



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 28, 2012
CITY COUNCIL CHAMBERS

AMENDED – ITEM #12a

CITY CLERK'S OFFICE

DATE 3-26-12 TIME 3:30 pm

SERVED BY _____

RECEIVED BY _____

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – March 14, 2012
9. PRESENTATIONS
 - a) Muchas Gracias – St. Michael's High School Wrestling Team – NMAA 3A Wrestling Team Champions. (5 minutes)
 - b) Muchas Gracias – University of New Mexico Students; Airport Road Planning Initiatives. (Councilor Dominguez) (5 minutes)
 - c) Muchas Gracias – Carla Lopez and City Staff; Recipients of the "Sunny Award" for Transparent Government Website; Sunshine Review. (5 minutes)
 - d) Homewise – New Housing Initiatives. (Mike Loftin) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 1 to Grant Agreement – Historic Preservation Projects and Training; State of New Mexico Department of Cultural Affairs Historic Preservation Division. (David Rasch)



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- b) Request for Approval of Grant Award and Grant Agreement for Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- c) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Wurzburger)
A Resolution Amending Resolution No. 2010-24 so that Required Reporting by the City Attorney to the Governing Body be Done on a Quarterly Basis. (Geno Zamora)
- d) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Wurzburger and Councilor Bushee)
A Resolution Repealing Resolution No. 2012-7 Relating to Governing Body Consideration for Special Dispenser Permits, Above Three, at the Same Location; and Directing Staff to Research and Recommend Best Practices Related to Special Dispenser Permits and Propose Amendments to State Law to Prevent Abuse of the Special Dispenser License Process. (Alfred Walker)
- e) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Trujillo)
A Resolution Supporting Local Non-Profit Organizations and Declaring that on an Annual Basis Each Member of the Governing Body is Authorized to Have the User Fees Waived at the Santa Fe Community Convention Center, on Behalf of a Non-Profit Organization, for a One-Day Event. (Jim Bradbury)
- f) CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss)
A Resolution Declaring that the City of Santa Fe Desires to Establish a Sister City Friendship with the City of Nevsehir, Republic of Turkey. (Julie Bystrom)
- g) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- h) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-017, Appeal of the January 10, 2012 Decision of the Historic Design Review Board in Case #H-10-033 Denying Appellant's Application to Remove and Relocate Three Landmark Structures Known as the Joe Montoya House, the Nat A. Chavez House and the Joe F. Abeyta House at 801 Griffin Street, Known as St. Catherine's Industrial Indian School. (Kelley Brennan)



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- i) Request for Approval of Findings of Fact and Conclusions of Law for Case #2011-140, Appeal of the November 22, 2011 Decision of the Historic Design Review Board in Case #H-11-131 Denying the Application of Liza Williams for Exceptions to Permit the Painting of Signs and Murals on a Non-Contributing Building and a Yard Wall at 806 Old Santa Fe Trail. (Kelley Brennan)
- j) Request for Approval to Publish Notice of Public Hearing on May 9, 2012: City of Santa Fe 2012-2013 Action Plan for the Community Development Block Grant. (Kym Dicome)
- 11. Request for Approval of Appointment of Municipal Court Pro Tem Judges Pursuant to §2-3.4(C) SFCC 1987; Sonya Carrasco-Trujillo, Paul L. Biderman and Anthony Tupler. (Municipal Judge Ann Yalman)
- 12. One Year Review of Ordinance 2011-8, Adopted on March 30, 2011, Regarding §1-7--Code of Ethics and §6-16--Ethics and Campaign Review Board. (Geno Zamora and Yolanda Y. Vigil)
- 12a. CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Wurzbarger, Mayor Coss and Councilor Ives)
A Resolution Directing Staff to Effectively Generate and Finalize all Public Policy Reports and Public Audits; and Establishing a Concise Timeline for Presentation of Such Public Policy Reports and Public Audits to Members of the Governing Body, City Committees and the Public. (Geno Zamora)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
 - a) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978.
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER



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- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Monte Circle Partners, LLC for a Transfer of Ownership and Location of Dispenser License #0186 from Petroleum Wholesale, LP, dba Sunmart 678, 1421 South Main Street, Lordsburg, New Mexico to Monte Circle Partners, LLC, dba Stats Sports Bar & Nightlife, 135 West Palace Avenue, Suites 202, 203 and 300. (Yolanda Y. Vigil)
 - 2) CONSIDERATION OF BILL NO. 2012-9: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Trujillo)
An Ordinance Amending Section 6-10.3 SFCC 1987 Relating to the Staff Designation for the Children and Youth Commission. (Councilor Trujillo) (Terrie Rodriguez)
 - 3) CONSIDERATION OF BILL NO. 2012-10: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Calvert, Councilor Romero, Councilor Trujillo, Councilor Wurzbarger, Councilor Dominguez and Councilor Bushee)
An Ordinance Adopting the 2012 Procurement Code Pursuant to Article IX, Section 9.02 of the Santa Fe Municipal Charter and Article 11-13 SFCC 1987. (Robert Rodarte)
 - 4) CONSIDERATION OF BILL NO. 2012-11: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Calvert)
An Ordinance Amending Rule 8A of Exhibit A of Chapter 22 SFCC 1987, Sanitary Sewer Rate, Fee and Penalty Schedule, to Change the Monthly Usage Fee for Residential, Multi-Family and Commercial Customers of the City's Sewer System that are Not Connected to City Water Based on the Change to the Average Winter Consumption from 6,700 Gallons to 3,600 Gallons. (Bryan Romero)



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- 5) **Case #BCD 2011-136.** John Muir Amendment to Railyard Master Plan. Frank Coppler, Applicant, Requests an Amendment to the Railyard Master Plan to Develop Surface Parking on Lease Lot L, the John Muir Building. The Property is in the Railyard Redevelopment Subdistrict of the BCD (Business Capitol District) and Located in the North Railyard Off Alcaldesa Street, Between Gross Kelly Warehouse and the Train Tracks. (William Lamboy) **(Postponed at March 14, 2012 City Council Meeting)**

I. ADJOURN

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

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

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



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MARCH 28, 2012
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3/23/12 TIME 2:30p

PREPARED BY _____

RECEIVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
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 - b) Muchas Gracias – University of New Mexico Students; Airport Road Planning Initiatives. (Councilor Dominguez) (5 minutes)
 - c) Muchas Gracias – Carla Lopez and City Staff; Recipients of the "Sunny Award" for Transparent Government Website; Sunshine Review. (5 minutes)
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 - a) Request for Approval of Amendment No. 1 to Grant Agreement – Historic Preservation Projects and Training; State of New Mexico Department of Cultural Affairs Historic Preservation Division. (David Rasch)
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- c) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Wurzburger)
A Resolution Amending Resolution No. 2010-24 so that Required Reporting by the City Attorney to the Governing Body be Done on a Quarterly Basis. (Geno Zamora)
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City of Santa Fe 2012-2013 Action Plan for the Community Development
Block Grant. (Kym Dicome)
- 11. Request for Approval of Appointment of Municipal Court Pro Tem Judges
Pursuant to §2-3.4(C) SFCC 1987; Sonya Carrasco-Trujillo, Paul L. Biderman and
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- F. PETITIONS FROM THE FLOOR



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G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Monte Circle Partners, LLC for a Transfer of Ownership and Location of Dispenser License #0186 from Petroleum Wholesale, LP, dba Sunmart 678, 1421 South Main Street, Lordsburg, New Mexico to Monte Circle Partners, LLC, dba Stats Sports Bar & Nightlife, 135 West Palace Avenue, Suites 202, 203 and 300. (Yolanda Y. Vigil)
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I. ADJOURN



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SANTA FE CITY COUNCIL MEETING
March 28, 2012

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CONSIDERATION OF BILL NO. 2012-10: ADOPTION OF ORDINANCE NO. 2012-16. AN ORDINANCE ADOPTING THE 2012 PROCUREMENT CODE PURSUANT TO ARTICLE IX, SECTION 9.02 OF THE SANTA FE MUNICIPAL CHARTER AND ARTICLE 11-13 SFCC 1987	Approved a/a	20-23
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 28, 2012**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Wurzbarger, on Wednesday, March 28, 2012, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Mayor David Coss

Others Attending

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

6. APPROVAL OF AMENDED AGENDA

Robert Romero noted the agenda was amended to add Item 12(a).

