmers Market on allotting space.

Mr. Czoski said there is a land lease for the parcel which will be occupied by the Farmers Market building, but it does not address the common area.

Councilor Bushee asked if the letter which was read at Public Works is a form of a contract or arrangement that the Railyard has with the Farmers Market.

Mr. Czoski said it is not. It is a recommendation they made to the City Manager at her request, made by the group, comprised of the elements mentioned earlier by Councilor Ortiz. It was a recommendation to proceed on this basis. Mr. Czoski said he drafted the letter at the request of the City Manager.

Councilor Bushee thought the Railyard Corporation sent a letter to the Farmers Market.

Mr. Czoski said he has not sent a letter to the Farmers Market on this subject, and the letter to which she is referring is the one which is in the packet.

Councilor Bushee said the City is usurping the powers of the Railyard Corporation to continue to negotiate with its tenants. The City is setting the criteria and there have been resolutions. She feels this is unfair and she will vote against it.

Mayor Coss said he is concerned with the motion to put it back to provisional. He said previously we had made a decision regarding the Farmers Market space, and now we're saying that is a provisional decision. It is cleaner to do it with this new committee. However, he doesn't think it will work in backing up and making it provisional.

Councilor Dominguez said the motion as he understands it is that the Farmers Market would be subject to the same process for the space as being identified in 9(v).

Councilor Ortiz said, as discussed at Finance, he asked questions of the Railyard Corporation which confirmed what he already knew, which is that the Railyard Corporation has no lease ability for any of the public space. This wasn't in the master plan, so the Railyard Corporation doesn't speak for the public space on the Alameda and Plaza. The City didn't give any authority for the public space by contract to the Railyard Corporation. The request that the Railyard Corporation made to the City on behalf of the Farmers Market is proper. The City is the authority for the public space on the Alameda and the Plaza.

Councilor Ortiz said as he understands the Mayor's resolution, which he wants to cosponsor, the Mayor is setting forward a process, a group composed of the Railyard Corporation, the TPL, City Staff and ex-officio members of the 2001 Railyard master plan. The team is charged with developing rules, processes and procedures for what happens on the public space on the Alameda and the Plaza. This seems a proper venue. He said we're giving authority for something which is not yet created, to develop guidelines so other groups don't have conflicts between them.

Councilor Ortiz said his amendment which he made at Finance, and would have made if he was at Public Works, sets out that all groups, even this group, are all subject to the same process. One process for public space for which the City has final authority. He voted in favor of this with that particular condition at the Finance Committee, and it didn't show on the action sheet, so he made the motion to approve it with that condition. He doesn't think the approval the Farmers Market will get is any different, because the letter from the agent from the Railyard Corporation has already given his approval. He said this is about setting the process straight and not letting any group get ahead of the process.

Councilor Dominguez said he has been listening to this debate at all the Committees and has asked questions about this. As he understands the motion, subjecting the Farmers

Market to this process doesn't necessarily indicate that they won't get the space, it makes this process much cleaner. In the long run, he believes the Farmers Market may appreciate this as well. He supports the motion.

Councilor Wurzbarger agrees with the process arguments which have been made, but she understands the realistic arguments with regard to getting a loan and starting the Farmers Market building. She asked if we could put a timeline in the Resolution in Item #9(v) by which this group will meet and address this request in the context of their initial ideas of what the guidelines should be.

Friendly amendment: Councilor Ortiz said he will accept a friendly amendment for a further condition on this approval, that for this particular approval, said process and approval shall be addressed within thirty days. **The amendment was friendly to the maker and second.**

Councilor Heldmeyer said the accompanying Memorandum in 9(v) provides that the policies and procedures will be drafted and will be presented for public comment by March 2007.

Councilor Wurzbarger would still like that to be made explicit in the motion.

Councilor Bushee said the only reason the Farmers Market has put themselves in the front of the line is that they have issues in dealing with uncertainty, and this provisional arrangement throws them back into those same issues with its financing. She said Mr. Czoski said in Public Works that this is what the Railyard Board recommends. This process began before the resolutions were thrown in.

Councilor Calvert said the master plan specifies that Farmer's Market is one of the anchor tenants. He said it was to guarantee the success of the process, knowing it is an anchor tenant and would be part of the success of this coming together. He said the process at the Railyard started long before we discussed how to allocate the Plaza and the Alameda, and the Farmers Market had to proceed based on that timetable and not the recent timetable imposed by a resolution. He understands we want everyone to be treated equally. He believes this is a special circumstance, and we are talking about a major portion of the Plaza at certain times, and the rest of the Plaza and Alameda during these times, and outside of these times. He said to ask to go back on this agreement isn't warranted and isn't fair.

Mr. Czoski said the same group being created by the Mayor's resolution, came to the conclusion which resulted in this letter being written. He said even though the group wasn't formalized through resolution, it is exactly the same players who had exactly the same debate, and came to this recommendation.

Councilor Chavez said he will recognize that the Farmers Market is one of the anchors as a tenant on the railyard property, but a distinction needs to be made between a land lease and public space. He said Councilor Ortiz touched on this quite well. He said he tried to bring this to everyone's attention months ago, and nobody wanted to deal with policies and procedures then because everyone was focusing on their business plan. He said we have to develop policies and procedures which work well for everyone, his next question is who is to be

responsible for enforcing those policies and procedures. He said there are uncertainties, observing that life sometimes is uncertain

The Motion, as amended, was approved on the following Roll Call Vote:

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

Against: Councilor Bushee and Councilor Calvert.

EXPLAINING HIS VOTE: Councilor Ortiz said the friendly amendment to which he agreed is for thirty days in particular for this particular request. In support of the motion, this approval is consistent with what is in the master plan, and his commitment to that. He said the master plan calls for public use of the Plaza and Alameda. It is his hope that the Resolution in 9(v) starts to set out that process and procedures for public use of the Plaza and Alameda.

EXPLAINING HER VOTE: Councilor Wurzburger said she wants to iterate not only the thirty days, but within thirty days this letter will be acted upon, and it's not a matter that within thirty days that we expect to have all the procedures, etc., in place, and that this particular request will be acted on by the same group which has already approved it.

9(v) CONSIDERATION OF RESOLUTION NO. 2007-8 (Mayor Coss). A Resolution Organizing a Working Group to Make Recommendations to the Governing Body Regarding Policies and Procedures, Management, Maintenance and Operations, and Budget for the Railyard Park, Plaza and Alameda. (Robert Romero and Frank Romero)

A copy of a proposed amendment to Resolution No. 2007-8, from the Public Works Committee, is incorporated herewith to these minutes as Exhibit "3."

Councilor Ortiz moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2007-8, and to add an additional "Be it Resolved," as follows: "BE IT FURTHER RESOLVED, that consistent with the action taken by the Governing Body on 9(u) above, that this group shall meet and act upon the request of the Santa Fe Farmers Market for the use of the Plaza and Alameda within thirty days from adoption of this resolution."

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 Wurzburger.

Against: None.

Absent: Councilor Bushee

9(bb) Request for Approval of Process for Development Review of Railyard Property Projects and Infrastructure. (Frank Romero) (Postponed t the December 13, 2006 City Council Meeting)

Mr. Romero said staff supports postponement of the approval of the major/minor projects review process, but is seeking Council approval this evening for the infrastructure inspection review process which is scheduled to begin the first week of February.

Councilor Chavez asked if these projects also are permitted under CID. Mr. Romero said these are permitted by Construction Industries Division.

Councilor Chavez said this raises a question for him, because the City isn't collecting fees on any projects which are permitted by CID. He asked the reason, and if our impact fee ordinance is silent. He said if we need the impact fees from these projects to assist with the infrastructure, we might want to change this.