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the Amended Agenda as presented

VOTE: The motion was approved on a voice vote with Councilors Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzburger voting for the motion, none voting against, and Councilor Bushee absent for the vote.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to approve the following Consent Calendar, as presented.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Absent for the vote: Councilor Bushee

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO GRANT AGREEMENT – HISTORIC PRESERVATION PROJECTS AND TRAINING; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, HISTORIC PRESERVATION DIVISION. (DAVID RASCH)**
- b) **REQUEST FOR APPROVAL OF GRANT AWARD AND GRANT AGREEMENT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- c) **CONSIDERATION OF RESOLUTION NO. 2012-31 (COUNCILOR WURZBURGER). A RESOLUTION AMENDING RESOLUTION NO. 2010-24, SO THAT REQUIRED REPORTING BY THE CITY ATTORNEY TO THE GOVERNING BODY BE DONE ON A QUARTERLY BASIS. (GENO ZAMORA)**
- d) **CONSIDERATION OF RESOLUTION NO. 2012-32 (COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION REPEALING RESOLUTION NO. 2012-7, RELATING TO GOVERNING BODY CONSIDERATION FOR SPECIAL DISPENSER PERMITS, ABOVE THREE, AT THE SAME LOCATION; AND DIRECTING STAFF TO RESEARCH AND RECOMMEND BEST PRACTICES RELATED TO SPECIAL DISPENSER PERMITS AND PROPOSE AMENDMENTS TO STATE LAW TO PREVENT ABUSE OF THE SPECIAL DISPENSER LICENSE PROCESS. (ALFRED WALKER)**

- e) **CONSIDERATION OF RESOLUTION NO. 2012-33 (COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING LOCAL NON-PROFIT ORGANIZATIONS AND DECLARING THAT ON AN ANNUAL BASIS, EACH MEMBER OF THE GOVERNING BODY IS AUTHORIZED TO HAVE THE USER FEES WAIVED AT THE SANTA FE COMMUNITY CONVENTION CENTER, ON BEHALF OF A NON-PROFIT ORGANIZATION, FOR A ONE-DAY EVENT. (JIM BRADBURY)**
- f) **CONSIDERATION OF RESOLUTION NO. 2012-34 (MAYOR COSS). A RESOLUTION DECLARING THAT THE CITY OF SANTA FE DESIRES TO ESTABLISH A SISTER CITY FRIENDSHIP WITH THE CITY OF NEVSEHIR, REPUBLIC OF TURKEY. (JULIE BYSTROM)**
- g) **REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)**
- h) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-017. APPEAL OF THE JANUARY 10, 2012, DECISION OF THE HISTORIC DESIGN REVIEW BOARD IN CASE #H-10-033, DENYING APPELLANT'S APPLICATION TO REMOVE AND RELOCATE THREE LANDMARK STRUCTURES KNOWN AS THE JOE MONTOYA HOUSE, THE NAT A. CHAVEZ HOUSE AND THE JOE F. ABEYTA HOUSE AT 801 GRIFFIN STREET, KNOWN AS ST. CATHERINE'S INDUSTRIAL INDIAN SCHOOL. (KELLEY BRENNAN)**
- i) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2011-140. APPEAL OF THE NOVEMBER 22, 2011 DECISION OF THE HISTORIC DESIGN REVIEW BOARD IN CASE #H-11-131, DENYING THE APPLICATION OF LIZA WILLIAMS FOR EXCEPTIONS TO PERMIT THE PAINTING OF SIGNS AND MURALS ON A NON-CONTRIBUTING BUILDING AND A YARD WALL AT 806 OLD SANTA FE TRAIL. (DAVID RASCH AND KELLEY BRENNAN)**
- j) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 9, 2012: CITY OF SANTA FE 2012-2013 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT. (KYM DICOME)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 14, 2012

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of March 14, 2012, as presented.

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

9. PRESENTATIONS

a) **MUCHAS GRACIAS – ST. MICHAEL'S HIGH SCHOOL WRESTLING TEAM – NMAA 3A WRESTLING TEAM CHAMPIONS. (5 MINUTES)**

Mayor Pro-Tem Wurzbarger, assisted by Councilors Trujillo and Rivera and City Attorney Geno Zamora, presented Muchas Gracias Certificates to the members of the St. Michael's High School Wrestling Team, the NMAA 3A Wrestling Team Champions, Coach Joaquin Garcia and Assistant Coaches Fred Martinez, Fletcher Sievers, Bobby Sanchez and Lucas Trujillo.

Councilor Rivera and City Attorney Geno Zamora, are former St. Michael's High School wrestlers, and complimented the team on its accomplishments, and spoke about their personal competitions at St. Michaels, including Mr. Zamora being on two State championship teams.

Councilor Trujillo congratulated St. Michael's High School on its state championship win.

Councilor Dominguez said he is a former wrestler at Santa Fe High, and complimented St. Michael's on its accomplishments.

b) **MUCHAS GRACIAS – UNIVERSITY OF NEW MEXICO STUDENTS; AIRPORT ROAD PLANNING INITIATIVES. (COUNCILOR DOMINGUEZ)**

Mayor Pro-Tem Wurzbarger, assisted by Councilor Dominguez, presented Muchas Gracias Certificates to the UNM Students who worked on the Airport Road Planning Initiatives.

Councilor Dominguez thanked them for their hard work and effort in creating this report. He said the Report reinforced some of the information and data the City already has. He said as we start discussing the annexation, he would encourage his fellow-Councilors and members of the public to read and pay attention to this Report. He said the Report highlights some of the struggles we are experiencing in that part of our community because of the lack of annexation. He said the Report is available to the public, noting a public meeting was held in the process of developing the report, and urged the students to keep up the good work. He looks forward to the next report.

Councilor Wurzbarger said this report went beyond reiterating the problems and issues, and thanked them for their good work.

The Professor thanked the City for the opportunity to look at planning theory as well as to apply it, and he looks forward to other collaborations in the future.

c) MUCHAS GRACIAS – CARLA LOPEZ AND CITY STAFF; RECIPIENTS OF THE “SUNNY AWARD” FOR TRANSPARENT GOVERNMENT WEBSITE; SUNSHINE REVIEW.

Mayor Pro-Tem Wurzbarger read the award letter into the record from *Sunshine Review* magazine, noting only 214 cities out of 6,000 reviewed received this award. She presented a Muchas Gracias to Carla Lopez, the recipient of the 2012 *SUNNY AWARD* for a transparent government website by *Sunshine Review* magazine.

Carla Lopez said this is a great award because we don't apply for it, and “they come looking for us.” She said when she was tasked with developing a Sunshine Portal by Resolution No. 2010-80, she went to the *Sunshine Review* website where there was a checklist, noting it is the standard for the country, and they made it easy for her. She said City employees are doing a great job all across the City in updating the website every day.

d) HOMEWISE – NEW HOUSING INITIATIVES. (MIKE LOFTIN)

A copy of a power point presentation by Homewise is incorporated herewith to these minutes as Exhibit “1.”

Mr. Loftin, Director, Homewise, said Homewise is hosting a breakfast event on April 5, 2012, at 8:00 a.m., at La Fonda, noting they had a similar event two years ago at the Inn of Loretto with 200 business leaders and policymakers. He said at that event they released the results of a study funded by the McCune Foundation which shows that Santa Fe “loses about \$300 million of spending each and every year as the result of people who used to live and work in Santa Fe, kept their job in Santa Fe, but moved out of the County, mostly to Rio Rancho and Albuquerque, so their wages are earned here. However, people generally spend their wages where they live, so that money is all being spent in a different economy than our own.” He said at that time, they launched the business campaign for home ownership, which was an effort to reverse that trend and to try to keep our work force in Santa Fe, spend their wages in Santa Fe and stay close to their families.

Mr. Loftin said at the April 5th event, they will be giving the results from the business campaign, which has been very successful, as well as to release another white paper on another study, also funded by the Mc Cune Foundation which analyzes what happened in the housing recession, and the implications for Santa Fe, noting it is the worst recession since the Great Depression.

Mike Loftin, Director, Homewise, presented information via overhead, which is a preview of the study results and next steps in responding to this situation. Please see Exhibit “1” for specifics of this presentation. Mr. Loftin also played a short video Homewise will be using in its campaign for home ownership in Santa Fe.

Mayor Pro-Tem Wurzbarger thanked Mr. Loftin and Homewise. She said she looks forward to attending on April 5th and hearing the next phase.

Mr. Loftin thanked Councilor Wurzbarger for her support of affordable housing in Santa Fe.

11. REQUEST FOR APPROVAL OF APPOINTMENT OF MUNICIPAL COURT PRO TEM JUDGES PURSUANT TO §2-3.4(C) SFCC 1987 SONYA CARRASCO-TRUJILLO, PAUL L. BIDEDEMAN AND ANTHONY TUPLER. (Municipal Judge Ann Yalman)

Responding to the Mayor Pro-Tem, Ms. Vigil said Judge Yalman is not in attendance, but the resumes and other information on the Pro-Tem Judges are in the Council packets.

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

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

12. ONE YEAR REVIEW OF ORDINANCE 2011-8, ADOPTED ON MARCH 30, 2011, REGARDING §1-7 – CODE OF ETHICS AND §6-16 – ETHICS AND CAMPAIGN REVIEW BOARD. (GENO ZAMORA AND YOLANDA Y. VIGIL)

The staff report was presented by Geno Zamora.

Mr. Zamora said, "Approximately one year ago, the Governing Body updated a revised Code of Ethics and amended portions of the Ethics and Campaign Review Board Ordinance. Since that time, an entirely new ECRB or Ethics and Campaign Review Board has been appointed. Their first official meeting was July 28, 2011. They have held a total of 7 meetings, some were organizational, some for consideration of an ethics complaint filed under the old Ordinance. The remainder of their meetings have been meetings with candidates for the 2012 election and to address any 2012 election issues."

Mr. Zamora continued, "Since passage of the revised Ethics Ordinance, there have been no complaints filed under this new ordinance. Since passage of the Ordinance, some assessments and appearances that I've noticed, is that the conflict of interest provisions are clearer, more easily understood, has appeared to really clarify the role of Governing Body members as well as the Board and Commission members, and I've perceived a 'better safe than sorry' approach, especially by members of the Governing Body who have erred in favor of disclosing either a conflict, or a potential conflict, and in several instances, refraining or abstaining from participation.

Mr. Zamora continued, "In addition, something that is new under the Ethics Ordinance is [are] certain disclosures to be made by Governing Body members, public officials such as the City Attorney, the City Clerk and the City Manager as well as employees and governmental body members. So some of these disclosures are gift reporting, which is to be placed on the City website after one of those officials, that I mentioned, fills out the report of gifts received. And again, for the Governing Body, those are gifts whose value are over \$50 and less than \$250 when they relate to the duties of the Governing Body

members. There are 22 reports that have been filled out and listed on the website. In addition, another requirement is that the same officials fill out forms disclosing any reimbursement for travel expenses and filing that report with the Clerk. There have been several instances of that"

Mr. Zamora continued, "As I come up to my recommendations, one thing that seems to be an inconsistency is that the gift reporting forms are required to be placed on the website for public view, but the travel expense reimbursement forms are not required. So, as I move into recommendations, it would be to clarify that inconsistency and have the reports of reimbursed travel posted on the website, consistent with the gift provisions. The other clarification is the paragraph relating to the disclosure of confidential information, and interestingly enough, as you read the paragraph, it only says that it is an ethical violation if you disclose confidential information for the purpose of financial gain. It doesn't address if you're disclosing confidential information for other purposes. This may also be an opportunity, as the Governing Body moves forward, to consider placing Attorney-Client communications in there as part of the confidential communications covered. As has been stated before, only the collective of the Governing Body has authority to waive that these provisions apply, not only to the Governing Body, but to employees and to the public officials that I listed earlier, and I think it is important. We have had instances of employees disclosing attorney-client privileged information that they don't have the authority to disclose."

Mr. Zamora continued, "Not any earth shaking recommendations at this moment for amendments. The Ordinance has worked very well over the last year and seems to be well understood and a presentation of the entire Ordinance will be made to the Governing Body as part of a working session that's in the planning states, so we'll be able to go through that in much more detail in the near future."

Councilor Wurzbarger wants to ensure that the process for addressing the two area of changes will go forward to the Ethics Committee.

Mr. Zamora said, "It is within the authority of the Ethics and Review Board to also review this Ordinance, have public discussions regarding amendments and make recommendations to the Governing Body as far as other amendments. And to date, based on the calendar I gave you, and the recent completion of election issues for them, they have not yet had that opportunity, but I foresee they'll be doing that soon."

Councilor Ives said, "Not understanding the qualification on the provision with regard to misuse of confidential information, do I understand that is an item that will presumably be taken up by the Ethics Committee as an initial matter and then brought back to the Council."

Mayor Pro-Tem Wurzbarger and Mr. Zamora said, "That's Correct."

Councilor Wurzbarger said we did wind up with a law which was fair, and a Committee which was very judicious in its decision, and "I think we've done good work on that, and maybe that's your work, so thank you all."

12a. CONSIDERATION OF RESOLUTION NO 2012-35 (COUNCILOR WURZBURGER AND MAYOR COSS). A RESOLUTION DIRECTING STAFF TO EFFECTIVELY GENERATE AND FINALIZE ALL PUBLIC POLICY REPORTS AND PUBLIC AUDITS; AND ESTABLISHING A CONCISE TIMELINE FOR PRESENTATION OF SUCH PUBLIC POLICY REPORTS AND PUBLIC AUDITS TO MEMBERS OF THE GOVERNING BODY, CITY COMMITTEES AND THE PUBLIC. (GENO ZAMORA)

A copy of *Legislative Summary* for this Resolution, dated March 28, 2012, prepared by Melissa D. Byers, Legislative Liaison, is incorporated herewith to these minutes as Exhibit "2."

Mayor Pro-Tem Wurzbürger noted this is a Resolution she is introducing, with a series of cosponsors. She thanked Melissa Byers, saying, "You're amazing. This was a week ago when, again, we all woke up to another excellent article by Julie Grimm. And I don't want to wake up in the morning and read this. So, we were motivated to see what can we do to do better and to do it quickly, and that's what the purpose of this Resolution is. They worked very hard to implement a transparency plan, but we can do better. This Resolution really focuses on the critical issues of improving our process. It's not a matter of changing the law, it is a matter of changing our procedures and process for complying with the law." She asked Ms. Byers to review the points of the Resolution since we just received this today.

Ms. Byers reviewed the proposed bill. Please see Exhibit "2," for specifics of this presentation.

Mayor Pro-Tem Wurzbürger thanked Councilor Ives for sitting with the Mayor and herself and doing some initial work on this. She said everyone on the Council has agreed to sign onto the Resolution as a cosponsor.

Mr. Zamora said there is an inconsistency in the last Be It Further Resolved in Item #1 which needs to be corrected, as follows: "1. An inventory of all substantive public policy reports and public audits currently under development.

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to adopt Resolution No. 2012-35, with all of the proposed amendments, including the amendment proposed by Mr. Zamora.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbürger.

Against: None.

Absent for the Vote: Councilor Bushee.

13. MATTERS FROM THE CITY MANAGER.

Mr. Romero said he will be completing the report which will be going to the Finance Committee regarding the Police Department, and will be presenting it to the Governing Body tomorrow and to the POA and to the press, so that everyone has the opportunity to review it before it is presented to the Finance Committee on Monday night. He said it will be in the Councilors boxes by noon tomorrow.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

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

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, that the Council go into Executive Session for discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant, in accordance with §10-15-1(H)(7) NMSA 1978.

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

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent for the vote: Councilor Bushee

The Council went into Executive Session at 5:45 p.m.