Councilor Heldmeyer said on page 13 of the packet, "Plan Review, Infrastructure Plan have been reviewed and approved by relevant City agencies and utilities." Does this mean that all of the zoning issues will have been resolved by the time the State inspectors come in, noting they don't care whether or not is conforms with City zoning. She asked at what point the City determines that what is being built is what was approved.

Mr. Romero said the CID isn't permitting the infrastructure project and doesn't issue permits for work of utilities, roads and infrastructure. He said through the process, we have agreed that City staff will be participating in the project progress meeting and will be on site for all critical inspection points, and will sign any field orders or change orders regarding the utilities.

Councilor Heldmeyer said then this is the reason we included the infrastructure plan as an amendment to the master plan. Mr. Romero said this is correct. Councilor Heldmeyer said the question becomes if someone builds a building on the Railyard, at what point do we ensure that what is being built is what the City agreed to have built there. Mr. Romero said the Public Works Department will be responsible for the inspection and approval of the building process, but Permit Development Review will take care of it when the businesses apply for a business license. If they have not met zoning requirements at that point, they will not be issued a business license.

Councilor Heldmeyer pointed out that the entire Railyard is BCD redevelopment, and in terms of use, basically anything goes, and reiterated her question about who checks to see that the building is being built in accordance with the agreement with the City.

Mr. Czoski said the Railyard Corporation will be looking at it, and Public Works also will be reviewing construction as it proceeds. He said Bob Siqueiros is already doing this with the Site Santa Fe expansion which currently is under construction. He agreed that CID will be looking for structural code compliance issues, but in terms of ensuring that our tenant builds what was approved by the City administratively or through BCDRC, that will be done by City Public Works and the Railyard Corporation.

doesn't care about this, and expressed extreme dissatisfaction about the City's services in this area. He said his biggest complaint that he doesn't get a sense of urgency in this regard. He believes this is a proactive issue, and the Committee should have oversight. He asked who sets priorities as to how the money is spent.

Mayor Coss said the Public Works Committee and Public Safety Committee have both asked for a report on the snow removal. He said there are only six plows, but this will not be the case going into the future.

Councilor Heldmeyer said Public Safety is asking for a report, as well as what will be done moving forward, for the Committee meeting next Tuesday.

F. APPOINTMENTS

Mayor's Blue Ribbon Panel to End Homelessness

Mayor Coss appointed the following individuals to the Panel: Deborah Tang, Carol Luna-Anderson, Hank Hughes, Ruth Hoffman, Chief Eric Johnson, Maurice Martin, Chip Chippeauv, Buddy Roybal, K.C. Quirk, Nancy McDonald, Becky Beardsly, Holly Beaumont, Sheriff Greg Solano, Ray Materson, Alan Austin, Kim Shanahan, Karen Rowell, Liz Reynolds, Ed Romero, Sarah Geisler, Ed Rosenthal, Cheryl Bartlett, Lori Stevens, Rosemary Romero, Dolores King, Judge Ann Yalman and Gail Hurling.

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

Discussion: Councilor Heldmeyer said it's good that so many people are interested in the issue of homelessness, but the reality is that a 27 person Committee may just flail around. She hopes the Committee quickly forms subgroups, or an executive group, so there actually can be some movement.

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

Mayor's Committee on Disability

Mayor Coss reappointed the following individuals to the Committee: Lois Simms, David McQuarie, Mary McGinnis, Edward Keller, Katharine Lee for terms ending January 2011, and appointed Yvonne Hart, Nat Dean, Delores J. Martinez and James A. Rodriguez for terms ending January 2009.

Councilor Ortiz moved, seconded by Councilor Calvert to approve the appointments. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzburger voting for the motion and none against.

Children and Youth Commission

Mayor Coss reappointed Bill Carson and Sue Herrmann to terms ending January 2010.

Councilor Heldmeyer moved, seconded by Councilor Calvert to approve the appointments. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbürger voting for the motion and none against.

Business and Quality of Life

Mayor Coss reappointed Councilors Rebecca Wurzbürger and Ron Trujillo, Gary Ehlert, Owen Lopez, Anthony J. Martinez, and appointed Dena Aquilina to a term ending March 2008. Stephen Guerin, Mark Hogan, David Kaseman, Dorothy Massey, Mike L. McGonagle and Ray Gulick to terms ending March 2009

Councilor Ortiz moved, seconded by Councilor Dominguez, to approve the appointments. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbürger voting for the motion and none against.

MPO Transportation Policy Board

Mayor Coss reappointed the following individuals to the Board: Mayor David Coss, Councilor Miguel Chavez and Councilor Matthew Ortiz.

Councilor Calvert moved, seconded by Councilor Dominguez, to approve the appointments. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbürger voting for the motion and none against.

Break from 7:39 to 8:04

END OF AFTERNOON SESSION AT 8:04 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Chavez at approximately 8:04 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David W. 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

B. PLEDGE OF ALLEGIANCE

G. PUBLIC HEARINGS

- 1.) **Request from Plaza Mercado Limited Co., for a Transfer of Location of Dispenser License #2768 from Garden Bar and Cats, 116 West San Francisco Street, Suite 310, to The Matador, 112 West San Francisco Street, Suite 312. (Yolanda Y. Vigil)**

The staff report was given by Yolanda Vigil, noting that The Matador is not within 300 feet of a church or school, and staff recommends that The Matador be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a transfer of location of Dispenser License #2768 from Garden Bar and Cats to The Matador, 112 West San Francisco Street, Suite 313. The motion was passed 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 CVS Pharmacy, Inc., for a Transfer of Ownership of Dispenser License #0430 from Jewel Osco Southwest, Inc., d/b/a Savon Drug Store #9269 to CVS Pharmacy, Inc., d/b/a CVS Pharmacy #9269. The License Will Remain at 195 Paseo de Peralta. (Yolanda Y. Vigil)**

The staff report was given by Yolanda Vigil, noting that CVS Pharmacy is not within 300 feet of a church or school. Ms. Vigil said staff recommends that CVS Pharmacy be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Trujillo, to grant the request for a transfer of ownership of Dispenser License #0430 from Jewel Osco Southwest, Inc., d/b/a Savon Drug Store #9269 to CVS Pharmacy, Inc., d/b/a CVS Pharmacy #9269.

The motion was passed 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.) Request from CVS Pharmacy, Inc., for a Transfer of Ownership of Dispenser License #0236 from Jewel Osco Southwest, Inc., d/b/a Savon Drug Store #9263 to CVS Pharmacy, Inc., d/b/a CVS Pharmacy #9269. The License Will Remain at 511 West Cordova. (Yolanda Y. Vigil)**

The staff report was given by Yolanda Vigil, noting that the application from the State did say that this location is within 300 ft. of a Church. However, when staff contacted the hearing officer, the hearing officer said it was beyond 300 ft., therefore the location is not within 300 feet of a church or school. Ms. Vigil said staff recommends that CVS Pharmacy be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Heldmeyer said there are two churches, and asked if the location is within 300 feet of either church. Ms. Vigil said the application said it is within 250 feet of the Church of the Nazarene, but the hearing officer said it was beyond the 300 feet.

Councilor Heldmeyer said the Church of Religious Science is closer to the location than the Church of the Nazarene. Ms. Vigil said that wasn't indicated on the application from the State.

Councilor Heldmeyer said this is just a change of ownership in the same location and asked if it is grandfathered in. She said the liquor is on end of the store which is closest to the two Churches. Ms. Vigil said the applicant's attorney is in the audience, and can answer questions.