Councilor Bushee arrived at the meeting during the Executive Session

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:25 p.m. Councilor Calvert moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

5. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 28, 2012, is incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution recognizing and honoring New Mexico Speaker of the House, Representative Ben R. Lujan, Sr., for his dedication and commitment to public service on behalf of the people of New Mexico and the City of Santa Fe; and directing staff to determine a date for which the City of Santa Fe can honor Speaker Lujan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
2. A Resolution recognizing and honoring United States Senator from New Mexico, Jeff Bingaman, for his dedication and commitment to public service on behalf of the people of the United States, New Mexico and the City of Santa Fe; and directing staff to determine a date for which the City of Santa Fe can honor Senator Bingaman. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
3. An Ordinance creating a new Section 14-3.20 SFCC 1987 requiring that condominium declarations required by §47-7B-5 NMSA 1978, for the creation or amendment of residential condominiums include written confirmation from the Land Use Director that a condominium complies with the zoning density requirements of the City of Santa Fe Land Development Code; amending Table 14-2.1-1 to include review of condominiums by the Land Use Director; amending Section 14-6.3(D)(1) SFCC 1987 to require that a restrictive covenant requiring compliance with Section 14-6.3(D), be recorded prior to the issuance of a construction permit for an accessory dwelling unit; creating a new Section 14-10.6 providing for legally nonconforming residential condominium unit; and making such other changes as are necessary.

Councilor Calvert said if we want to do any regulation around fireworks, we need to start now because of time constraints, noting he has asked the Fire Chief to think about this.

Councilor Calvert said two people have called him from the West San Francisco Neighborhood about Villa Alegre. He said it's not a huge problem now, but they are starting to experience graffiti and things like that. He said we need to coordinate through Mr. Romero, because he feels they would rather

clean up the graffiti with matching paint than ours, which won't match. He said they are also having a problem with an entrance where they will be putting in a gate instead of the chains currently in place.

Mayor Pro-Tem Wurzbarger asked to be added as a cosponsor of all three Resolutions.

Councilor Dimas

Councilor Dimas introduced a Resolution cosponsored by Councilors Bushee and Trujillo, directing that the 2012/2013 Fiscal Year Budget include: salary incentives for commissioned police personnel who reside within the corporate limits of the City of Santa Fe and a program for commissioned police personnel to reside on City property; and implementing a mileage distance of 15 miles for new commissioner police personnel to take home police vehicles. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Pro-Tem said she is happy to see the operational definition of how that would work.

Councilor Dimas believes in the end it will pay for itself, and eventually those living outside the City in Rio Rancho and Albuquerque will retire, or will leave, and the majority of officers will be living in Santa Fe and/or within 15 miles of the City.

Councilor Ives

Councilor Ives said he would like to cosponsor Councilor Calvert's proposed legislation. He noted while in law school in Georgetown in the early 1980's he was one of the first staffers in Senator Bingaman's office, and owes a great deal to Senator Bingaman and his love of New Mexico in terms of him [Ives] being here in New Mexico and having become a permanent part of Santa Fe.

Councilor Ives said he needs to speak with Councilor Dimas about his Resolution, noting he is in accord with the principle of finding incentives which will allow us to keep our officers in Santa Fe. He said during the election there were a lot of residents in District 2 who were interested in a greater police presence in the City. He said, "I would anticipate becoming a joint sponsor, but again I have a few questions with regard to that before doing it, and would love to see the Ordinance as well."

Councilor Ives said he would note, as part of his introduction to the City, he had the opportunity to visit the City's facilities on Siringo Road, and to meet a great deal of the staff. He said he is very impressed with the intelligence, the work ethic, and everyone was very helpful and a delight to talk to. He said he would pass on a compliment to all of the staff at that facility for running a good shop.

Councilor Rivera

Councilor Rivera said he is hoping to introduce an Ordinance at the next meeting to ban the sale, distribution and use of a drug which is affecting our youth, which is called Spice, also referred to as K-2, and other names. He said this is the drug used recently in the Ortiz Middle School "brownie incident." He welcomes cosponsors.

Councilor Trujillo

Councilor Trujillo said there is a whole bunch of concrete and asphalt in big piles on the Arroyo Chamiso Trail, and he would like to get those removed.

Councilor Trujillo said we are getting into the Spring and Summer and he would like to be sure that Parks staff checks the fields for debris, noting a kid was hurt two years ago.

Councilor Trujillo said Ft. Marcy doesn't have any bull pens for its players, and he would like for us to look it. Responding to Councilor Bushee, Councilor Trujillo said, "No, Patti, it's for the kids. I don't want to get into that, because people will come and say it's for the Fuegos, but no. It's for the AABC.

Councilor Bushee

Councilor Bushee introduced a Resolution related to the funding of grants and contracts to nonprofits and directing staff to formally advise nonprofits about the process for obtaining children and youth services, human services and other nonprofit services, grants and contracts funded by the City of Santa Fe.

Councilor Bushee said she is working on some of the recycling efforts to further the goals and increase the additional materials. She asked interested Councilors and/or the Councilors serving on SWMA to join her on that dialogue with staff.

Councilor Bushee noted the new Solid Waste Director is Cindy Padilla, and she will be meeting with her, and doesn't know if there will be an issue with regard to a quorum.

Councilor Bushee said after the Saturday meeting at the MEG Center about issues in and around the West Side, she continues to receive concerns from the neighborhood. She understands we will be discussing some of these issues at the next Finance Committee. She doesn't know if there will be a public hearing.

Councilor Bushee said, "People are looking for ways we can be more proactive and to fill those 16 positions that we're down. Really what they want, is to increase the patrols in every neighborhood. How do we get there is the question. And so I will continue to forward those to you Robert, and to the Chief, but if there is some way or plan to better communicate that information directly from the Police Department, I

would really welcome that, and I'm sure others would as well. So those are the general topics and I'll continue to work on some of the smaller issues. Plenty of graffiti for folks to work on. But, it is my understanding, so that folks know that were at that meeting, if they're watching, we've been able to already post the 100 most wanted. Right. On our website. I was told that was going to happen this last week."

Mr. Romero said the Top 20 have been on the website for some time, and they are going to post the book that the P.D. has. He said, "I've asked that the P.D., and IT and our web people work together so we don't have to duplicate work, so that when the P.D. prepares it, it's easy to post on the website. I know for sure we have the top 20 and we may have scanned in the top 100, but we're looking to improve so we can get that on in such a way that it's easier to view."

Councilor Bushee said two people signed up at that meeting for a Citizens On Patrol, and indicated they would like help in keeping the website up to date, so there are people with skills to do that. She said there are other folks that either want to receive NIXL or actual communications related to public safety, commenting they don't want to be part of a newsletter, so she has 200 names for whom to determine the best method of communication

Councilor Dominguez

Councilor Dominguez thanked Councilors Ives and Rivera for attending the 5th anniversary celebration of Southside Library, commenting that it was amazing to see how that facility is used and the volume of its use.

Councilor Dominguez said, with regard to the Airport Road initiative worked on by UNM, to continue their efforts, on Saturday, 10:00 a.m. to 12:00 noon., at the Southside Library, there will be a project for constituents called "Share your Visions, Concerns, Ideas about improving the health of our Southwest area community residents," and would encourage all of the Councilors to attend if possible, including Councilor Bushee.

Councilor Dominguez said as Chair of the Finance Committee, he plans on having the Police Department as a continuous item on the agenda, although it may not be heard every month. He invited the entire Governing Body to attend the budget hearings starting April 16th.

Councilor Wurzbarger

Mayor Pro-Tem Wurzbarger introduced the following:

1. A Resolution calling for the establishment of a Charter Review Commission to review Charter Amendment questions for the submittal of such questions to the electorate of the City of Santa Fe at a Special Municipal Election. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

2. A Resolution amending Resolution 2007-58 related to arts and crafts shows at Cathedral Park so that the Southwest Association of Indian Arts ("SWAIA") is authorized to use Cathedral Park for Indian Market activities during the weekend in which Indian Market occurs. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
3. A Resolution directing staff to explore various options and feasibility related to the Santa Fe Plaza and Plaza periphery area regarding the financing of infrastructure and improvements; acquiring security; addressing deceptive marketing practices and business license non-compliance and specifying locations for the placement of newspaper boxes. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

END OF AFTERNOON SESSION AT 6:40 P.M.

Mayor Pro-Tem Wurzbarger said the Council will reconvene at 7:15 p.m.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

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

Members Present

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Dimas
Councilor Carmichael A. Dominguez
Councilor Ives
Councilor Rivera
Councilor Ronald S. Trujillo

Members Excused

Mayor David Coss

Others Attending

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

F. PETITIONS FROM THE FLOOR

Mayor Pro-Tem Wurzbarger gave everyone 3 minutes to petition the Governing Body.