Linda Akin, CVS attorney, was sworn. Ms. Akin said the distance measurements may have been part of a previous application. She said because this is only change of ownership, the location really isn't relevant. She said she has dealt with similar situations in the past, and the logic is if the Church moved in "after they were there, then the church knew they were there number one. Number two, you could never sell your business, if a church could move in or move something close to you and then you couldn't change for that reason." She said the law provides that this is just a transfer of ownership, and the only relevant issues are whether CVS, itself, is worthy of being a liquor licensee. If they had a past record of selling to minors all the time, or such issues, that would be relevant information, and that issue, in fact went to the Supreme Court in New Mexico.

Councilor Heldmeyer asked Mr. Katz if he agrees with this assessment.

Mr. Katz said he agrees. He said this is a grandfather situation where the licensed premises was there before the church went there. He said it is the character of the buyer and not the location.

Councilor Heldmeyer said she is unsure which was there first.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a transfer of ownership of Dispenser License #0236 from Jewel Osco Southwest, Inc., d/b/a Savon Drug Store #9263 CVS Pharmacy, Inc., d/b/a CVS Pharmacy #9263. The motion was passed 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.

- 4) **CONSIDERATION OF BILL NO. 2006-59; ADOPTION OF ORDINANCE NO. 2007- 1 (Councilor Bushee, Councilor Trujillo and Councilor Dominguez). An Ordinance Declaring a Motor Vehicle to be a Public Nuisance if the Vehicle is Operated by a Person under the Influence of Intoxicating Liquor and/or Drugs under Certain Circumstances; and Creating a New Section 24-9 SFCC 1987, to be Known as the Vehicle Forfeiture Ordinance. (Deputy Chief Raye Byford). (Postponed at November 29, 2006 City Council Meeting)**
- a) **Request for Approval of Budget Increase – Internal Advance from Property Tax Fund.**
- b) **Request for Approval of Additional Positions; Paralegal, Administrative Secretary and Police Officer.**

A copy of a proposed amendment to Ordinance 2007-1, is incorporated herewith to these minutes as Exhibit "4."

Frank Katz presented information regarding this matter to the Council, and reviewed the provisions of the proposed ordinance. He said Albuquerque's program has been very successful, and has paid for itself, as well as generating some funds for other DWI related activities. Mr. Katz believes this can be done initially with existing staff, although additional people may have to be hired sometime in the future.

Deputy Chief Byford spoke in favor of the Ordinance, which he believes has been a long time coming. He said we aren't the first to pass this ordinance, so we can't lead by example, but we can set an example for people who drive our streets. He believes it will be successful without the cost of additional personnel, noting nothing says civilian personnel can't run this program. However, he believes that, in the beginning, it is important for police to oversee the program with regard to the legal aspect, will provide a little more control and will eliminate the issue of personnel turnover. He supports this legislation strongly.

Public Hearing

Rachel O'Connor, DWI Czar with Office of Governor, is in attendance to support this ordinance. The Governor is targeting the State's financial resources where DWI is the worst, noting last month Santa Fe County became #6 on the counties with the worst DWI problem. They have provided a contract with the County to increase full time law enforcement in Santa Fe County to address DWI, and Santa Fe will become part of the public awareness campaign and be available for the resources committed to the other five counties where DWI is deadliest. She said they are working with local governments to ensure best practices in the ordinances to move forward, as well as to the impoundment program. They support like ordinances in all

counties where DWI is deadliest in New Mexico. She said the State provided public awareness support for the program in Albuquerque which includes TV PSAs, Radio PSAs, leaflets and billboards. They would be interested in providing the same support to Santa Fe if this ordinance is adopted.

Bennett Bauer, attorney, 3217 Rinconada Circle. Mr. Bauer said he is an attorney and one of the things he does is to represent people who are accused of DWIs. He wants to speak on behalf of those who couldn't afford representation in these kinds of hearings, because these are the people who will lose out. He said he has looked briefly at the proposed ordinance. He stressed that he is not here to advocate DWI, and believes there are a number of constitutional problems with this, noting some of which have been addressed by the State because of Albuquerque's ordinance. He understands certain portions of that ordinance have been upheld. He said Ms. O'Connor said over the last few years "oodles" of new programs have been put in place at the State level which is true. Every year, significant additions have been made to DWI legislation at the State level. He said these are passed each year, despite the lack of real studies to see what last year's legislation did to address the problem. He said his question is whether this ordinance actually will reduce DWI in Santa Fe, and he has real concerns about this.

Mr. Bauer said one area of concern is the seizure of vehicles from people who are arrested for a first DWI prior to any finding of guilt. He said there is a requirement that probable cause be found, and he understands this is some requirement. He said in his experience in defending as well as prosecuting DWI cases, he has seen quite a number of cases where an arrest is made by an officer in good faith who has stopped a car for speeding, smells alcohol and asks the person to perform a field sobriety test. They may determine the person has failed the test, and based on these things find probable cause and arrest the person, and may or may not take a breath sample from that person. He said a finding of probable cause does not protect all those who are innocent. He believes this goes too far, especially for first time offenders.

Mr. Bauer asked the Council to consider removing this particular section from this amendment. He said interlock devices already are required by MVD if the license is revoked, and by statute on every DWI conviction. He said adding a third way these are required by the City he believes to be over-kill. He said these are good tools if used properly, but believes we are in a "mania" for this. He asked the Council to back off and let the State and Motor Vehicles address this and move on with the other aspects of the ordinance.

Michael Sandoval, Traffic Safety Bureau, Department of Transportation. Mr. Sandoval said the Bureau is the lead agency to reduce DWI, and also oversee the interlock program for the State. He said they support this ordinance. He wants to ensure two things are addressed in the ordinance. The first is that any ignition device mandated by the ordinance be approved by the Traffic Safety Bureau. The second, is that the automobile is subject to forfeiture or some type of penalty when an interlock device is installed in lieu of forfeiture and the individual shortly thereafter removes the device.

Tim Halford, President of New Mexico Interlock Distributors Association, and owner of Adobe Interlock. Mr. Halford supports the ordinance, noting there are three other

interlock businesses which are poised and ready to handle this. He said a first offender does not have their automobile seized, but has the option of booting or interlock. If it is interlocked, people can drive their cars anytime they want and don't lose possession. He said the big problem in this county and others, are people signing a form saying they don't have an automobile at conviction, so we are getting only about 40% of the people who should have this under the current laws. He believes by doing this at arrest, the car is at rest, and he believes the City will see a reduction in arrests, fatalities and injuries as the result of this ordinance.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2007-1, with the following amendments [Exhibit "4"] in addition to the amendment passed by the Finance Committee, as follows:

Page 2, line 15, strike the word "suspended," and insert the word "denied." and

Page 6, line 5, after the word "device" insert the words "approved by the New Mexico Department of Transportation Traffic Safety Bureau and/.."

Discussion: Councilor Bushee noted there is a one page testimonial from Dr. Richard Roth, supporting the document, which provides, "In the last five years, 1,487 persons have been seriously injured and 59 persons have died in alcohol involved crashes in Santa Fe County. Each year, in our county, the cost of drunk driving is over \$100 million. The intent of the ordinance is to reduce both drunk driving and driving illegally while revoked for DWI. For each DWI arrest that would prevent the savings to Santa Fe citizens if \$50,000 to \$70,000. Since ignition interlocks became mandatory for all convicted DWI offenders, arrests have dropped 15% in Santa Fe County from 1,641 in 2004 to 1,487 in 2005, and last year, it was 1,398."

Councilor Ortiz said this ordinance is a tool to address this problem, but it isn't intended to replace treatment. She said what we're doing isn't working, and we have to take a pro-active, progressive stance in trying to address this ongoing issue. Unfortunately, we have joined the ranks of the worst communities in this State for this problem. She asked the Council to vote for the ordinance. She hopes we will be able to provide hard numbers to Mr. Bauer that this program is working and lives have been saved. She thanked Mr. Katz, Deputy Chief Byford and staff for resolving all of the due process issues which have been raised. She said there is a "three strikies" approach to the ordinance.

Chair Heldmeyer thanked the Public Safety Committee who raised constitutional issues, and looked at this ordinance three times. They looked at data from Albuquerque, and found that booting was more successful. She said everyone on the Committee, including District Attorney Henry Valdez, took this quite seriously and this is a much better bill because of the work done by the Committee.

Mayor Coss thanked the sponsors, and everyone who worked on the bill.

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 this bill tackles those that should not be on the road, repeat DWI offenders and those driving with revoked licenses, and this bill will help the police officers to get them off the road.

- 5) Case #H-06-87. Appeal of Historic Design Review Board's Decision Concerning Property at 121 West Santa Fe Avenue. Michelle Meyer, Agent/Owner, Requests that the Governing Body Rescind the Denial on September 26, 2006, to Construct a Front Yardwall with Gates, to Replace Historic Windows on Primary Elevations, and to Spray Foam Insulate the Exterior Walls of a Contributing Building. (David Rasch)**

Memorandum dated January 10, 2007, to Mayor Coss and City Council Members, with attachments, from David Rasch, Supervising Planner in Historic Preservation, is incorporated herewith to these minutes as Exhibit "5."

Staff report was presented by David Rasch, which is contained in Exhibit "5."

Staff Recommendation: Mr. Rasch noted that the recommendation in the Memorandum is incorrect, and said the correct Staff Recommendation is: Staff recommends denial of the appeal and uphold and to uphold the H-Board's decision not to permit replacement of historic windows, to develop a better solution and to redesign the idea of the front yard wall which is more open, perhaps with a hedge or a wire fence because of a dog the Appellant would like to keep in the yard.

Public Hearing

Presentation by the Appellant

Matt O'Reilly, 468 Water Street, appearing on behalf of Michelle Meyer, was sworn. Mr. O'Reilly said they have appealed parts of the Historic Design Review Board decision. He said some of the things Ms. Meyer requested were approved by the H-Board in September 2006 and she agrees with those things, and is proceeding with the construction. He said this property and house have been in the Meyer family for many generations, noting Ms. Meyer's great grandfather was Charles Clausson, a former Mayor of the City. The house was built by her grandfather, William Meyer, in the 1930s. It is a small house with 1,400 sq. ft. of

interior living space, 2 bedrooms and 1 bath, constructed of penitentiary tile. Ms. Meyer currently lives in the house.

Mr. O'Reilly said Ms. Meyer did not ask the H-Board to add an addition to the house, or to remove part of the house, raise the height of the roof, add or eliminate windows or doors, change the size of the existing windows and doors nor to locate the windows and doors. Ms. Meyer's house has no insulation, whatsoever. It is constructed of pen tile, no roof insulation, single pane windows which are falling apart and rattle when the wind blows. The reason she is asking to do her repairs is because of her utility bills, noting in December 2005, her bill was \$407 for gas to heat this 1,400 sq. ft. house. There are old steam radiators beneath the windows. She told him when she heats the house it is still cold, and she can't get it warm. This is the reason she is asking to replace the existing single pane windows with energy efficient, same size, same location, same material, wood and glass windows which are energy efficient.

Mr. O'Reilly said the H-Board declared de facto that three sides of her house are primary facades, which means she can't replace the windows. He said the Code is specific. Her house is contributing status, but not landmarked nor significant. The Code provides for a primary facade on a contributing building. It doesn't make sense that three sides of a building are primary facade. He said primary means of first rank and importance. He said the front of her house is the primary facade. She said if she is not allowed to spray foam the exterior of her house, and not allowed to install thermal windows, she has no way of significantly increasing the insulation in her house.

Mr. O'Reilly said it has been mentioned that Ms. Meyer can put up storm windows, which are true. She could try and repair the existing single pane windows, reiterating they are in bad shape. The house has never had storm windows in its history. He argues, as Ms. Meyer argues, that this is more of a historical detriment, when she could replace the windows with esthetically similar, equivalent size, same location, same number energy efficient windows.

Mr. O'Reilly said Mr. Rasch is correct that the original appeal filed did not include spray foaming the exterior of the house. Ms. Meyer thought about it. The H-Board's opinion on that was that if you spray foam the exterior of the house it will make the walls grow or puff out and it doesn't quite look the same, and there are problems where the new thickness of wall interfaces with lentels and headers over doors and windows. She would still like to spray foam the house, but she was willing to ease up on that because she and her family love the house and want to continue to live there. She also was willing, although not happy, to back off on the primary facade of the house, the front, and try and repair those windows and not put in thermal, energy efficient windows.

Mr. Reilly said Ms. Meyer would like to replace all of the windows, but at the minimum would like to replace the windows on the east and west side, and not the primary facade facing the street, with energy efficient, double pane, thermal, insulated glass windows in the same location in the same size.

Mr. Reilly said Ms. Meyer asked to install a small low, CMU, yard wall along the front of her yard along the sidewalk with some gates, mainly to keep her dogs in her yard, as well as to

keep other people's dogs out of her yard. This was denied. He believes it was denied mainly because she asked to build a 48 inch high wall. The height in that area for walls is 39 inches. She understood if someone applied for a 39 inch wall, it could be varied within 20% and would be approved. She probably should have requested a 46 inch wall. Ms. Meyer would like to build that wall. There are other low, masonry walls on her street, along with a motley assortment of other walls and fences on other houses all over her block. She would also like to install a metal, open lattice-type, wrought iron gate for her entry walk and across her driveway. He said wire fencing and such, has been suggested because those exist on other houses on the street. However, the Code specifically doesn't allow that in the Don Gaspar area, and walls of unstuccoed concrete, chain link, metal, wire or similar materials are prohibited. She would like to build a stucco wall, CMU, just like others have been able to do, but not to the same height others have built on the street, so she can keep her dog in her yard.

Mr. Reilly said Ms. Meyer is requesting permission to replace the east and west windows of her house with thermal efficient windows and to build a low stucco wall in front of her yard, 46 inches high, with a wrought iron gate at her walkway and a wrought iron gate across her driveway.

The Public Hearing was closed

Councilor Wurzbarger said one of the major concerns is energy, and addressing windows is a part of that. She doesn't understand what happened with the foam discussion if that was a primary objective. Obviously, if you have a building which, hypothetically, 90% of its heat loss is through the wall, the windows are only one, smaller component. She asked what happened in the debate to cause this to shift.

Mr. Rasch said the request was to replace the windows and spray-foam the exterior, and there was no preliminary testing to see where the energy problem is. There was no blower door test. The H-Board did give the applicant permission to insulate the roof, which probably is the primary heat loss. Whether the windows or walls were next, we don't know. No evidence was presented with regard to the next heat loss area. The Board requested the applicant first do that energy audit prior to approving "one, the other or both, or neither."

Councilor Wurzbarger said in all the cases the H-Board has done over time with respect to tile, isn't there some awareness that the tile doesn't function as a barrier to heat and cold. Mr. Rasch believes the single pane windows may be more of a heat loss than the pen tile, but, "yes, pen tile and adobe are very bad thermal mass."

Councilor Trujillo noted Mr. O'Reilly said Ms. Meyer no longer wants to foam insulate her house, and asked him to comment.

Mr. O'Reilly said they discussed whether to ask for the foam. Ms. Meyer would like to foam insulate the house. She is trying very hard to maintain the historic look of her house and to work with the H-Board and Council. They discussed what she could "live with." She said she thinks she can live without spray foam, but really wants to fix the windows. Mr. O'Reilly said ideally, she should be allowed to spray foam her house. He said it's not part of the appeal, and

he doesn't know whether or not it can be added by this body at this time. Ms. Meyer wants to do anything possible to decrease her heating bills and to weather tight and secure her home.