Stefanie Beninato, 604 ½ Galisteo Street, said she is here tonight because she had a flood in her house in August because of a thunderstorm, and leaves thoroughly covered the storm drain and didn't allow any water to go into the drain. All that water ran down her driveway, reached her historic adobe wall, came into her house and created 1 foot of water throughout her house. She called the Fire Department and they came and sump pumped the water out of her house. It has cost her more than \$8,000 and she hasn't been able to put her house back together, because there is still 30% of the moisture on the back wall which is the oldest part of the house. She said she hired John Paul Romero to talk to David Catanach and Mr. Catanach promised he would consider 1 of 2 options at the intersection, but it was a matter of budget. She said she has been asking what the options are. She said, "I am now getting a letter from Ms. Kelley Brennan saying the water didn't come from the street, but in fact it did. I have lots of photos, I have witnesses, including everybody at the Fire Department that was there that night and a neighbor. So, this is ridiculous to say that I should have to drain water off my property. First of all, it's a violation of 14-8.2 that

says you're supposed to retain the water from your own development, that is your on lot, on the property. My property, the water coming off my roof was not a problem. I had terrain management. I met terrain management regulations. I did an addition back here, I had a Certificate of Occupancy issued to me in 2010, so it met the terrain management requirements. And I put this up here tonight, because as can see – whoops what happened to that diagram – you can see that, during that time, not only do I have holding ponds, but I actually raised my property up a foot on that back half of the house just in case, because 10 years ago, water also ran in off the street.”

Ms. Beninato continued, “I have known Ms. Brennan to misrepresent law to the H-Board and now she is misrepresenting facts that she has no actual basis for. I was the one that went out there on August 24 and pulled the leaves off the drain. I know that that drain wasn’t taking any water down it. To tell me that that water didn’t come off the street is an absolute lie and is, I’m sorry, but it’s just B.S. And I’m asking that the City think about one of the two options that was discussed in October with David Catanach and that they budgeted in now, was while you were doing the budget process. I cannot have more water come off of the street and keep coming into my house. I’ve had probably \$35,000 worth of loss, including the \$8,000 that I had to put my house back together. Thank you. I would appreciate if you would direct Mr. Romero to speak to me about it.”

Sagemaya Dandhi, 1492 Upper Canyon Road, said he is here regarding an incident in the City, and the policies that I heard iterated that night. Mr. Dandhi said, “On April 5, 2010, I went in front of City Manager Romero, Chief of Police Eric Wheeler, Deputy Chief Abel Anaya, City Attorney representative Kelley Brennan and Pat Alano from Animal Control. I have [inaudible] down the State law of New Mexico Statutes 28-11-05, which say if an unrestrained dog comes up to a service dog, it is a high misdemeanor. I was informed by Kelley Brennan at that meeting, that the City, after about 45 minutes, it started at 10:30 and went to 11:15, that they were not going to enforce service dog laws. In dealing with the ADA Coordinator Joe Lujan, he said he only deals with Title III. That is totally unacceptable. According to this dialogue, the City of Santa Fe has indicted themselves for damages for all service people [dogs?], and I petition this Council now, to have a meeting where all the people who have service dogs to come in. And I expect to see some change in the enforcement of our law. It is unique in the law, regarding service dogs, it says when state, federal and local laws conflict, the law which is most accommodating to the person with a disability takes precedence. It can be local, state, it can be federal, but I expect to see some action. If it happened yesterday, it wouldn’t be soon enough. Thank you.”

G. APPOINTMENTS

Airport Advisory Board

Mayor Pro-Tem Wurzbarger, on behalf of Mayor Coss, made the following appointment to the Airport Advisory Board:

Carolyn Cook, Chair – Reappointment – term ending 02/2015.

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

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Transit Advisory Board

Mayor Pro-Tem Wurzbarger, on behalf of Mayor Coss, made the following appointments to the Transit Advisory Board:

Colin Messer (At-Large) – reappointment – term ending 03/2014; and
Jim Bradburry (Convention & Visitors Bureau/Tourism) – Reappointment – term ending 03/2014.

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

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Human Services Committee

Mayor Pro-Tem Wurzbarger, on behalf of Mayor Coss, made the following appointment to the Human Services Committee:

Richard Tavares – term ending 03/2014.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve this appointment.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Buckman Direct Diversion Board

Mayor Pro-Tem Wurzburger, on behalf of Mayor Coss, made the following appointment to the Buckman Direct Diversion Board:

Councilor Wurzburger, Alternate.

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

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzburger voting in favor of the motion and none voting against.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM MONTE CIRCLE PARTNERS, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #0186 FROM PETROLEUM WHOLESALE, LP, D/B/A SUNMART 678, 1421 SOUTH MAIN STREET, LORDSBURG, NEW MEXICO, TO MONTE CIRCLE PARTNERS, LLC, D/B/A STATS SPORTS BAR & NIGHTLIFE, 135 WEST PALACE AVENUE, SUITES 202, 203 AND 300. (YOLANDA Y VIGIL)**

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

Public Hearing

Mayor Pro-Tem Wurzburger gave each person two minutes to speak to the issue.

Stefanie Beninato was sworn. Ms. Beninato said, "I guess I'm the only person who has persistence to come here and keep speaking against the expansion of alcohol use in our town. Again, this is a license from Lordsburg that's being transferred up here, and I think that Mr. Bonal has something to do with this project. You would think that he is making enough money off liquor that we don't have to have yet another bar downtown. And again, when we've been talking about this, particularly in terms of how many Allsup's there are that sell alcohol, etc., there was some kind of discussion about having an alcohol plan in this town to say in every part of town there can be only so many bars in so many blocks, and so many stores selling alcohol, etc., that there would be a rational basis for that. I know at some point, Ms. Wurzburger, that you were interested in trying to develop that plan. It didn't go anywhere. I'm asking that you reconsider that and that you reconsider this proliferation of alcohol use in downtown. It seems that we have enough bars down there and that one more is just going to add to our DWI rate. And again, we had 3

accidents just this past weekend that involved DWI, and again I'm asking you to think about that as you keep approving more and more liquor licenses in town. Thank you."

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the request by Monte Circle Partners, LLC, for a transfer of ownership and location of Dispenser License #0186, from Petroleum Wholesale, LP, d/b/a Sunmart 678, 1421 South Main Street, Lordsburg, New Mexico to Monte Circle Partners, LLC, d/b/a Stats Sports Bar & Nightlife, 135 West Palace Avenue, Suites 202, 203 and 300.

DISCUSSION: Councilor Bushee said there is a Presbyterian Church across from the Convention Center, and asked if that doesn't apply.

Ms. Vigil said this business is 420 feet away from the Presbyterian Church, and this location is not within 300 feet of a church or school.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

2) CONSIDERATION OF BILL NO. 2012-9: ADOPTION OF ORDINANCE NO. 2012-15 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 6-10.3 SFCC 1987, RELATING TO THE STAFF DESIGNATION FOR THE CHILDREN AND YOUTH COMMISSION (COUNCILOR TRUJILLO). (TERRIE RODRIGUEZ)

The staff report was given by Isaac Pino. Mr. Pino said the change is on packet page 3 and it changes the word "Youth Planner," to "Youth Professional." He said this change will give greater latitude in hiring a position that can accommodate all of the functions of the Youth Commission, but also provide a level of supervision to the Youth staff at Monica Roybal and Carlos Ortega Centers. He said we are expanding the scope of work of the position, but we will continue to offer the same level of service as in the past to the Commission. He said he is unsure how the staff definition came to be included in the Ordinance, but "planner" is quite limiting now, and the reason they want to change it to "professional."

Public Hearing

There was no one speaking for or against this Ordinance.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to adopt Ordinance No. 2012-15.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2012-10: ADOPTION OF ORDINANCE NO. 2012-16 (COUNCILOR CALVERT, COUNCILOR ROMERO, COUNCILOR TRUJILLO, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). AN ORDINANCE ADOPTING THE 2012 PROCUREMENT CODE PURSUANT TO ARTICLE IX, SECTION 9.02 OF THE SANTA FE MUNICIPAL CHARTER AND ARTICLE 11-13 SFCC 1987. (ROBERT RODARTE)**

The staff report was given by Robert Rodarte. He said the main goal is to make every effort to keep the local businesses employed during this time and this is done at the direction of the Governing Body.

Councilor Bushee asked, "Just for the record are there any other possible amendments to the Procurement Code that you have looked at that you could employ to make our business stay more local."

Mr. Rodarte said, "The biggest impact right now, before we move on to other ideas, is to get this local preference approval for the outside contractors to use out local subs. That's the main goal right now. I think that will have one of the major impacts in comparison to anything new to be brought up at this point."

Councilor Bushee asked about the veterans preference.

Mr. Rodarte said, "We're following basically a lot of the national guidelines. The veterans preference is being modified to reflect their language in there. The local preference will still have a better impact for them if they are from here, versus the standard veterans preference."

Councilor Bushee asked, with regard to her amendment, how we are "purporting to track something like that."

Mr. Rodarte asked, "For the local preference."

Councilor Bushee said, "Yes, or for the jobs generated locally."

Mr. Rodarte said, "What will be interesting, as we build our new website, is we have a lot of the language in there that our locals will be required to fill in that will give us the opportunity to have a pre-qualified group of local, certified companies, and we'll be able to have that tracking information on there. So at least, by approving them, we'll have them on record as being on our pre-authorized list. And once contracts are awarded to the outside vendors, even our locals, we'll be able to track all that right through there."

Councilor Bushee said, "I would then just like to pose a question to Legal and to your office. You know, we have a lot of developments that come through. We have recently, most recently in my memory, is the Hilton suggesting they were going to infuse \$9 million into the economy and those jobs. They didn't say they would be local, but I would like to find a way to require a similar kind of effort to try to make it be that the jobs are paying for a percentage or something. I would like how we could do something like that."

Mayor Pro-Tem Wurzbarger said, "Point of information Councilor. This is in quality of life in looking at this, so it would be great if you would come and roll up your sleeves and help us figure out what the policy options might be on that."

Councilor Bushee said, "Let me just let Legal respond as far as... I brought it up that evening and I'll continue to bring it up, but I'd like to know if there is a way to build it into our procurement process that when somebody is making a very overt suggestion that they are going to deliver on a certain thing. Sometimes it's in the case of a rezoning. Sometimes it's in the case of an appeal. I'm just trying to get to the point where we can actually keep track of those jobs and see if they're local and see where the dollars are going. So I'm inviting both offices to investigate that and I would actually like that to happen with a response back to me."

Councilor Dominguez said his question is similar to Councilor Bushee's. He said he wants to know how we will measure this, and whether we should legislate that that information should come back to the Council on an annual basis, noting there is nothing in the legislation which requires an annual review. He doesn't necessarily want to legislate that, but he wants this information tracked and to see is annually.

Councilor Wurzbarger said this is a priority for her, and this report will be made monthly to the Public Works Committee, so we know what has happened, particularly with respect to the bond money, and those minutes can be shared with the other Councilors and the public.

Councilor Dominguez said, "In terms of economic development, and this is a comment to Robert, I want to be able to know those economic dollars and what it means to the City of Santa Fe, so not just in terms of the numbers of jobs we are creating in the City, but really what those mean in economic development terms. Again, I don't want to have to legislate that. I just want to make sure that, at least for the next 2 years, we get that information on a regular basis."

Councilor Rivera asked, "Robert, I'm not sure it's in here, but assuming this passes, is there a way to make sure that businesses don't come and set up a small office here in Santa Fe just to qualify for the local preference."

Mr. Rodarte said, "We have that language already, and if this passes, the organization that is applying for local preference must have been here and established for one year before they can apply. So if they see a bid is coming up in two weeks or whatever, they can't come in here and rent a spot and come in here. And there's a lot of language that is in place already. This must be their corporate office, their payroll is here, this is where they operate out of. So, if you had a firm out of California that has a subsidiary here, and we have plenty of those around here, this is not their corporate office. This is not their center of business, and we have that [language] in place already."

Councilor Rivera asked if they have someone in their office who will police or verify this.

Mr. Rodarte said, "Yes we do. In fact, the pre-qualification process is going to be the first step now on all bids. When a bid is going to go out, if a company wants to use one of our local contractors, that is authorized as a local sub-contractor of the City, when we send out a bid, it's going to be pre-qualifications first, to be publicly advertised. They can select who they are going to use. We will screen all of the local companies that they have selected before we give them the approval to move forward on the actual bid that will come. So, there is a two-step process now, and it's going to eliminate a lot of things that you're bringing up there."

Public Hearing

Stefanie Beninato said, "I just want to comment on this Procurement Code generally. It seems to me that this is just applying for City bids, but it doesn't apply to the Hilton situation. And it seems that those who were on the Council that voted for over-riding the Historic Board's rejection of the Hilton's changes, were sucked-in by the \$9 million that was supposedly was going to be generated into the economy. I can tell you that generally, on construction projects, they are always advertising who is doing the construction, and that there were no such signs at the Hilton, because when you did actually find any vans or trucks with a sign on them, they were, for the most part, Albuquerque companies, not Santa Fe companies. There was one electrician who was a Santa Fe company, so that \$9 million dollars didn't, in terms of wages, did not stay in Santa Fe. It went to Albuquerque. And I'm hoping at some point, as Ms. Bushee and Councilor Dominguez have said, that you'll be able to track some of these other projects, and if you do make it conditional, such as in an appeal, that you'll be able to do that and you'll be able to track that, so that there really is a benefit to the community, and that there aren't just an office here, and they have to have their corporate office here. I think that's a really good provision and I do hope that is strongly and consistently enforced. Thank you."

The Public Hearing was closed

Councilor Calvert thanked Robert Rodarte and the City Attorney's Office for their work on this change, and said "I think they worked well together and came up with a good piece of legislation, and I look forward to retaining more of our business locally."

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to adopt Ordinance No. 2012-16, with the amendments in the packet.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2012-1 ADOPTION OF ORDINANCE NO. 2012-17 (COUNCILOR CALVERT). AN ORDINANCE AMENDING RULE 8A OF EXHIBIT A OF CHAPTER 22, SFCC 1987, SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO CHANGE THE MONTHLY USAGE FEE FOR RESIDENTIAL MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S SEWER SYSTEM THAT ARE NOT CONNECTED TO CITY WATER BASED ON THE CHANGE TO THE AVERAGE WINTER CONSUMPTION FROM 6,700 GALLONS TO 3,600 GALLONS. (BRYAN ROMERO)**

The staff report was presented by Bryan Romero, noting this Ordinance changes the way the City charges people who are on wells who use the City's sewer system, noting it was based on 6,700 gallons previously. However, with the conservation data they have received, it is more like 3,600 gallons. He said this charge is only on the variable rate, and this would allow us to charge the people based on the best data we have for their consumption.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to adopt Ordinance No. 2012-17.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining her vote: Councilor Wurzbarger said, "Yes. And I would like to thank Councilor Calvert for bird-dogging this. We had a lot of input on this issue over a year ago. Thank you. This is important. Thank you Bryan."

- 5) **CASE #2011-136. JOHN MUIR AMENDMENT TO RAILYARD MASTER PLAN. FRANK COPPLER, APPLICANT, REQUESTS AN AMENDMENT TO THE RAILYARD MASTER PLAN TO DEVELOP SURFACE PARKING ON LEASE LOT L, THE JOHN MUIR BUILDING. THE PROPERTY IS IN THE RAILYARD REDEVELOPMENT SUBDISTRICT OF THE BCD (BUSINESS CAPITOL DISTRICT) AND LOCATED IN THE NORTH RAILYARD OFF ALCALDESA STREET, BETWEEN GROSS KELLY WAREHOUSE AND THE TRAIN TRACKS. (WILLIAM LAMBOY) (Postponed to March 28, 2012 City Council Meeting)**

A Memorandum prepared March 1, 2012, for the March 14, 2012 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

A copy of *MUIR BUILDING PARKING*, entered for the record by William Lamboy, is incorporated herewith to these minutes as Exhibit "11."