Councilor Trujillo asked if there are walls in the front yards of the adjacent houses, specifically directly next to her. Mr. O'Reilly said directly next to her house to the west there is no wall or fence, but directly to the right there is a low masonry wall, varying in height from 36 inches to much higher at the wooden gate. It also has a wrought iron gate across the driveway. The street has a number of fences on it – pipe rail fences with wire, which are legal and non-conforming; and masonry walls with 6 ft. red brick pilasters.

Councilor Trujillo asked if the replacement windows look like the original windows. Mr. O'Reilly said they approved replacing the windows on the north which has been done, and they are identical, and beautiful. She is asking to replace the windows on the east and west facades.

Councilor Calvert asked if the energy audit was done. Mr. Rasch said no was test was done to his knowledge, noting when the Board questioned Ms. Meyer there was no response with regard to proof of the site of the energy loss.

Councilor Calvert said he has a problem with the H-Board acting as an energy expert on this case. At some point, we should be looking at historical styles and what makes sense in terms of retrofitting for energy efficiency, because this won't be the last case of this nature. He doesn't think we should be designing buildings on a case by case basis. He would like the City to look at historic buildings in a systematic or comprehensive fashion – adobe, pen tile, or whatever – and determine what makes sense for these buildings to make them more energy efficient, admitting that there will be differences between what works with some and doesn't work with others. He said these general guidelines could guide the Board.

Responding to Councilor Calvert, Mr. Rasch said all of the replacement windows are basically identical, except for the east elevation. Councilor Calvert noted there were ten panes versus eight. Mr. Rasch said yes, but they're all casements. Councilor Calvert said it is difficult to see the difference from a casual glance, and doesn't believe you'll be able to see a lot of difference from the street.

Councilor Calvert noted that the condo to the east has a wall with a huge, swinging gate, but he didn't see a stucco wall on the rest of the street with the exception of a 2-3 foot wall on the same side one or two doors down which seemed hastily thrown together. He doesn't see precedent for the wall, except there is one next to it, although he doesn't see the wall as a big impediment to the appearance of the building.

Councilor Heldmeyer said we will be getting a lot of cases about energy efficiency, partially because it is a good thing to do and partially because people think it will sell to the Council. She attended a meeting two months ago held by the Historic Neighborhood Association which specifically addressed the issue of energy efficient and historic preservation. One piece of information is that the roof is usually the biggest heat loss, and the H-Board in general doesn't care about foam insulating roofs.

Councilor Heldmeyer lives in a pen tile house with big windows, and she made and installed historically correct storm windows. She said the storm windows copied the screens and twice a year they switch the screens and the storm windows. This retains the historic look of the house and it is quite energy efficient. The demonstration at the meeting identified various technologies to make storm windows even more energy efficient than the new ones,

Councilor Heldmeyer said the City has laws governing preservation, and yet we try to be open to ideas, especially for people trying to maintain an old family home. She said perhaps we should have more general and sufficient rules when people want to do something to a house for energy efficiency, and be able to make suggestions rather than to have destruction of large parts of a building. She said it is good that Ms. Meyer isn't making it smaller or taller. However, the reality is that windows are an important part of the historic fabric of the building, and often for many homes, the most distinctive part. To replace them with modern alternatives, when there are ways to keep the windows and be energy efficient, seems to be going against our preservation code, and perhaps this is something we'll have to argue about further down the line. She suggested asking the people who made the presentation to the Historic Neighborhood Association to give it to Council, noting it was quite interesting and full of interesting information.

Mr. Rasch said we aren't filling the landfill with historic windows when we just put on storm windows, so that is a green idea of not filling the landfill.

Councilor Heldmeyer said most historic windows are so nice, they can be sold to someone who may or may not put storm windows on. There are other things which can be done other than to just tear them out which are equally energy efficient.

Councilor Trujillo moved, seconded by Councilor Bushee, to deny the decision of the H-Board and to uphold the appeal, and allow Ms. Meyers to do the work that she needs to do on her house, which includes replacing the windows with energy efficient ones which look the same, and to allow her to spray foam her house, and build the wall in front of the house.

Discussion: Responding to Mr. O'Reilly, Councilor Trujillo said his motion is to let Ms. Meyer do all the things requested in the appeal as long as it doesn't esthetically alter the look of the house, which he doesn't believe she is trying to do.

Councilor Chavez said the H-Board was trying to keep replacement of the windows to the east and west elevations, and asked if his motion says she can replace all the windows.

Councilor Trujillo said his motion includes replacing all the windows which need to be replaced.

Councilor Calvert said in speaking of "all of the windows," is it the south or the primary.

Councilor Trujillo said his motion is to replace the windows with windows which look exactly the same as what you see.

Councilor Calvert said the ordinance specifically speaks to the primary elevation facade.

Mr. O'Reilly clarified that the request is to replace the windows on the east and west facades with the energy efficient windows.

Restatement of the Motion: Councilor Trujillo moved, seconded by Councilor Bushee, to deny the decision of the H-Board and to uphold the appeal, and allow Ms. Meyers to do the work that she needs to do on her house, which includes replacing the windows on the east and west facades with energy efficient ones which look the same, allow her to spray foam her house, build the low wall in front of the house, and to place the gates as requested.

Responding to a question from the Council, Mr. Rasch said the definition of primary facade in the Code is, "One or more principle faces or elevations of a structure with features that define the character of the structure's architecture." He said there is also room in the Code to replace the windows, and there are other definitions of primary facade.

Councilor Heldmeyer said there is confusion here, because the appeal didn't include foaming, and yet it ended up being noticed in the case number, noting you can only appeal what you appeal.

Councilor Ortiz said it was noticed, noting that the irregularities are waived in light of the actual notice given by the Notice which was published in the newspaper. He said the Council has always taken the position that appeals coming to the Council are *de novo* appeals.

Mr. Katz said the question is whether the Applicant would like to amend their appeal, commenting that it has been noticed, so we are on safe ground there, but the appeal at this point does not ask for that [spray foam]. However, he thinks they can amend their appeal to ask for it and we are on solid ground, but they need to do that.

Mr. O'Reilly said, "We would so ask."

Councilor Heldmeyer said she just wanted the City Attorney's response on the record.

The motion was approved on the following Roll Call vote..

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

Against: Heldmeyer.

- 6) Case #H-06-25. Appeal of Historic Design Review Board's Decision Concerning Property at 103 South St. Francis Drive. Michael Melos, Agent/Owner, Requests that the Governing Body Rescind the Denial on October 10, 2006, to Pave a Parking Lot with Asphalt on a Non-Contributing Property. (David Rasch)**

Memorandum dated January 10, 2007, with attachments, to Mayor Coss and City Council Members, from David Rasch, Supervising Planner in Historic Preservation, is incorporated herewith to these minutes as Exhibit "6."

Color photographs of the site, entered into the record by Michael Melos, are incorporated herewith to these minutes as Exhibit "7."

Staff report was presented by David Rasch which is contained in Exhibit "7."

Staff Recommendation: Staff recommends denial of this appeal citing that there are other options available for the parking area. A permeable finish such as stabilized gravel was the preferred treatment as recommended for investigation by the Historic Design Review Board.

Councilor Ortiz asked if staff feels comfortable that there is jurisdiction for the H-Board to determine landscaping issues.

Mr. Rasch said yes, and gave an example of a significant historic structure surrounded by dirt, and someone wants to pave that dirt, and that is a significant character change on that property. This is a non-contributing building, so it is on a case-by-case basis as to how much purview affects the historic property.

Councilor Bushee asked why Mr. Melos had to go to the H-Board for this. Mr. Rasch said it was a remodel and was part of the whole package.

Councilor Chavez asked if the existing building still is intact. Mr. Rasch said there was an addition to the historic structure, but it still is in the existing structure. The shop has been demolished.

Councilor Chavez stated, for the record that although the summary says this is the Chavez House, it isn't his house and is not a relative that he knows of.

Councilor Bushee said the Council did deal with the historic brick walkway issue, so we do get into materials, but it is a little odd to get into driveways, paving and such.

Public Hearing

Presentation by the Appellant

Mike Melos, 10 Hacienda Court, the Appellant, was sworn. Mr. Melos said the historic structure was built in 1985. He said there are a number of arguments which can be made, noting it is hard to find anything in the Code supporting the H-Board's decision. He said he went to a lot of trouble to accommodate the City's requirements with regard to a paved driveway, which included drainage study and engineering work, ponding and such required because of the impermeable service. He said he hasn't looked much at other alternatives because those will be far too expensive and won't be cost effective as a practical matter. He said asphalt paving makes sense. He said the only authority by the H-Board has to do with the

surroundings, and if he is doing something which isn't in harmony with the surroundings.

Mr. Melos submitted color photographs of the area for the record [Exhibit "7"]. He said the top two photos are of the only neighbors to the site, and the area in front of their building is paved. The top right picture, in the top right quadrant of photo you can barely see the corner of his building. In the middle is the building which he constructed, and behind the vehicles is the original portion of the building. He said there is paving in front of the building, and paving coming down the hill. He said you can also see pavement of Ambrosia, and Lower Alto as well as St. Francis drive on the other side of the structure, noting St. Francis is a six lane, State highway with turnout lanes. The bottom photo was taken from the other side of Alameda street, where you can see the new structure which has been built, and the portion to the far right is what is left of the adobe structure built in 1985. He said from a streetscape point of view, he can't see how paving the parking area would conflict with the immediate surroundings.

Those speaking to the issue

Paul Paryiski was sworn. He said he has been asked by David to provide an alternative solution to the problem, which is permeable paving. He wrote an ordinance and gave it to the City to look at permeable paving as an alternative to parking lots and tertiary streets. The advantage of permeable paving is that it allows infiltration of water into the soil, reduces pollution, does away with some of the infrastructure problems caused by asphalt such as ponding and some of the NPDES regulations. It is esthetically much more pleasing. There are a number of permeable paving blocks on the market, coming in different colors and sizes. The idea is to put something between the blocks which allows the water to go through. He said the first 12 inches of soil does away with a great deal of the pollution caused by cars and use of a parking lot. This would be an excellent case for the City to make a first attempt to use permeable paving in a place which would be culturally, historically appropriate, and could be used in many cases in the City. He said it is esthetic and used in many plazas and parking areas in Europe, and mandated in many countries. This is a possible solution to this conflict. He said it does cost about 25% more, but it lasts twice as long, so in the long run it is more cost effective than asphalt. He noted asphalt itself gives off toxic residues which eventually can get into the soil and the aquifers.

The Public Hearing was closed

Councilor Heldmeyer asked Mr. Paryiski which David asked him to look into this. Mr. Paryiski said "this David," indicating Mr. Rasch.

Councilor Bushee said if we were to require permeable paving it wouldn't be because of historic reasons, but because of environmental reasons. She said this is by the River, and would like someone to take this into account – you're essentially building in the flood plain. However, she doesn't believe the Council has the jurisdiction to say this is historic to require this. She said it is her preference esthetically and historically, but she doesn't know that she can say the City's ordinance would require that because it isn't historic, nor is paving.

Councilor Bushee asked Mr. Melos if he is interested in pursuing a permeable paving option because of the location of his building in the flood plain. Mr. Melos said he has seen the preliminary flood plain maps and this site is well out of the flood plain. Councilor Bushee said then because it is next to the River.

Councilor Ortiz said it will be draining into the River. Mr. Melos said it would not drain into the River because of the impermeable surface plan, the ponding created is retention ponding through an elaborate french drain designed by his drainage engineer.

Councilor Bushee said french drains bring it to the aquifer eventually.

Mr. Melos said it goes into the aquifer, but that isn't quite the same as dumping it into the River in a flood situation. Responding to Councilor Bushee, Mr. Melos said there is no dirt lane. Councilor Bushee reiterated that she doesn't want to make a decision around "H Stuff."

Councilor Wurzbarger said this is hard for her, because she would like to see the City do this as the alternative to pavement, and given our commitment to 2030, this is what we should be doing. She said her problems are the same ones as Councilor Bushee raised. She said when she looks at this, she can't get the street harmony "thing." When she looks at this, the street harmony is around asphalt, noting she would be willing to look at additional photos from staff. She asked if there is something else staff can show us which talks about street harmony which doesn't reflect these pictures which is, if you want to be in harmony, then pave it.

Mr. Rasch said before the Appellant paved lower Alto, it was dirt, and the remainder of lower Alto is dirt.

Councilor Calvert said Mr. Rasch's report cites "Streetscape harmony clause §14-5.2(A)," and asked if there is a particular part of that cite which gives HDRB the jurisdiction in this matter.

Mr. Rasch said the general provision of the Historic District Ordinance does say the continued existence and preservation of historical areas and buildings, so it includes areas with buildings. This area is a rural, dirt road next to the River. Mr. Rasch quoted from the ordinance, "A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design." So the H-Board applies this harmony clause to the streetscape which really is in a buffer zone with St. Francis to the West, dirt to the east and is right between the two. It is also at the edge of that Historic District. He noted the H-Board doesn't look outside the H-District, and looks to the H-District for the harmony, so they looked to lower Alto.

Councilor Calvert asked Mr. Melos if he would consider permeable paving even if it was more cost effective over the life cycle, as well as being a more environmental solution.

Mr. Melos said until it is tried and true he doesn't know. He said there is testimony from a gentleman here who says the esthetic is such that it's more desirable, that the permeable surface is more desirable, but that also goes into the aquifer. The gentleman said that it is cost effective. He said it may not be experimental technology, but the City is experimenting with it, and until the City adopts it, it wouldn't be fair to ask him to adopt it.

Responding to Councilor Calvert, Mr. Melos said he hasn't heard of companies which sell this, and he doesn't know where it has been put in Santa Fe, and he is certain the City hasn't made it a requirement. However, when the City makes it a requirement, then it would be a different situation, but he doesn't believe it is fair for him to have to "experiment" with it.

Councilor Ortiz asked Mr. Melos if he had a choice between gravel and permeable paving, what would he choose.

Mr. Melos said he isn't interested in using gravel, and if the subject site can't be paved, it will be left as is. With regard to permeable paving, Mr. Melos said he hasn't seen it, and doesn't know what it's like. He said if it comes in squares and someone said it is 25% more, is that for the material. He asked about the cost of laying the squares, and does this have to be done manually and how much does it cost to get that done. What is the subsurface preparation. He said he is being asked questions he can't answer. He doesn't want to say whether he would consider permeable paving without knowing anything about it.

Councilor Trujillo asked why he is against gravel. Mr. Melos said it requires a lot of maintenance, and ends up getting pushed into the dirt and looks unsightly, and there is more puddling. He said with an impermeable service a lot of the water will stand and get muddy. He said he has a commercial building for the intended use of professional office buildings, and gravel isn't really suitable.

Councilor Trujillo asked Mr. Melos if he was going to stripe the surface. Mr. Melos said absolutely, and the City requirements have to do with striping the parking lot and it is difficult to do that. Councilor Trujillo asked if the parking will be ADA compliant. Mr. Melos said, "exactly."

Council Ortiz noted, in the packet on page 8, there are the lighting bollards for a lighting plan, and asked the cost of the bollards. Mr. Melos said they cost \$200 apiece, and they install them. He said installed, it would be about \$300 apiece.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to uphold the decision of the H-Board and deny the appeal, and in support of his motion he makes the finding that the H-Board was correct in looking to the historic district in determining what is in harmony with the streetscape, and not to the west, which is outside the purview of the H-District, and he finds that the H-Board was appropriate in looking in the right direction when comparing this property vis a vis the other property, and to amend his motion to provide that if, after investigation the appellant wants to come forward with an alternative environmentally efficient landscaping plan different from the existing dirt, that the Applicant would be allowed to proceed in such a manner.