A copy of a letter dated March 12, 2012, to Mayor David Coss, Councilor Patti Bushee and Councilor Chris Calvert, from David A. Barker, Owner, Gross Kelly Warehouse, stamped "Received Mayor's Office March 20, 2012, and Received Land Use Department, March 27, 2012, entered for the record by staff, is incorporated herewith to these minutes as Exhibit "12."

A copy of a letter dated March 12, 2012, to Mayor David Coss, Councilor Patti Bushee and Councilor Chris Calvert, from David A. Barker, Owner, Gross Kelly Warehouse, entered for the record by Frank Coppler, [which does not bear the stamp of the Land Use Office nor the Mayor's Office] is incorporated herewith to these minutes as Exhibit "13."

A copy of an email dated March 28, 2012, to fcoppler@coppler.com, from Amy Parish, entered for the record by Frank Coppler, is incorporated herewith to these minutes as Exhibit "14."

A copy of two maps of the Railyard demonstrated the proposed parking in this case, submitted for the record by Richard Czoski, are incorporated collectively herewith to these minutes as Exhibit "15."

The staff report was presented by William Lamboy. Please see Exhibit "10" for the specifics of this presentation.

Public Hearing

Presentation by the Railyard

Mayor Pro-Tem Wurzbarger gave Mr. Czoski 5 minutes to make his presentation.

Mr. Zamora said, "Because Mr. Czoski is not staff, but a witness on behalf of the City, he'll be sworn in."

Richard Czoski, Executive Director, Santa Fe Railyard Community Corporation, was sworn. Mr. Czoski presented information using two maps via the overhead [Exhibit "15"]. Please see Exhibit "15" for these maps. Mr. Czoski said, "As Mr. Lamboy said, the Railyard Corporation did consider this matter and it did go to BCD and in both cases it was opposed. Critical to the Railyard is the concept of shared parking for the Railyard. That was a precept that was there in the beginning when the Railyard was put together. All the tenants who lease space in the Railyard, agree to comply with that. In fact, it's in the lease for the Muir parcel and we have serious concerns that if this amendment is approved for this particular parcel, that it will create a very negative precedent for the rest of the project. And I was going to show you a graphic."

Mr. Czoski continued, "This is the way the Railyard looks today. The black areas are surface parking. We have 500 surface spaces on the Railyard. The orange areas are areas that if this amendment is approved this evening, are subject to become surface parking. It basically would open it up to any tenant who has any open space to be able to park on their parcel. It would then look like that. As you can see, the area becomes more than ½ black that would be surface parking. That's one of the major reasons we oppose this."

Mr. Czoski continued, "The area that is surrounding the Muir parcel is one of the most intense pedestrian areas in the Railyard. It's right across the street from the water tower, the plaza where Farmer's Market sells, where many many events are held. We have a concern about the additional traffic that this would cause. In addition, the proposal would discourage use of the underground parking garage. There are 400 spaces in that underground parking garage, and Parking Division and our group has worked very hard to educate the public to actually use that garage. And we're making progress, albeit, slow, but we're making progress toward that."

Mr. Czoski continued, "The major concept of the Railyard is that it would be a pedestrian friendly environment. We propose that the development of any additional surface parking will undermine and erode that very important concept in the master plan. So I stand for questions, if there are any."

Presentation by the Applicant

Mayor Pro-Tem gave Mr. Coppler 5 minutes for his presentation.

Frank Coppler, owner of the John Muir property, was sworn. Mr. Coppler presented two letters for the record [Exhibits "13," and "14," respectively].

Chair Wurzburger said Mr. Zamora first needs to look at the letters to see that we can receive them.

Mr. Zamora said, "I may need a moment to think through on this. One of the letters, the March 12th letter from Gross Kelly Warehouse, was properly provided to the Land Use Department prior to today's meeting and has come to you through the Land Use Department. I would like to spend a little bit more time looking at the second letter of correspondence. The difficulty Mr. Coppler is that as you see, the folks behind you, who present testimony for the Council to consider, do so under sworn circumstances, and so we've required, as a practice, that letters that don't come in through the Land Use process must somehow be sworn. So, if you'll give me a minute to review the second one."

Mayor Pro-Tem Wurzburger asked if Mr. Coppler can proceed with his presentation while Mr. Zamora reviews the letter, and Mr. Zamora said yes.

Mr. Coppler said, "Just to give you a little background. We purchased this property in 2008, at a time when the real estate market was at the very top, and we don't blame anybody for that mistake except for ourselves. The second point I'd like to make is that we're not here asking for financial assistance, or any other pecuniary assistance from the City in order to maintain our business at the John Muir. What we are asking for is some temporary relief from the situation we find ourselves in. And that is, the Railyard is basically empty throughout the week. If you don't believe me, go down and walk around."

Mr. Coppler continued, "One of the letters that the City Attorney has looked at, is already in your packet, is from David Barker [Exhibit "12"]. And David Barker owns the property right next to us, and what David Barker says is that he is in favor of a temporary arrangement, whereby we can have some temporary surface parking at the John Muir Building. I have spoken to my neighbor immediately west in a small retail shop at the Railyard, and tells me she is in favor of any temporary solution that will bring more people into the Railyard during the daytime. And she tells me that it is impossible for her to attract sufficient customers currently to go to the underground parking lot and then browse to her business during the week. And if there was some parking available in that area, that would help her business."

Mr. Coppler continued, "Currently, our situation is that, and again this is our mistake, I'm not trying to push this on the City. I'm not blaming the City. But we are currently suffering about a \$3,000 a month, I'm sorry, a \$2,500 a month deficit between what we pay the City in ground lease, which is \$3,000 a month, and what we collect from our tenants. And we have been actively marketing our property throughout the community and we have not been able to get anyone interested in moving into our building, except people who say that it's critical that 'we have surface parking, some surface parking at the building'."

Mr. Coppler continued, "Now, let me say, with regard to Mr. Czoski's comments about a slippery slope if we allow these folks some surface parking, even if it's temporary. The slippery slope means that all of those areas will turn black. That's a horrifying thought. I would hate to see all black areas in the Railyard. I want to see green and red and the other colors of the rainbow. We don't believe that's true. What we're talking about is some sort of temporary arrangement where we can get some surface parking and are able to attract some retail tenants who will be in a position to pay rentals sufficient that we can improve the building, improve the surrounding areas and make it more attractive for everyone."

Mr. Coppler continued, "We understand the general plan. Our neighbors understand the general plan. We understand the plan to have parking limited. We understand this is supposed to be a pedestrian area. Unfortunately, the economic times are such that this just didn't happen. And all of you, I think, know the situation at the Railyard. It's not a good situation. It is not a good situation. Much of the properties are vacant, there are continuing crime and graffiti problems and transient problems at the Railyard, and we feel that if we could attract tenants to our property and have some parking that would allow people to come there and visit on a retail basis, that this would create more traffic flow into the Railyard during the day when the place is vacant, basically, and this would be a benefit to everyone. And Mr. Barker, our neighbor, and I see.... Mr. City Attorney have you approved handing out the other letter."

Mr. Zamora said, "Both of the handouts are for the Council to consider. One thing to keep in mind in your consideration on the second email that's there, one, because it's not an email to the Council, it's more an exhibit provided by the appellant, but to just keep in mind that these statements are not sworn statements and consider them accordingly."

Mr. Coppler said both letters are in support of his request and from his immediate neighbors to the west and the east.

Mr. Coppler said, "At the very least, we would like some direction by the Council to the staff, to sit down with us in a situation, we as the tenant, the City as the landlord, and negotiate something. That's what we would like."

Speaking to the request

All those speaking were sworn en masse

Rick Martinez [previously sworn] said the idea was for the Railyard to be pedestrian friendly, and adding more parking doesn't help that much. He said it is true that the economy is bad, but the economy didn't make us so lazy that we can't walk "businesses to businesses." He said making sure the current parking stays as is and supporting the underground parking is most important thing for the Railyard right now. He hopes the Council rejects the request.

Devon Ross, member, Railyard Board of Directors [previously sworn], said there is one important intent of the Railyard master plan which is that parking code requirements do not apply to parcels on the Railyard, given that there is ample parking available in designated surface and underground areas. He said this allows each parcel to be fully utilized for business and/or programmatic purposes, which in turn means more activity potential for both Railyard tenants and visitors. He said allowing parking on leased parcels would undermine this intent in the master plan, and undermine years of effort by the City and the Railyard Corporation to encourage the use of designated parking areas.