Discussion: Councilor Heldmeyer said people are able to put in striping, disability notification and such, in gravel parking lots, and suggested he look at the parking lot at the Inn of the Turquoise Bear which is gravel and has the spaces lined out.

Councilor Heldmeyer said we have to get our various staff people on the same page, because there are some people working for the City who are enamored by asphalt. If we try to

do something different, it "freaks them out," noting they are in Planning & Land Use and Public Works. We need to get our staff trained so that if someone comes in with an alternative, they don't say it has to be asphalt.

Councilor Wurzbarger said she agrees with Councilor Heldmeyer with respect to the options, but it is correct that if you have gravel, you will have to have some kind of permeable option or build a cement or asphalt area for handicapped. She said you can't just have an area now and draw stripes on it and say it is a handicapped spot. She doesn't want to mislead the appellant with regard to what would be required.

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.

10. Review of and Potential approval of Action on Amendments of Resolution No. 2006-43, Amending the Governing Body Procedural Rules Regarding Council Meeting Start Times. (Galen Buller)

Mr. Buller said when the Council adopted Resolution 2006-43, establishing a 5:00 p.m. start time, a six month review clause was included. This went to Finance Committee and the Committee felt the 5:00 p.m. start time should be retained, but came up with a number of suggestions which are in the Memorandum in the packets. It also went to Public Works where the vote was to keep it at 5:00 p.m., and had no additional suggestions.

Councilor Wurzbarger said Finance talked about starting at 4:30 p.m., as a compromise. She said tonight is a perfect example, again, of how we didn't start the 7:00 p.m. session without moving the executive session to the end. She would like to see it moved back to 4:30 p.m., so we don't leave here at 11:00 p.m. or 12:00 midnight. She said we can change the order of the Consent Agenda. She said there is 45 minutes of stuff that we could miss some of the time in order to better serve the public and not work so late. Councilor Wurzbarger wants to go back to 4:30 p.m., and streamline the agenda and reordering when we have executive sessions.

Councilor Bushee moved, seconded by Councilor Trujillo, to keep the start time at 5:00 p.m., and to direct the City Manager to examine how we can continue to streamline the agenda.

Discussion: Councilor Bushee said there are five Councilors who need to get here by 5:00 p.m. She doesn't believe it's the start time that drags out the meetings. She said this evening, the presentations were 1½ hours, the Consent Calendar went into the evening session, and we still haven't had an executive session. She said she believes it is an issue of how the meetings are conducted which is an ongoing problem. She said we can also just not put some

things on the agenda. She said we can limit presentations and such things. She observed that even when we have more time, we use it, reiterating that she doesn't believe the start time is the issue.

Councilor Heldmeyer said part of the discussion at Finance was how much heartburn they would suffer if presentations either started at 4:30 p.m., or even right at 5:00 p.m., as opposed to 5:20 p.m., when we started today, with the proviso that we don't do anything substantive until everyone is here. The way the agenda is set up now, one of the first things we do is the consent agenda, and Councilors don't want to miss pulling things from the Consent Agenda. The idea was to restructure to make things more substantive when people are here. The other thing was if there was a definite time that the substantive part of the meeting would start, then staff wouldn't have to sit for ½ hour to an hour through the presentations, and could be working on other things. This way, everyone who needs to be for the substantive part would be here, and the ceremonial part could be "tinkered" with.

Councilor Calvert said if he isn't here for the presentations, that indicates to the people receiving awards that we don't think it's important to be here or that we don't care. He doesn't think this is the proper image to present.

Councilor Calvert said one of the reason we have the Consent Calendar out front, is so staff who don't need to be here can go home as soon as possible so we don't have to pay them to sit here. So, if we add the Consent Calendar back, we're adding to that time. He suggested perhaps consent items should go to the end of the agenda or further down than we have done before.

Councilor Calvert said this evening we went on for hours on the Consent Calendar, and these are items which went to committee after committee, and still we're doing amendments and stuff at the last hour.

Councilor Wurzbarger said she gets up at 5:00 a.m., she has to be working by 6:00 a.m., and when she is here late, there is no one to do her work the next morning. She said if we can't reach a compromise, she will continue to leave when she has to leave. However, she would have preferred to come up with options in a compromise sense which respects that all of us have different kinds of work schedules. She encourages the City Manager to consider these suggestions with respect to redoing the agenda.

Councilor Trujillo said he has the same concerns as Councilor Calvert about being absent during the presentations, and believes people would consider that as a "slap in the face."

Councilor Trujillo said we had discussed some time ago about sending all of the dispenser licenses for a recommendation, and yet these are still coming back to us.

Mr. Katz said he's never been able to get any firm answer from the State, but these generally don't take much time.

Councilor Trujillo said this evening it took a long time with the consent calendar. He said all of the Councilors have different work schedules, and he takes a lot of time away from his

children and his wife in attending meetings. He said we are here to serve the people of Santa Fe, and sometimes meetings go very late.

Councilor Chavez said he voted against changing the start time, because he didn't think one hour would make that much of a difference in any of our lives. How we manage our time after we get here, and asked if we are going to limit our discussions so we can leave early, or not be here for presentations. He doesn't think these alternatives are even worth discussing. He believes it is a matter of time management.

Councilor Bushee said the hours were changed not only to benefit the Councilors, but also to benefit all of the working people of Santa Fe who want to attend meetings or watch them on television.

Councilor Heldmeyer said at Finance, the Committee was just playing around with ideas, and some of the people who it would affect weren't on that Committee, some were. She said one of the reasons things are removed from Consent is that everyone isn't on each committee. She said at times one Committee wants one thing, and another something else. She said perhaps if Committees disagree, then it doesn't get put on consent because it is inappropriate to call it consent.

The motion was approved on the following Roll Call vote.

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

Against: Councilor Wurzburger

Absent: Councilor Trujillo

11. CONSIDERATION OF RESOLUTION NO. 2007-9. A Resolution Declaring a Disaster

A copy of the proposed Resolution Declaring a Disaster, is incorporated herewith to these minutes as Exhibit "8."

Councilor Bushee moved, seconded by Councilor Heldmeyer, to adopt Resolution No. 2007- 9. 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.

17. MATTERS FROM THE GOVERNING BODY

Councilor Calvert

None.

Councilor Dominguez

Councilor Dominguez introduced two resolutions. A Resolution Endorsing and Supporting Governor Richardson's Investment Partnership, which is incorporated herewith to these minutes as Exhibit "9." He also distributed a Resolution looking at homeless youth in the community, noting over the holidays there were over 600 homeless youth and children. He asked that these go to Public Works, Finance and Mayor's Blue Ribbon Task Force.

Councilor Wurzbarger

Councilor Wurzbarger introduced two items. (1) A Resolution, cosponsored with Councilor Ortiz, Amending the Santa Fe Municipal Airport Master Plan to Incorporate a New Combined Training facility for the City of Santa Fe Police and Fire Departments, which is incorporated herewith to these minutes as Exhibit "10." (2) An ordinance with respect to Affordable Housing, amending the requirement that buildings housing 100% affordable dwelling units shall be allowed to be served by one meter for each building, which is incorporated herewith to these minutes as Exhibit "11."

Councilor Trujillo

Councilor Trujillo introduced a Joint Resolution co-sponsored by Mayor Coss, Councilor Dominguez, Councilor Wurzbarger and the Santa Fe Public Schools, Board of Education, Approving the Sub-Lease of the Tino Griego Pool as a Location for a Work Development Center for High School and College Students to Learn the Skills of the Film Industry, which is incorporated herewith to these minutes as Exhibit "12." Councilor Chavez asked to co-sponsor the Resolution. Councilor Trujillo requested the Resolution go to Finance and Public Works Committees.

Councilor Ortiz

Councilor Ortiz said he is introducing two Resolutions, both cosponsored by Councilors Bushee and Wurzbarger. One is on a ballot initiative question on an amount still to be determined on property tax to fully fund the Parks, Open Space, Trails and Recreation Master Plan. The second companion resolution tries to set a process by which this Council and its subordinate committees, as well as staff look at, and come up with preliminary cost estimates to what it would take to bring Santa Fe in the first level of cities in New Mexico in what we provide

to our residents regarding open space, parks and trails. He said there is a relatively short time period in light of the fact that we may have a special election this year, and said he will need time frames from Yolanda Vigil, City Clerk. He asked this to go to Public Works and Finance.

Councilor Ortiz said bollard idea on the Arroyo Chamiso Trails which is seven miles long, at \$250 each for 227 bollards, for a total cost of \$56,750, at \$300 it would be \$68,100. He wants to get these numbers to the Open Space Coordinator, Anne McLaughlin.

Councilor Bushee

Councilor Bushee introduced an Ordinance Amending Section 14-2.8 SFCC 1987, Regarding the Archaeological Review Committee; Qualifications for Archaeologists, Historical Archaeologists and Historian; and Making Such Other Changes as Are Necessary, which is incorporated herewith to these minutes as Exhibit "13.

Councilor Heldmeyer

Councilor Heldmeyer introduced an Ordinance Amending 14-3.14 and 14-5.2(B) SFCC 1987, Regarding Demolition [by neglect] and Minimum Maintenance Requirements for Landmark Structures, which is incorporated herewith to these minutes as Exhibit "14."

Councilor Chavez

Councilor Chavez introduced three resolutions: (1) A Resolution, Co-sponsored by Councilor Dominguez and Councilor Trujillo, dealing with the Effluent line from the Santa Fe Wastewater Treatment Plant to the Tierra Contenta Subdivision Area, which is incorporated herewith to these minutes as Exhibit "15." This should go to Public Utilities, Public Works and Finance Committees. (2) A Resolution co-sponsored by Mayor Coss, Supporting and Adopting a Cooperative Agreement between Los Alamos County, the North Central Regional Transit District, and Regional Development Corporation for the Distribution of \$1.5 Million New Gross Receipts Tax Received by Los Alamos County, which is incorporated herewith to these minutes as Exhibit "16." (3) A Resolution Co-Sponsored by Mayor Coss, Investing in Northern New Mexico's Future; Regarding Gross Receipts Tax Revenue Resulting From the New Lab Management Contract at Los Alamos National Laboratory, which is incorporated herewith to these minutes as Exhibit "17." He asked the GRT/Los Alamos Resolutions go to Finance and Public Works.

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) **Discussion of Pending Land Use Litigation Regarding Tierra Contenta, Pursuant to §10-15-1(H)(7) NMSA 1978**
- b) **Discussion of Proposed Settlement Agreement for the East High Water Tank, Regarding Pending or Threatened Litigation, Pursuant to §10-15-1(H)(5) NMSA 1978.**
- c) **Discussion of Proposed Settlement Agreement for Sonny and Lorraine Otero vs. City of Santa Fe, District Court CIV-06-864, Regarding Pending or Threatened Litigation, Pursuant to §10-15-1(H)(5) NMSA 1978.**

Mr. Katz there are three matters he would like to discuss in Executive Session.

Councilor Ortiz moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of discussing three items: pending litigation regarding Tierra Contenta, proposed Settlement Agreement for the East High Water Tank regarding pending or threatened litigation, pursuant to §10-15-1(H)(7) NMSA 1978, and proposed Settlement Agreement for Sonny and Lorraine Ortega v. City of Santa Fe, regarding pending or threatened litigation, all pursuant to §10-15-1(H)(5) NMSA 1978. The motion was passed on a Roll Call vote as follows:

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

Against: None.

Absent: Councilor Bushee

The Council went into Executive Session at 10:11 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 10:51 p.m., Councilor Ortiz moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were matters relating to pending litigation regarding Tierra Contenta; proposed Settlement Agreement for East High Water Tank and Proposed Settlement Agreement in Sonny and Lorraine Otero v. City of Santa Fe.

The motion was passed unanimously on a voice vote with Councilors Calvert, Chavez, Dominguez, Heldmeyer, Ortiz and Trujillo voting for the motion and no one voting

against [Absent for this action: Councilors Bushee and Wurzburger].

14. Action on Proposed Settlement Agreement for the East High Water Tank (Gary Martinez and Maureen Reed.

Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the Settlement Agreement as proposed by our attorneys in Executive Session on this item. The motion was approved on the following Roll Call vote.

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

Against: None.

Absent: Councilor Bushee and Councilor Wurzburger.

15. Action on Proposed Settlement Agreement for Sonny and Lorraine Otero vs. City of Santa Fe, U.S. District Court, CIV 06-864. (Maureen Reed)

Councilor Ortiz moved, seconded by Councilor Calvert to accept the Settlement Agreement as proposed by the Attorney's Office in this case. The motion was approved on the following Roll Call vote.

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

Against: Councilor Heldmeyer.

Absent: Councilor Bushee and Councilor Wurzburger.

16. MATTERS FROM THE CITY CLERK

None.

H. ADJOURN

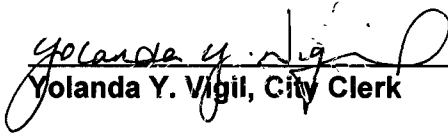
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:00 p.m.

Approved by:



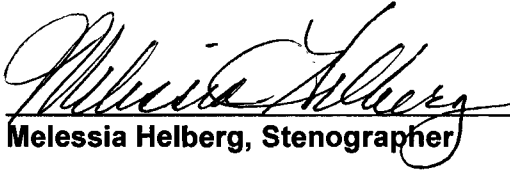
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
January 10, 2007

The governing body of the City of Santa Fe met in an executive session duly called on January 10, 2007 beginning at 10:15 p.m.

The following items were discussed:

- 1) Discussion of Proposed Settlement Agreement for the East High Water Tank, Regarding Pending or Threatened Litigation, Pursuant to §10-15-1 (H) (7) NMSA 1978.**

PRESENT

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

STAFF PRESENT

Galen Buller, Acting City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Kyle Harwood, Assistant City Attorney
Maureen Reed, Assistant City Attorney
Gary Martinez, Acting Water Division Director

- 2) Discussion of Pending Litigation Regarding Tierra Contenta Pursuant to §10-15-1 (H) (7) NMSA 1978.**

PRESENT

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

STAFF PRESENT

Galen Buller, Acting City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Kyle Harwood, Assistant City Attorney
Maureen Reed, Assistant City Attorney
Gary Martinez, Acting Water Division Director

3) Discussion of Proposed Settlement Agreement for Sonny and Lorraine Otero vs. City of Santa Fe, U.S. District Court CIV-06-864, Regarding Pending or Threatened Litigation Pursuant to §10-15-1 (H) (7) NMSA 1978.

PRESENT

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

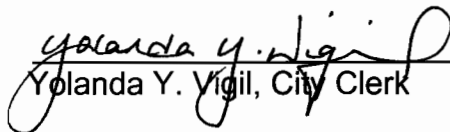
Absent

Councilor Wurzbarger

STAFF PRESENT

Galen Buller, Acting City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Maureen Reed, Assistant City Attorney

There being no further business to discuss, the executive session adjourned at 10:55 p.m.


Yolanda Y. Vigil, City Clerk