Ouida MacGregor, member, Railyard Board of Directors [previously sworn], said the Santa Fe Railyard Corporation wants its tenants to succeed so the Railyard will flourish. She said, "While we have assisted several tenants in various ways during this economic downturn, we have always upheld the master plan and our commitment to the community and its citizens. The Railyard was designed as a pedestrian, people oriented, public space, not a mall surrounded by parking. Mr. Coppler and his partners were fully of their shared parking requirements when they purchased the John Muir Building. The amendment request before you is an amendment to the master plan and it would be a permanent solution to a temporary problem. It asks that we on the Board, and you on the Council, set this dangerous precedent and abandon the vision. Moreover, it would undermine the other 14 tenants who signed their lease exactly because it was a pedestrian-shared parking."

Ms. MacGregor continued, "Judy Collins, some of you are old enough to remember her, warned us that 'You don't know what you've got until it's gone.' So let's not pave paradise and put in a parking lot."

Jacques Paisner, member, Railyard Board of Directors [previously sworn], said the entire downtown area is served by City parking garages and street parking. He said, "I just want to say it's important to me that it remain a pedestrian area. Thank you very much."

Stefanie Beninato [previously sworn], said, "I'm not a member of the Railyard Board, however, I am asking that you support denial of this amendment. Again, I think that the lessees entered into this lease knowing of the restrictions. And Mr. Coppler, a former City Attorney and well known attorney, should know he's entering into a lease for this time period, maybe in perpetuity. And there is certainly surface parking close by and in fact, I find it ironic that Barker will be supporting this, because Barker already has surface parking that's reserved for Barker. Again, it is a slippery slope, because if you do it for one lessee,

if other one's want it, what would be the rationale not to do it. And again, it's not a temporary solution, it's an amendment to the plan. It would require you to delete that amendment at some time in the future. I use the railyard actually a lot. I run through there. I walk over there. I like it that's it's pedestrian friendly. I think there is adequate parking, and I don't think having parking in front of a particular building is necessarily going to bring more people into the Railyard. I think what needs to happen is a concerted effort by public and private interests to advertise the Railyard more heavily to get people over there, and it's certainly not going to bring more people in the middle of the day. I would suggest that Santa Fe Ride would not be so obvious and available, and maybe people would actually spend more time in the Railyard, rather than being here, get on the bus, and we'll take you to the Plaza. And I think that is one of the ways people could be encouraged to stay in the Railyard is, again, to not make transportation out of the Railyard such an obvious and easy thing. So again, I'm in opposition to the amendment. I hope you will uphold the other boards' rejection of the amendment and keep it a pedestrian friendly place. Thank you."

Donald Meyer, Vice-Chair, Railyard Board of Directors [previously sworn], congratulated the three new Councilors, and said, "Patti, welcome back." He said, "I'm here in two capacities tonight. First, our Chair, Steve Robinson is not able to be here tonight, but he's passed along some comments he's asked us to present to the Council, and they are as follows and I quote:

'I deeply regret that I am unable to be here to oppose this issue before you. I believe it is, in fact, a proposed master plan amendment. It is proposed master plan desecration. It will tear apart the very fabric of that document. It will destroy the essential character of the Railyard. It asks you to throw away the master plan, the City agreement publicly approved by thousands of Santa Feans. We use the master plan, as constructively amended, every day, to ensure the implementation of the expressed public will.'

Mr. Meyer continued, "That public will goes back 20 years or more, because I was involved in this for the past 20 years. And I also would like to add the following on my behalf. Allowing parking on individual parcels will reduce the revenue which should be received by the City to repay the debt incurred by the parking garage. At the present time, there are 900 spaces on the north railyard, which according to our traffic and parking studies, are sufficient for the fully developed project. And if this hasn't been fully developed at this point, there certainly is enough surface parking in other areas for people to be able to park. This request is... it is our opinion that this request be denied and the integrity of the project upheld. Thank you."

Robert "Bob" Dunn, member, Railyard Board of Directors [previously sworn], welcomed the new Councilors. He said, "I'm here for a very important reason. I think it bears a little history, going back almost 20 years, when that 50 acres was passed by the City Council, led by Mayor Debbie Jaramillo, and one of her legacies for sure, not to have it be bought and owned and run by big national chains, you know, Rodeo Drive and Beverly Hills type of thing. We didn't want that. And so we had incredible input for years, for 6 years, from every population segment of this entire City, took part in planning this master plan. It

wasn't just a few people here and there that went before the City Council. It was a very very highly involved process where got to speak and had their input. It took years to do that." He said many people just wanted to leave it as grassland. He has been on the Railyard Board for 20 years, and admires what has been done. He believes in the project which is pedestrian-friendly, not auto-friendly. He can't imagine autos buzzing around in that whole area. He said, "It blows my mind. I can't even believe Mr. Coppler would suggest such a thing, and to suggest that it would be a temporary situation... we all know what that means. Temporary always turns into permanent. And I think it would be almost criminal if we pass this amendment. I am totally, 100% for denial of this amendment and think it's very important. Don't forget, City Councilors, that the garage is a great revenue producer for the City. Thank you very much."

Dr. Stephen Easley, member, Railyard Board of Directors [previously sworn], said he would echo the comments made previously by his colleagues on the Board, commenting they have done a good job of laying out the case. He said, "The bottom line is the master plan is a covenant. It's a covenant between the City of Santa Fe and the people of Santa Fe, and the people in all the neighborhoods of Santa Fe, to do what they want to do and have their wishes respected. I've been on the Board for almost 9 years, and we have labored mightily to respect that covenant and to make sure the integrity of the master plan is upheld. It's not always easy, because we get a lot of people who would like to do things otherwise, including we've had many parking request to park on parcels and we've held the line against all of those, and we're here tonight to hold the line one more time against this request."

Dr. Easley continued, "On a more practical level, Mr. Coppler points out that there is not nearly so much traffic, people walking through the Railyard during the day, as we would all like. Correct. That also means its corollary is that there is a ton of parking available during the day. There's no shortage of a place to park your car. What we don't mention here, is a hidden topic everyone understands, that hasn't been brought out, which is that most people don't like paying for parking. I agree with that. I don't like paying for parking, and I'll wager none of you like paying for parking either, but it's a fact of life that we do need to pay for the parking there. So what we're really looking at is an urge to have free parking spaces, rather than there's not enough parking and that we should take away the green belt area, the pedestrian walking areas and turn them into more parking. What we're talking about is making free parking spaces for one tenant and that would be a very bad precedent to be set that we're going to have a difficult time resisting for the rest of our tenants."

Dr. Easley continued, "You will have noticed that tonight, I'm accompanied here by my friend, which owing to a bad case of aging knees, I occasionally need to use to motate around the City, especially given the state of some of our sidewalks and so forth. But I will tell you that even with this, I'm able to park in the Railyard and walk anywhere that I need to go with no difficulty whatsoever. So I honestly don't see the difficulty for people to come to the Railyard and park, and I'm going to visit the fine business in the John Muir Building. We're very happy about that, but I think we have sufficient surface parking and garage parking to handle things. I thank you for your time."

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to deny this request to amend the Railyard Master Plan to develop surface parking on Lease Lot L, the John Muir Building, and to adopt the Findings of Fact and Conclusions of Law as presented by staff.

DISCUSSION: Councilor Bushee said she understands Mr. Coppler's situation. She said, "However, I think more promotion... things are picking up, and I think he will have the opportunity for a good tenant without the need for the additional parking."

Councilor Bushee said, "The only other thing I would really ask, and it came up at the BCD DRC meeting, is that you consider making the property more presentable, that was raised with regard to the concrete barriers, and also just the general state of the property. And I would just hope that's something that is achievable soon."

CLARIFICATION OF THE MOTION: Councilor Calvert said part of the motion is that we would be adopting the Findings of Fact and Conclusion of Law from the BCD DRC as our own.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:30 p.m.

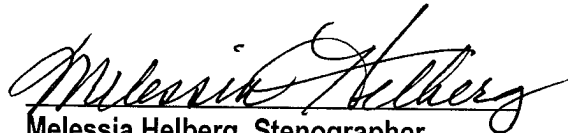
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer