



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 27, 2007
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 6/22/07 TIME 3:48 pm

SERVED BY _____

RECEIVED BY J. Dominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – June 13, 2007.
8. PRESENTATIONS
 - a) Tobacco Prevention Youth Group. (5 Minutes)
 - 1) Muchas Gracias – Tobacco Youth Advocate of the Year; Ryan Disch. (5 Minutes)
 - b) Muchas Gracias – Employees who participated in Bike to Work Week. (5 Minutes)
 - c) 2007 Small Business of the Year Awards: (Scott Beckman) (5 Minutes)
 - Cedar Mountain Solar – Boaz Soifer, Owner
 - Adobe Interlock – Timothy Halford, Owner
 - Advance Tax Services – Linda Ruckel, Owner
 - d) Plan to End Homelessness Report. (Kathy McCormick) (10 Minutes)
9. CONSENT CALENDAR
 - a) Request for Approval of Grant Award – Santa Fe Arts Commission Artworks Program and Santa Fe Poet Laureate Program; Witter Bynner Foundation for Poetry. (Sabrina Pratt)
 - b) Request for Approval of Grant Award – Santa Fe Arts Commission Artworks Program; McCune Foundation. (Sabrina Pratt)



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- c) Request for Approval of Grant Award – Community Arts Development Program; New Mexico Arts a Division of the Department of Cultural Affairs. (Debra Garcia y Griego)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- d) Request for Approval of Donation – Procurement of Mobile Trailers for Police Department; Dr. Simon H. Stertz. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase – General Fund Police.
- e) Request for Approval of Sole Source Procurement and Professional Services Agreement – Shelter Stray Animals; Santa Fe Animal Shelter. (Chief Eric Johnson)
- f) Request for Approval of Lease Agreement – Office Space for Animal Services Section at 100 Caja del Rio; Santa Fe Animal Shelter. (Chief Eric Johnson)
- g) Request for Approval of Sole Source Procurement and Professional Services Agreement – Accreditation Standards Services for Police Department; Nigel Bridger. (Chief Eric Johnson)
- h) Request for Approval of Professional Services Agreement – Classes for DWI Rehabilitation for Police Department; Kathleen Lawicki d/b/a Santa Fe DWI School. (Chief Eric Johnson)
- i) Request for Approval of Project Agreement – Selective Traffic Enforcement Program (S.T.E.P.) 100 Days and Nights of Summer; New Mexico Department of Transportation, Programs Division, Traffic Safety Bureau. (Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase – General Fund Police.
- j) Request for Approval of Amendment No. 2 to Professional Services Agreement – Economic Development Services; Museum of New Mexico Foundation Fiscal Agent for Santa Fe International Folk Art Marketing. (Scott Beckman)
- k) Request for Approval of Sole Source Procurement and Professional Services Agreement – Water Meter Testing and Repair for Water Division; Great Southwest Meters. (Gary Martinez)



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- l) Request for Approval of Sole Source Procurement and Professional Services Agreement – Evaluate Arsenic Compliance Strategies for Buckman Well Field for Water Division; Environmental Engineering & Technology, Inc. (Robert Gallegos)
- m) Request for Approval of Amendment No. 3 to Professional Services Agreement – Engineering Services at Santa Fe Municipal Airport; Molzen-Corbin & Associates. (Jim Montman)
- n) Request for Approval of Cooperative Agreement – Cerrillos Road/St. Michaels Drive/Osage Avenue Intersection Projects-Asphalt Milling & Inlay; New Mexico Department of Transportation. (Eric Martinez)
 - 1) Request for Approval of Budget Increase – Project Fund.
- o) Request for Approval of Sole Source Procurement and Professional Services and Construction Agreement – Road Improvements to Kachina Ridge Road; The Virginian-Designer/Builder, Inc. (Eric Martinez)
 - 1) Request for Approval of Budget Increase – Project Fund.
- p) Request for Approval of Change Order No. 1 – Additional Items Not Part of Original Bid for Fire Station #7 Emergency Access; A.S. Horner, Inc. (Peter Manzanares)
- q) Request for Approval of Refund to Wiles Enterprises for Prior Excess Contributions Pertaining to the Former Yucca Drive-In Property. (John Romero)
- r) Request for Approval of Procurement Under State Price Agreement – 2007 Paved Street Rehab Program – Replacement of Pavement Markings Traffic Paint and Vehicle Detector Loops; Bixby Electric, Inc., J-H Supply Company and 3M Company. (Michael Vargas)
 - 1) Request for Approval of Budget Transfer – Project Fund.
- s) Request for Approval of Amendment No. 1 to Professional Services Agreements – Special Projects per (SFHP) Ordinance to Assist in Administering the Santa Fe Homes Program (SFHP) Housing Opportunity Program (HOP); Homewise, Inc. and Santa Fe Community Housing Trust. (Kathy McCormick)



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- t) Request for Approval of Audit Contract – Financial and Compliance Audit Services (RFP #05/30/P); Moss Adams, LLP. (Teresita Garcia)
- u) Request for Approval of Procurement Under State Price Agreement – Two (2) Snow Plows and Two (2) Spreaders for Streets and Drainage Division; MCT Industries, Inc. (Robert Rodarte)
- v) Request for Approval of Procurement Under State Price Agreement – Automated Refuse Carts for Solid Waste Management Division; Toter, Inc. (Robert Rodarte)
- w) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Trujillo, Councilor Bushee, Councilor Heldmeyer, Councilor Ortiz, Councilor Dominguez and Councilor Calvert)
A Resolution Supporting the Naming of Field #2 at Franklin E. Miles Park in Honor of Charlie “The Greek” Griego. (Fabian Chavez)
- x) Request for Approval of 2007/2008, 2008/2009, 2009/2010 Collective Bargaining Agreement/Pay Plan and all Related Budget Adjustments; Police Officer’s Association. (Galen Buller)
- y) Request for Approval to Publish Notice of Public Hearing on July 25, 2007:
 - 1) Bill No. 2007-27 – An Ordinance Creating a New Section 7-15 SFCC 1987 Requiring the Position of Home Energy Rating Scores for all New Residential Units. (Councilor Calvert, Councilor Dominguez and Councilor Wurzbarger) (Jack Hiatt)
 - 2) Bill No. 2007-28 – An Ordinance Amending Table 14-6.1-1 and Sections 14-6.2(D)(2) and (3) SFCC 1987 Regarding Where and Under What Conditions Individual Storage Areas and Mini Storage are Permitted. (Councilor Dominguez) (Jack Hiatt)
 - 3) Bill No. 2007-30 – An Ordinance Dissolving the Citizens’ Police Incident Review Board so that Article 6-15 SFCC 1987 and Sections 6-15.1 SFCC 1987 through 6-15.9 SFCC 1987 are Repealed. (Councilor Ortiz) (Jeanne Price)
 - 4) Bill No. 2007-31 – An Ordinance Dissolving the Grievance Review Board so that Article 6-8 SFCC 1987; Article 19-10 SFCC 1987; and Sections 19-10.1 SFCC 1987 Through 19-10.3 SFCC 1987 are Repealed. (Councilor Ortiz) (Jeanne Price)



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- 5) Bill No. 2007-32 – An Ordinance Amending Article 10-7 SFCC 1987; Repealing the Integrated Pest Management Board as Directed by the Governing Body through Resolution No. 2007-33; and Making Such Other Changes as are Necessary. (Councilor Ortiz) (Jeanne Price)
- a) CONSIDERATION OF RESOLUTION NO. 2007-_____.
(Councilor Ortiz)
A Resolution Repealing Resolution No. 2004-74 Regarding the Integrated Pest Management Board. (Jeanne Price)
- z) Request for Approval of City of Santa Fe Investment Policy (Annual Review).
(Helene Hausman)
- aa) Request for Approval of Professional Services Agreement – Redesign and Build for City Website (RFP #07/43/P); Civic Plus. (Sevastian Gurule and Carla Lopez)
- a) Request for Approval of Budget Increase – Project Fund.
- bb) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz and Councilor Wurzbarger)
A Resolution Amending Resolution No. 2003-106 the Annual Water Budget Administrative Regulations and Procedures Regarding the Designation of Water Rights for Low Priced Dwelling Units. (Kathy McCormick)
- cc) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz and Councilor Wurzbarger)
A Resolution Designating Water Rights for Low Priced Dwelling Units and Public Amenities in the Northwest Quadrant and for the Low Priced Dwelling Unit Credit Pool. (Kathy McCormick)
- dd) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez, Mayor Coss, Councilor Dominguez, Councilor Trujillo, Councilor Heldmeyer, Councilor Bushee and Councilor Calvert)
A Resolution Directing Staff to Establish an Endowment Fund for the City of Santa Fe Public Library System. (Patricia Hodapp)
- ee) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz)
A Resolution Amending Resolution 2000-6 Regarding the Volunteer Noise Abatement Program at the Santa Fe Municipal Airport in Order to Delete any Reference to the Airport Community Association as Directed by the Governing Body Through Resolution No. 2007-33. (Jeanne Price)



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- ff) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz)
A Resolution Dissolving the Regional Culture, Arts and Tourism Advisory Board. (Jeanne Price)
- gg) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss)
A Resolution Adopting a New Organizational Chart for the City of Santa Fe. (Galen Buller)
- hh) Request for Approval of Amendment No. 2 to Professional Services Agreement – Stenographer Services; Denise Cox. (Yolanda Y. Vigil)
- ii) Request for Approval of Amendment No. 1 to Cooperative Project Agreement – Santa Fe Railyard Bikeways and Walkways Project; New Mexico Department of Transportation. (Frank Romero)
 - 1) Request for Approval of Budget Increase – Project Fund.
 - 2) Request for Approval of Advance for Grant Funding DOT 2008/2009 – ½% CIP GRT Fund.
- jj) Request for Approval of Rates for GCCC and Other Recreational Facilities. (Terrie Rodriguez)
- 10. CONSIDERATION OF RESOLUTION NO. 2007-_____
A Resolution Relating to a Request for Approval of Final Budget Adjustments for FY 2006/07. (Kathryn Raveling)
- 11. Request for Approval of Grant Easement – Fiber Optic Connection to City Hall; County of Santa Fe. (Joe Abeyta)
- 12. Request for Approval of Submittal of Annexation Petitions to Santa Fe Board of County Commissioners for Review and Comment Pursuant to Section 3-7-17(1)(B) NMSA 1978: (Greg Smith)
 - a) **Case #M 2007-14. Beaty South Annexation.** Jennifer Jenkins, agent for Building Services of Santa Fe Requests Annexation of 96.73± Acres of Land as Well as the Adjacent Richards Avenue Right-of-Way, for a Total of 99.28± Acres, Located West of Richards Avenue and South of Governor Miles Road.
 - b) **Case #M 2006-53. Old Las Vegas Highway Subdivision Annexation.** Jennifer Jenkins, Agent for Homewise, Inc. Requests Annexation of 15.35± Acres of Land Located to the East of Old Las Vegas Highway and South of Old Pecos Trail.



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13. MATTERS FROM THE CITY MANAGER

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Limited Personnel Matters Pursuant to §10-15-1 (H) (2) NMSA 1978 – Three Month Evaluation of City Manager.
- b) Discussion of Threatened Litigation Pursuant to §10-15-1 (H) (7) NMSA 1978.
- c) Discussion of Lease of Real Property Pursuant to §10-15-1 (H) (8) NMSA 1978.

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 Mula Blanca LLC for a Transfer of Ownership and Location of Dispenser License #230 from Philip J. Wolff, dba El Fidel Hotel, Douglas & Grand Avenue, Las Vegas, New Mexico to Mula Blanca LLC, 139 W. San Francisco Street. (Yolanda Y. Vigil)



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- 2) **Case # M 2006-25. Carlos Rey Studios Development Plan.** Jennifer Jenkins, Agent for Hays White LLC Requests Development Plan Approval for 14,400 Square Feet of General Commercial Use on +/- 0.894 Acres Located on the East Side of Camino Carlos Rey North of Cerrillos Road and South of the La Cieneguita Neighborhood. The Property is Zoned C-2-PUD (General Commercial Planned Unit Development) (Dan Esquibel) **(Postponed at the June 13, 2007 City Council Meeting)**
- 3) CONSIDERATION OF BILL NO. 2007-22: ADOPTION OF ORDINANCE NO. 2007-_____. (Mayor Coss, Councilor Calvert and Councilor Wurzbarger) An Ordinance Amending Section 6-16.1 SFCC 1987 Regarding the Membership Terms of the Ethics and Campaign Review Board and Amending Section 9-2.15 SFCC 1987 Regarding the Posting of Political Signs. (Frank Katz and Yolanda Y. Vigil)

H. ADJOURN

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

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

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

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SANTA FE CITY COUNCIL MEETING
June 27, 2007

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CONSENT CALENDAR LISTING		2-6
APPROVAL OF MINUTES: Reg. City Council Meeting – June 13, 2007	Approved	6
<u>PRESENTATIONS</u>		
TOBACCO PREVENTION YOUTH GROUP MUCHAS GRACIAS – TOBACCO YOUTH ADVOCATE OF THE YEAR; RYAN DISCH		7
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<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF 2007/2008, 2008/2009, 2009/2010 COLLECTIVE BARGAINING AGREEMENT/PAY PLAN AND ALL RELATED BUDGET ADJUSTMENTS; POLICE OFFICER'S ASSOCIATION	Approved	8-9

CITY COUNCIL MEETING
EXECUTIVE SESSION
June 27, 2007

The governing body of the City of Santa Fe met in an executive session duly called on June 27, 2007 beginning at 8:50 p.m.

The following items were discussed:

1) 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 Trujillo
Councilor Wurzbarger

ABSENT

Councilor Ortiz

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Jim Montman, Airport Manager

2) Lease of Real Property Pursuant to §10-15-1(H)(8) NMSA 1978.

PRESENT

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

ABSENT

Councilor Ortiz

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Jim Montman, Airport Manager

3) Limited Personnel Matters, Pursuant to §10-15-1(H)(2) NMSA 1978.

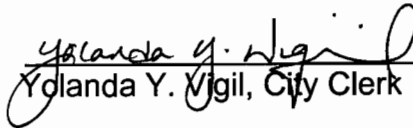
PRESENT

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

STAFF PRESENT

Galen Buller, City Manager (9:18 p.m. – 10:05 p.m.)
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk

There being no further business to discuss, the executive session adjourned at 10:05 p.m.



Yolanda Y. Vigil, City Clerk

ITEM	ACTION	PAGE #
<p>REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 25, 2007:</p> <p>BILL NO. 2007-30 – AN ORDINANCE DISSOLVING THE CITIZENS' POLICE INCIDENT REVIEW BOARD SO THAT ARTICLE 60-15 SFCC 1987 AND SECTIONS 6-15.1 SFCC 1987 THROUGH 6-15.9 SFCC 1987 ARE REPEALED</p>	Approved [condition]	9-10
<p>REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 25, 2007:</p> <p>BILL NO. 2007-31 – AN ORDINANCE DISSOLVING THE GRIEVANCE REVIEW BOARD SO THAT ARTICLE 6-8 SFCC 1987; ARTICLE 19-10 SFCC 1987; AND SECTIONS 19-10.1 SFCC 1987 THROUGH 19-10.3 SFCC 1987, ARE REPEALED</p>	Approved [condition]	10-11
<p>CONSIDERATION OF RESOLUTION NO. 2007- 55. A RESOLUTION DIRECTING STAFF TO ESTABLISH AN ENDOWMENT FUND FOR THE CITY OF SANTA FE PUBLIC LIBRARY SYSTEM</p>	Approved [amended]	11-15
<p>CONSIDERATION OF RESOLUTION NO. 2007-56. A RESOLUTION ADOPTING A NEW ORGANIZATIONAL CHART FOR THE CITY OF SANTA FE</p>	Approved	15-16
<p>CONSIDERATION OF RESOLUTION NO. 2007-57. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FINAL BUDGET ADJUSTMENTS FOR FY 2006/2007</p>	Approved	16-18
<p>REQUEST FOR GRANT OF EASEMENT – FIBER OPTIC CONNECTION TO CITY HALL; COUNTY OF SANTA FE</p>	Approved	18

ITEM	ACTION	PAGE #
REQUEST FOR APPROVAL OF SUBMITTAL OF ANNEXATION PETITIONS TO SANTA FE BOARD OF COUNTY COMMISSIONERS FOR REVIEW AND COMMENT PURSUANT TO SECTION 3-7-17(1)(B) NMSA 1978		
A. <u>CASE #M-2007-14. BEATY SOUTH ANNEXATION</u> JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE, REQUESTS ANNEXATION OF 96.73 ± ACRES OF LAND AS WELL AS THE ADJACENT RICHARDS AVENUE RIGHT-OF-WAY, FOR A TOTAL OF 99.28 ± ACRES. LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD	Approved	18-19
B. <u>CASE #M 2006-53. OLD LAS VEGAS HIGHWAY SUBDIVISION ANNEXATION.</u> JENNIFER JENKINS, AGENT FOR HOMEWISE, INC., REQUESTS ANNEXATION OF 15.35 ± ACRES OF LAND LOCATED TO THE EAST OF OLD LAS VEGAS HIGHWAY AND SOUTH OF OLD PECOS TRAIL.	Approved	18-19
<u>EVENING SESSION</u>		
ROLL CALL	Quorum	21
PETITIONS FROM THE FLOOR	Information	21-22
APPOINTMENTS		
Parks and Open Space Advisory Committee	Approved	22
400 th Anniversary Committee	Approved	22
Library Board	All approved	22-23
Planning Commission	Four approved	23-27
PUBLIC HEARINGS		
REQUEST FROM MULA BLANCA LLC FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #230 FROM PHILIP J. WOLFF D/B/A EL FIDEL HOTEL, DOUGLAS & GRAND AVENUE, LAS VEGAS, NEW MEXICO, TO MULA BLANCA LLC, 139 W. SAN FRANCISCO STREET		
	Approved	27-28

ITEM	ACTION	PAGE #
CASE #M-2006-25. CARLOS REY STUDIOS DEVELOPMENT PLAN. JENNIFER JENKINS, AGENT FOR HAYS WHITE, LLC, REQUESTS DEVELOPMENT PLAN APPROVAL FOR 14,400 SQUARE FEET OF GENERAL COMMERCIAL USE ON ± 0.894 ACRES, LOCATED ON THE EAST SIDE OF CAMINO CARLOS REY NORTH OF CERRILLOS ROAD AND SOUTH OF THE LA CIENEGUITA NEIGHBORHOOD. THE PROPERTY IS ZONED C-2-PUD (GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT)	Approved [amended]	28-35
CONSIDERATION OF BILL NO. 2007-22; ADOPTION OF ORDINANCE NO. 2007-____. AN ORDINANCE AMENDING SECTIONS 6-16-1 SFCC 1987, REGARDING THE MEMBERSHIP TERMS OF THE ETHICS AND CAMPAIGN REVIEW BOARD AND AMENDING SECTION 9-2.15 SFCC 1987, REGARDING THE POSTING OF POLITICAL SIGNS	Postponed to 07/11/2007	35-36
MATTERS FROM THE CITY MANAGER	None	36
MATTERS FROM THE CITY ATTORNEY		
EXECUTIVE SESSION	Approved	36-37
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 27, 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 June 27, 2007, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

5. APPROVAL OF AGENDA

Councilor Ortiz said with regard to items 9(bb) and (cc), in light of the public emails Councilors have received requesting a public hearing, and because we are going through the planning process, he would like to delete these items, but he will do this on consent.

Councilor Ortiz moved, seconded by Councilor Bushee, to approve the agenda as presented.

Discussion: Councilor Chavez said Item 12 says petitions, which is plural, but Items #12A and #12B are two separate petitions. After discussion, Councilor Chavez agreed the agenda is correct.

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

6. APPROVAL OF CONSENT CALENDAR

Councilor Ortiz would to postpone Items #9(bb) and (cc) to December 2007, so we can have a public hearing, in light of the multiple emails Councilors have received and the fact that this is still going through a public planning process. This will give time to get the master plan and to hear it at Finance and Public Works and to have a public hearing.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to postpone Items #9(bb) and (cc) to the Council meeting of December 2007, and that it be set as a public hearing. The motion to postpone was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbarger voting for the motion and none against.

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

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

Against: None.

- a) REQUEST FOR APPROVAL OF GRANT AWARD – SANTA FE ARTS COMMISSION ARTWORKS PROGRAM AND SANTA FE POET LAUREATE PROGRAM; WITTER BYNNER FOUNDATION FOR POETRY. (SABRINA PRATT)**
- b) REQUEST FOR APPROVAL OF GRANT AWARD – SANTA FE ARTS COMMISSION ARTWORKS PROGRAM; MCCUNE FOUNDATION. (SABRINA PRATT)**
- c) REQUEST FOR APPROVAL OF GRANT AWARD – COMMUNITY ARTS DEVELOPMENT PROGRAM; NEW MEXICO ARTS, A DIVISION OF THE DEPARTMENT OF CULTURAL AFFAIRS. (DEBRA GARCIA Y GRIEGO)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- d) REQUEST FOR APPROVAL OF DONATION – PROCUREMENT OF MOBILE TRAILERS FOR POLICE DEPARTMENT; DR. SIMON H. STERTZER. (CHIEF ERIC JOHNSON)**
- e) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS; SANTA FE ANIMAL SHELTER. (CHIEF ERIC JOHNSON)**
- f) REQUEST FOR APPROVAL OF LEASE AGREEMENT – OFFICE SPACE FOR ANIMAL SERVICES SECTION AT 100 CAJA DEL RIO; SANTA FE ANIMAL SHELTER. (CHIEF ERIC JOHNSON)**
- g) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – ACCREDITATION STANDARDS SERVICES FOR POLICE DEPARTMENT; NIGEL BRIDGER. (CHIEF ERIC JOHNSON)**

- h) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CLASSES FOR DWI REHABILITATION FOR POLICE DEPARTMENT; KATHLEEN LAWICKI D/B/A SANTA FE DWI SCHOOL. (CHIEF ERIC JOHNSON)**
- i) REQUEST FOR APPROVAL OF PROJECT AGREEMENT – SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (S.T.E.P.) 100 DAYS AND NIGHTS OF SUMMER; NEW MEXICO DEPARTMENT OF TRANSPORTATION, PROGRAMS DIVISION, TRAFFIC SAFETY BUREAU. (CHIEF ERIC JOHNSON)**

 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GENERAL FUND POLICE.**
- j) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ECONOMIC DEVELOPMENT SERVICES; MUSEUM OF NEW MEXICO FOUNDATION FISCAL AGENT FOR SANTA FE INTERNATIONAL FOLK ART MARKETING. (SCOTT BECKMAN)**
- k) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – WATER METER TESTING AND REPAIR FOR WATER DIVISION; GREAT SOUTHWEST METERS. (GARY MARTINEZ)**
- l) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – EVALUATE ARSENIC COMPLIANCE STRATEGIES FOR BUCKMAN WELL FIELD FOR WATER DIVISION; ENVIRONMENTAL ENGINEERING & TECHNOLOGY, INC. (ROBERT GALLEGOS)**
- m) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES AT SANTA FE MUNICIPAL AIRPORT; MOLZEN-CORBIN & ASSOCIATES. (JIM MONTMAN)**
- n) REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – CERRILLOS ROAD/ST. MICHAELS DRIVE/OSAGE AVENUE INTERSECTION PROJECTS – ASPHALT MILLING & INLAY; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ERIC MARTINEZ)**

 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND**
- o) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AND CONSTRUCTION AGREEMENT – ROAD IMPROVEMENTS TO KACHINA RIDGE ROAD; THE VIRGINIAN-DESIGNER/ BUILDER, INC. (ERIC MARTINEZ)**

- p) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – ADDITIONAL ITEMS NOT PART OF ORIGINAL BID FOR FIRE STATION #7 EMERGENCY ACCESS; A.S. HORNER, INC. (PETER MANZANARES)**
- q) **REQUEST FOR APPROVAL OF REFUND TO WILES ENTERPRISES FOR PRIOR EXCESS CONTRIBUTIONS PERTAINING TO THE FORMER YUCCA DRIVE-IN PROPERTY. (JOHN ROMERO)**
- r) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – 2007 PAVED STREET REHAB PROGRAM – REPLACEMENT OF PAVEMENT MARKINGS, TRAFFIC PAINT AND VEHICLE DETECTOR LOOPS; BIXBY ELECTRIC, INC., J-H SUPPLY COMPANY AND 3M COMPANY. (MICHAEL VARGAS)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER - PROJECT FUND**
- s) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENTS – SPECIAL PROJECTS PER (SFHP) ORDINANCE TO ASSIST IN ADMINISTERING THE SANTA FE HOMES PROGRAM (SFHP) HOUSING OPPORTUNITY PROGRAM (HOP); HOMEWISE, INC., AND SANTA FE COMMUNITY HOUSING TRUST. (KATHY MCCORMICK)**
- t) **REQUEST FOR APPROVAL OF AUDIT CONTRACT – FINANCIAL AND COMPLIANCE AUDIT SERVICES (RFP #05/30/P); MOSS ADAMS, LLP. (TERESITA GARCIA)**
- u) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) SNOW PLOWS AND TWO (2) SPREADERS FOR STREETS AND DRAINAGE DIVISION; MCT INDUSTRIES, INC. (ROBERT RODARTE)**
- v) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – AUTOMATED REFUSE CARTS FOR SOLID WASTE MANAGEMENT DIVISION; TOTER, INC. (ROBERT RODARTE)**
- w) **CONSIDERATION OF RESOLUTION NO. 2007- 52 (COUNCILOR TRUJILLO, COUNCILOR BUSHEE, COUNCILOR HELDMEYER, COUNCILOR ORTIZ, COUNCILOR DOMINGUEZ AND COUNCILOR CALVERT). A RESOLUTION SUPPORTING THE NAMING OF FIELD #2 AT FRANKLIN E. MILES PARK IN HONOR OF CHARLIE “THE GREEK” GRIEGO. (FABIAN CHAVEZ)**
- x) ***[Removed for discussion by Councilor Bushee]***
- y) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 25, 2007:**
 - 1) **BILL NO. 2007-27 – AN ORDINANCE CREATING A NEW SECTION 7-**

15 SFCC 1987 REQUIRING THE POSITION OF HOME ENERGY RATING SCORES FOR ALL NEW RESIDENTIAL UNITS (COUNCILOR CALVERT, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). (JACK HIATT)

- 2) BILL NO. 2007-28 – AN ORDINANCE AMENDING TABLE 14-6.1-1 AND SECTIONS 14-6.2(D)(2) AND (3) SFCC 1987, REGARDING WHERE AND UNDER WHAT CONDITIONS INDIVIDUAL STORAGE AREAS AND MINI STORAGE ARE PERMITTED (COUNCILOR DOMINGUEZ). (JACK HIATT)**
- 3) *[Removed for discussion by Councilor Bushee]***
- 4) *[Removed for discussion by Councilor Bushee]***
- 5) BILL NO. 2007-32 – AN ORDINANCE AMENDING ARTICLE 10-7 SFCC 1987; REPEALING THE INTEGRATED PEST MANAGEMENT BOARD AS DIRECTED BY THE GOVERNING BODY THROUGH RESOLUTION NO. 2007-33; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR ORTIZ). (JEANNE PRICE)**
 - a) CONSIDERATION OF RESOLUTION NO. 2007 ____ (COUNCILOR ORTIZ). A RESOLUTION REPEALING RESOLUTION NO. 2004-74 REGARDING THE INTEGRATED PEST MANAGEMENT BOARD. (JEANNE PRICE)**
 - z) REQUEST FOR APPROVAL OF CITY OF SANTA FE INVESTMENT POLICY (ANNUAL REVIEW). (HELENE HAUSMAN)**
 - aa) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – REDESIGN AND BUILD FOR CITY WEBSITE (RFP #07/43/P); CIVIC PLUS. (SEVASTIAN GURULE AND CARLA LOPEZ)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
 - bb) CONSIDERATION OF RESOLUTION NO. 2007-____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY MCCORMICK) (This item was postponed to December 2007)**

- cc) **CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). A RESOLUTION DESIGNATING WATER RIGHTS FOR LOW PRICED DWELLING UNITS AND PUBLIC AMENITIES IN THE NORTHWEST QUADRANT AND FOR THE LOW PRICED DWELLING UNIT CREDIT POOL. (KATHY MCCORMICK) (This item was postponed to December 2007)**
- dd) ***[Removed for discussion by Councilor Chavez]***
- ee) **CONSIDERATION OF RESOLUTION NO. 2007- 53 (COUNCILOR ORTIZ). A RESOLUTION AMENDING RESOLUTION 2000-6 REGARDING THE VOLUNTEER NOISE ABATEMENT PROGRAM AT THE SANTA FE MUNICIPAL AIRPORT IN ORDER TO DELETE ANY REFERENCE TO THE AIRPORT COMMUNITY ASSOCIATION AS DIRECTED BY THE GOVERNING BODY THROUGH RESOLUTION NO. 2007-33. (JEANNE PRICE)**
- ff) **CONSIDERATION OF RESOLUTION NO. 2007- 54 (COUNCILOR ORTIZ). A RESOLUTION DISSOLVING THE REGIONAL CULTURE, ARTS AND TOURISM ADVISORY BOARD. (JEANNE PRICE)**
- gg) ***[Removed for discussion by Councilor Heldmeyer]***
- hh) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – STENOGRAPHER SERVICES; DENISE COX. (YOLANDA Y. VIGIL)**
- ii) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO COOPERATIVE PROJECT AGREEMENT – SANTA FE RAILYARD BIKEWAYS AND WALKWAYS PROJECT; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (FRANK ROMERO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
 - 2) **REQUEST FOR APPROVAL OF ADVANCE FOR GRANT FUNDING DOT 2008/2009 – ½ % CIP GRT FUND.**
- jj) **REQUEST FOR APPROVAL OF RATES FOR GCCC AND OTHER RECREATIONAL FACILITIES. (TERRIE RODRIGUEZ)**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – JUNE 13, 2007.

Councilor Chavez moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of April 25, 2007, 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.

8. PRESENTATIONS

a) TOBACCO PREVENTION YOUTH GROUP.

1) MUCHAS GRACIAS – TOBACCO YOUTH ADVOCATE OF THE YEAR; RYAN DISCH.

Mayor Coss introduced Ryan Disch and the members of the Tobacco Prevention Youth Group and presented them with certificates, after reading a list of their accomplishments as the Tobacco Prevention Youth Group. He said Ryan Disch was named the Tobacco Youth Advocate of the Year, which is a statewide award. He thanked each of them for their work. Ryan Disch thanked the Council for their support and the members of the Group for their efforts.

b) MUCHAS GRACIAS – EMPLOYEES WHO PARTICIPATED IN BIKE TO WORK WEEK.

Mayor Coss thanked all the employees who participated, and Becky LoDolce for her efforts in organizing this effort, and presented everyone with muchas gracias certificates, noting Councilors Bushee and Calvert participated as well.

c) 2007 SMALL BUSINESS OF THE YEAR AWARDS: (SCOTT BECKMAN)

- **CEDAR MOUNTAIN SOLAR – BOAZ SOIFER, OWNER**
- **ADOBE INTERLOCK – TIMOTHY HALLFORD, OWNER**
- **ADVANCE TAX SERVICES – LINDA RUCKEL, OWNER**

Mayor Coss introduced those who won the awards this year, and gave a brief overview of the business, noting this is the second time Adobe Interlock has won an award. He said this is a project of the City of Santa Fe. This year there were 18 nominations, among which were long time as well as new businesses with bright futures. He thanked all those who applied and what they do to make it a good place to live.

Councilor Wurzbarger noted that all three winners are Santa Fe Incubator businesses.

Mayor Coss thanked Kevin Brown the graphics artist who developed the new award logo, Paul Glickman who designed the award trophy, Eledy Holmes of Liquid Light Studios who created the award trophies, and The Idea Group with Jim Glover and Marian Pratt who help staff this year's award program.

d) PLAN TO END HOMELESSNESS REPORT. (KATHY MCCORMICK)

A copy of the Plan to End Homelessness is incorporated herewith to these minutes as Exhibit "1."

Kathy McCormick presented information from the Plan [Exhibit "1."]. Ms. McCormick introduced the panel. She said the plan sets out the framework for ending homelessness within five years.

Hank Hughes, a member of the Task Force, thanked the Mayor for appointing the blue ribbon task force. Mr. Hughes gave a brief overview of the issues surrounding homelessness and said he truly believes it is possible to end homelessness in Santa Fe in five years.

Deborah Tang, St. Elizabeth's Shelter, a member of the Task Force, spoke about the plan, and said in five years there would be no homeless in Santa Fe, noting the improvements which are anticipated which are included in the Plan.

Julie Tambourine, a member of the Task Force, spoke about her experiences as a homeless person for almost a year. She said there are almost 1,000 people like her in Santa Fe, many disabled, many work, but all need a home. She wants to see no one left out in the cold. The Task Force will continue meeting after its work is done to ensure the success of the plan. She said Santa Fe will be the first City to end homelessness within five years. She thanked the Mayor for his courage in bringing this forward and the Council for its commitment to end homelessness.

Mayor Coss thanked the Task Force. He said although the cost to end homelessness is very high, we need to look at what it costs our economy and our law enforcement, the health care system, and the cost to our sense of who we are and want to be as a community. He looks forward to continuing to work with the Task Force, and commended them for doing this so quickly and bringing forth a very hopeful document.

CONSENT CALENDAR DISCUSSION

**9(x) REQUEST FOR APPROVAL OF 2007/2008, 2008/2009, 2009/2010
COLLECTIVE BARGAINING AGREEMENT/PAY PLAN AND ALL RELATED
BUDGET ADJUSTMENTS; POLICE OFFICER'S ASSOCIATION. (GALEN
BULLER)**

Councilor Bushee asked what the Finance Committee planned on doing with regard to the salaries of management employees.

Mayor Coss said this was addressed in the approval of the budget. A motion was passed detailing the pay levels for non-bargain, providing a 4% raise at a certain salary range, a 2% and then 0% above that for certain non union employees making above a certain amount. This is a request to approve the POA contract.

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

Discussion: Councilor Bushee said her concern deals with enticing some of the upper level staff with seniority not to leave, and hoped to address this adequately.

Councilor Heldmeyer said the raises passed apply to all but two of the Lieutenants and one of the Captains. There was some discussion at Finance in this regard. In terms of salaries for management, they are free to approach the City Manager at any time, and he was instructed to come back with any changes he thought were appropriate once he saw the overall picture. In terms of retention, this was briefly discussed, and the Chief and Union were instructed to approach the Committee with any necessary changes. If other changes are needed, instruction was given to the Union, management and the Chief to come forward.

Councilor Bushee noted there was discussion about negotiation of housing versus car costs, and she wants to ensure this doesn't mean we can't move forward with a master leasing agreement, and finding and/or prioritizing housing for first responders. She doesn't think of this as a negotiation technique. She understands we want them living in the community, but she doesn't want this to be a negotiation issue.

Councilor Heldmeyer said it is a non-economic issue, and in the contract it talks about the money they get for cars, so that part would have to be a negotiated issue. However, it was stated at the Finance Committee that it could be negotiated as a non-finance issue, independent of any programs we might have for housing.

Councilor Bushee wouldn't like this on the table for negotiation, because she understands that many officers like living in the community where they are established for now. However, it might be best to approach the new wave of officers in this regard. She doesn't want to take away an incentive if it is keeping employees here and we still need it.

Councilor Heldmeyer said there was no discussion about removing it, but there was a discussion of presenting an alternative for those who wished to consider it.

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(y) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 25, 2007:

(3) BILL NO. 2007-30 – AN ORDINANCE DISSOLVING THE CITIZENS' POLICE INCIDENT REVIEW BOARD SO THAT ARTICLE 60-15 SFCC 1987 AND SECTIONS 6-15.1 SFCC 1987 THROUGH 6-15.9 SFCC 1987 ARE REPEALED (COUNCILOR ORTIZ). (JEANNE PRICE)

Councilor Bushee asked if these went anywhere, noting there are no minutes, and she believes it merits more discussion.

Councilor Ortiz said this is a request to publish, and said he was going to suggest in the interim period it can go through the Committee process.

Councilor Bushee said it is her impression that when bills are introduced they go to Committee and then there is a request to publish, reiterating that she would like to have more discussion on these.

Councilor Bushee moved to postpone this item until it goes through the Committee process. The motion died for lack of a second.

Councilor Ortiz moved, seconded by Councilor Heldmeyer, to approve this request with the condition that staff take this item through the Committee process, in particular to Public Safety and Finance Committees, before we have a public hearing on this item.

Discussion: Mayor Coss commended Councilor Ortiz for his work to clean up these items.

Councilor Ortiz said all of the work has done by staff – Jeanne Price, Melissa Byers and Julie Berman – who have been responsible for doing the follow up on the original 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 Wurzbarger.

Against: Councilor Bushee.

9(y) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 25, 2007:

- 4) BILL NO. 2007-31 – AN ORDINANCE DISSOLVING THE GRIEVANCE REVIEW BOARD SO THAT ARTICLE 6-8 SFCC 1987; ARTICLE 19-10 SFCC 1987; AND SECTIONS 19-10.1 SFCC 1987 THROUGH 19-10.3 SFCC 1987, ARE REPEALED (COUNCILOR ORTIZ). (JEANNE PRICE)**

Councilor Bushee moved that this item be remanded back to the Finance Committee before it is adopted. The motion died for lack of a second.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to approve this request with the condition that this item go to the Public Safety and Finance Committees.

Discussion: Councilor Ortiz said he will be forwarding a list of questions on this item [9(y)(4)] which he would like to have answered at Finance.

Councilor Bushee wants the City Attorney's Office to respond in some way as to why we did this and why it didn't go to personnel, saying we can't undo a law by 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 Wurzbarger.

Against: Councilor Bushee.

9(dd) CONSIDERATION OF RESOLUTION NO. 2007- 55 (COUNCILOR CHAVEZ, MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, COUNCILOR HELDMEYER, COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO ESTABLISH AN ENDOWMENT FUND FOR THE CITY OF SANTA FE PUBLIC LIBRARY SYSTEM.

A copy of proposed Amendments to Resolution No. 2007-55, introduced by Councilor Chavez, is incorporated herewith to these minutes as Exhibit "2."

Councilor Chavez moved, seconded by Councilor Heldmeyer, to adopt Resolution No. 2007-55, as amended [Exhibit "2"].

Discussion: Councilor Chavez said the purpose of this Resolution is to set up a permanent endowment fund for the operation and maintenance of the new Southside Library which is about \$700,000 annually. The first contribution is from Dr. Herrera, and is a good start in the right direction. He thanked Dr. Herrera for understanding the situation at the Southside Library, and to allow us to use his donation to establish the permanent endowment fund. He said people are more comfortable knowing how their donation will be spent. The \$250,000 from Dr. Herrera was a request he made during the discussion on the approval of Wal-Mart about four years ago. He and the Library Board have been trying to be open and creative in securing the needed revenue for the O & M of the facility.

Councilor Chavez said there has been discussion about comparing this to the new Civic Center. The Civic Center has O & M in the budget for the facility, and we were very specific about where those funds came from. The then acting Director, Darlene Griego, and this Council were adamant about going back to the Legislature for another 1% so there would be funds for O & M for that facility. However, the Southside Library is a \$1.2 million project and we do not have the O & M identified in the budget.

Councilor Chavez thanked the Maloof family for also understanding the situation regarding the O & M for this facility. If that contribution was accepted, the idea was to include that contribution in the permanent endowment fund. The Library is in the fastest growing part of the City. Former Councilor Lopez did a Blue Ribbon task force to identify funding sources for that Library, but that didn't happen. He said it was identified that 40% of the patrons of that Library were County residents. The City also went to the County for funds, and to every source possible for funds. We are still waiting for an answer from the County.

Councilor Chavez wants to move forward with the endowment fund which is needed for the O & M of the Southside Library, or other sources of funds which can be dedicated for this purpose. He was disappointed with the action taken at the Public Works Committee, and for our inability to accept the Maloof donation to assist with O & M of the Library. He thanked all those who contributed funds for the Southside Library.

Councilor Ortiz said he chaired that Public Works Committee meeting because Chair Bushee was out of town. It was listed as public hearing, public comment was received and the Committee acted on what he believes to be a very wise and sage compromise, which was unanimously approved. There was proper notice. On the naming issue, and to quell what seems to be the misperception of the sponsor of the Resolution, the Committee was prepared to accept the check, but the money never came. He said they never received the money, so it was never rejected. He said he can say as Vice-Chair of Public Works, this was the action taken by the Committee.

Councilor Bushee said it is rare that an endowment fund is actually used to operate a facility, due to the growth in the future. She believes the City is still on the hook to find the O & M funds for this facility, and doesn't believe we can rely on an advisory "friends of the library situation" to generate those O & M funds. She said many of the Councilors were concerned when it was built that there would be a real issue to find operating funds. She wants to try to get away from operating the facility through an endowment fund, and we need to look at current or future revenue streams for O & M.

Councilor Bushee said with regard to the \$250,000 which was requested during the Super Wal-Mart discussions, she understood it was requested not from the Herreras, but from Wal-Mart.

Councilor Chavez said he remembers that night, noting he was accused by someone from the audience of taking a bribe. He asked Wal-Mart if it would consider setting up a permanent endowment fund, and we never heard anything from Wal-Mart. However, we did hear from Dr. Herrera who has come forward with a check for \$250,000. He agrees it isn't the best way to fund O & M, but he doesn't know what else to do.

Councilor Bushee suggested the Council appoint a team from staff to go back and look for a revenue stream from the City coffers to fund this. She believes it was wrong to ask the Friends of the Library or the Library Board to solicit funds, and this is the reason we're in this situation. This is a public facility and it needs to be funded with public funds, and not put this pressure on a voluntary advisory board. She hopes people will continue to be generous, but she believes this has been mishandled from the start.

Councilor Wurzbarger agreed it is the responsibility of the Council to do a plan.

Friendly amendment: Councilor Wurzbarger asked the maker, on the basis that this is a quality of life issue, to add an escape clause to No. 5 on page 2, so after a number of years we could do other things with the endowment.

Discussion on the proposed friendly amendment: Councilor Chavez noted this has been very specific, mostly focusing on the O & M of that facility.

Councilor Wurzburger said she would like language that would provide opportunities for the City to do something for the long term future, and this is specific advice from the Business & Quality of Life Committee, in particular Owen Lopez. It doesn't change the purpose, but provides that at some point, depending on the circumstances, there could be another use for the endowment fund.

Clarification that the motion includes Councilor Chavez's proposed amendments, and that the amendments address this concern, so the friendly amendment is not necessary. Councilor Chavez said this is captured on the amendment sheet, and stated that the motion also includes the amendments, and those amendments speak to her concern. Councilor Chavez then distributed copies of the proposed amendments [Exhibit "2."]. Councilor Wurzburger said she proposes that these amendments be accepted.

Councilor Chavez said it is sometimes wise to acknowledge the work a recommending body does, although we don't always agree with that advice. He said the compromise has added more confusion. He thinks this has helped to unravel the situation. He said perhaps we would have been more successful with more help from the Council, noting his name was the only one on that resolution. He appreciates the spirit of compromise, but in this case, he does not see that it really helped.

Councilor Trujillo said this passed the Public Works Committee unanimously. It was opened to public comment, and a public discussion was held. The public made its comments. He said it was the Maloofs who didn't pay the money. It just never had the chance to come to the Council because the funds were withdrawn.

Councilor Heldmeyer gave a brief history of the Santa Fe Library and the Friends of the Library, noting there is a long history of voluntary contributions – 130 years. She said institutions of all kinds use endowment funds, sometimes these are general, sometimes specialized. The whole idea is to put the money you get now to ensuring a future for an institution whatever it is. She said for the coming fiscal year, as well as the previous fiscal year, there is a revenue stream to pay for the O&M for this library. It may not be one which this Governing Body wants to use forever. If this is the case, then we need to have a discussion about what other revenue streams we will use from that. She said a large part of the ½% goes for the CIP bond issue, noting other small pieces go for O&M. She said we knew when we built the badly needed Southside Library it would be difficult to come up with O & M funds. She said Ms. Raveling presented several ideas, and there were ideas from an employee task force.

Councilor Heldmeyer said when this Governing Body approved the capital funds to build this library we discussed what was crucial to the mission of the Library on the South side, so the core of the library services were there. She said we knew this was an important service to provide to people on the South side, and compromises were made to get it built. She said it appears we are still confused about how the City will accept money and for what. She said the City Attorney's recent ruling is that money given to the City is tax deductible, which is a huge incentive. If the policy isn't clear, or we aren't following a clear policy, then we need to establish a clear policy and make sure we are following it. There has been some discussion about how to use donated funds, and the relationship between Friends of the Library and the City as well as between the City and other quasi 501(c)(3) organizations. All of this needs to be in the mix, because it isn't clear.

Councilor Heldmeyer said we can discuss this now, and by the time we have another budget, we will have a clear policy and can make this decision. She doesn't want to dis the volunteers who raised a lot of money, because this traditionally has been a part of the system. She said we wouldn't have had a library without those ladies in the 1870s who decided a library was more important than a jail.

Councilor Dominguez supports this proposal. He said he knows how important the library is to this part of the community. He said he called Councilor Chavez for advice with regard to this issue, and he told him it sounded like a good idea and something we should pursue. He said it was made as an amendment, and it wasn't his intention to turn away that opportunity and it was very well intended. He believes we should move forward and come up with creative ways to provide the service.

Councilor Bushee said no one dissed the volunteers, and believes she dissed the Governing Body for putting pressure on a volunteer, advisory group to provide O & M funds for the library into the future. She said we have a policy which need to be tested. She thinks it was wrong to approve a project and then rely on where to come up with the money somehow.

Councilor Chavez said in 1974 the Friends of Library was formed as a 501(c)(3) to raise funds to support the work of the Santa Fe Public Library. In 2004, the Legislature appropriated \$1.285 million for the construction of the Library. In 2005, the Friends raised funds to complete the building to provide furniture, fixtures, computers, books and programming. To date the Friends have raised over \$800,000 from the public, business, foundations and individuals, and an additional \$700,000 was appropriated by the Legislature for this purpose in 2006. He said the Friends have done everything they can, above and beyond the call of duty.

Friendly Amendment: Councilor Wurzburger asked to add a condition of approval, that Councilor Heldmeyer, Finance Chair, place this on the Finance Committee agenda so we can move forward with respect to developing a clear policy on how we go about accepting gifts. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Chavez said we need to involve the friends of the Library in this effort.

Mayor Coss reminded everyone that the new Library is beautiful, very much needed and is being staffed and operated. He thanked Councilor Chavez for working so hard on this, as well as the Public Works Committee. He apologized to the Berardinelli family, noting no disrespect or insult was intended by himself or anyone on Public Works. He thanked the Friends for all of their work over the years.

Councilor Calvert asked for an inventory of the facilities for which there are names, and those which are to be named.

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 Wurzburger.

Against: None.

9(gg) CONSIDERATION OF RESOLUTION NO. 2007-56 (MAYOR COSS). A RESOLUTION ADOPTING A NEW ORGANIZATIONAL CHART FOR THE CITY OF SANTA FE. (GALEN BULLER)

Councilor Heldmeyer said she doesn't want to change what is in the approved Chart. However, she said we have learned there is a bureaucratic glitch. In dividing Long Term Planning from Historic, and making Historic a Division, it wasn't clear what administrative assistant it should have, and she wanted to check with the City Manager to see if this is the case.

Mr. Buller said this is the case, because one administrator was handling the administration for both. As he understands it, the Administrator will need to go with Long Range Planning.

Councilor Heldmeyer understands it is a case where Union rules don't allow someone to work for two departments at one time. Currently, Maria is providing this service and splitting her time between the two divisions.

Mr. Hiatt said currently, Maria is providing administrative support at 15% for Long Range Planning and 85% for Historic. He said they have worked over the past 2-3 weeks to find a solution, and are still trying to work at a compromise. He has a long range solution involving changing fees and such for an entire FTE overhaul.

Councilor Heldmeyer said she wants a solution to this issue. She said since the two Department Directors haven't found a fix, she is looking to the City Manager to decide how it is to be done.

Councilor Wurzbarger agrees that there needs to be a full-time position, and said it would be easier to do a fix for 15% than for 85%. She suggested the full time go to Historic, and then figure how to deal with the other 15%.

Mr. Buller said there still are two days and he hopes to resolve this situation within that time, if not, he will make a decision and get it resolved.

Councilor Chavez said his concern with the organizational chart is the same, which is that economic development has been thrown under the Housing and Community Development class, noting there is a lot under that Department. He said economic development has always been an important part of the City, and he now sees economic development taking a back seat to the Civic Center. He wants it to be on an equal playing field with the CVB, Historic and such, but he doesn't see this happening.

Mr. Buller said he has told various individuals and groups that he is committing and recommitting to work with them on economic development issues, that the City will dedicate the necessary resources, and that he believes it really will work.

Mr. Buller said nothing about the reorganization has changed the City's view to support

the Angelou Plan. He said planning functions help to drive economic development, affordable housing and other functions done by long range planning.

Councilor Chavez said most of the focus on economic development has been related more closely to affordable housing, but we need all the other components such as the Business Incubator and cottage industry and such. If we are to be successful, economic development has to be well rounded, with a commitment from staff to get things done, and to implement the Angelou Plan.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve Resolution No. 2007-56.

Discussion: Councilor Heldmeyer asked Mr. Buller what he is promising specifically, in terms of administrative support in the Historic Division and Economic Development.

Mr. Buller said with regard to Economic Development, he is committing to work and try to get the staff on the Economic Development as it “integrates with the three I mentioned,” as well as with Alternative Energy. With regard to the Historic Division, he is committed to resolve the impasse between two department directors. He said he tends to agree with Mr. Hiatt that if it is 85-15 split, we need to look hard at how the 85% gets addressed first and where he will start. He is still confident, however, that they can work something out so the work gets done, and the department directors are okay with how that results.

Councilor Heldmeyer said it isn't something we can ruminate about for a while, because rumination hasn't worked. Mr. Buller agreed. Councilor Heldmeyer pointed out that this time of the year is their busiest season, and a person with specialized knowledge is needed.

Mr. Buller said the reason his answer is somewhat unclear, is that he is still not clear on what role the Union will play in the decision, if any.

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.

END OF CONSENT CALENDAR DISCUSSION

10. CONSIDERATION OF RESOLUTION NO. 2007-57. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FINAL BUDGET ADJUSTMENTS FOR FY 2006/2007 (KATHRYN RAVELING)

Kathryn presented information regarding this matter to the Council, apologizing for the lateness of the document to Finance Committee which resulted in that Committee moving it

forward without recommendation. She said everything has to be to DFA by June 30, 2007.

Councilor Bushee asked Kathryn about several items as follows:

- (a) Page 15, the refund of \$1.3 million. Ms. Raveling said this is a bond fund, and is a transfer from the GRT for the debt service for an old bond we've had for a number of years, to pay for wastewater and solid waste.
- (b) Page 33, the \$1.283 for refunding bonds to increase Railyard. Ms. Raveling said these are normally entries which would have gone through at the end of the year, but this year these entries were done late because of the new person who had to do a lot of catch up.
- (c) Page 35, the convention center from interest to archeology. Ms. Raveling said there is a big financing on the convention center, and the interest is allocated to the project fund and this is part of the cost in doing financing. Some came directly from Lodgers' Tax cash balances and some from interest earned and some from the financing.
- (d) Page 38 WIP construction. Ms. Raveling said WIP is Work in Progress and all costs are accumulated to WIP and when complete, the project is capitalized.
- (e) Page 51 SWMA. Ms. Raveling said we continue closing and open cells, so they always have significant development in cell development and closure.

Ms. Raveling said the Retiree Health Care fund is sound, and we were able to pay that in two years. The assessment now will be a straight percentage, so it will be lower.

Councilor Bushee moved, seconded by Councilor Calvert , to adopt Resolution No. 2007- 57.

Discussion: Councilor Calvert asked about RECC contingency fund, saying he understood the City might be owed a share of those funds, and asked what happened.

Mr. Buller said the JPA required that the entire fund revert to County. He spoke with the County, and this would require amendment of the JPA and we've not presented an amendment.

Councilor Calvert wants somebody to explore this, noting this is a large amount of money which he believes is worth more than one conversation with the County.

Mr. Buller said he will do so.

Councilor Chavez asked how we are tracking the costs of gasoline and diesel, and asked if we are factoring the inflation.

Ms. Raveling said a 17% increase was budgeted. She said where adjustments were needed, there probably was an additional vehicle, and that is difficult to budget. She said alternative fuels are more expensive, but there could be savings with better mileage. She will speak with Mr. Rodarte about the economies and if we're tracking those.

The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Trujillo and Councilor Dominguez.

11. REQUEST FOR GRANT EASEMENT – FIBER OPTIC CONNECTION TO CITY HALL; COUNTY OF SANTA FE. (JOE ABEYTA)

Sevastian Gurule presented information from the June 21st Memorandum in the Council packets.

Councilor Ortiz moved, seconded by Councilor Bushee, to approve the grant of easement to the County of Santa Fe.

Discussion: Responding to Councilor Calvert, Mr. Sevastian said Section 2 of the Easement Agreement is the Memorandum of Understanding which describes the services.

The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Dominguez and Councilor Trujillo.

12. REQUEST FOR APPROVAL OF SUBMITTAL OF ANNEXATION PETITIONS TO SANTA FE BOARD OF COUNTY COMMISSIONERS FOR REVIEW AND COMMENT PURSUANT TO SECTION 3-7-17(1)(B) NMSA 1978. (GREG SMITH)

Note: Items 12(a) and 12(b) were combined for purposes of presentation, discussion and action.

- a) CASE #M-2007-14. BEATY SOUTH ANNEXATION. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE, REQUESTS ANNEXATION OF 96.73 ± ACRES OF LAND AS WELL AS THE ADJACENT RICHARDS AVENUE RIGHT-OF-WAY, FOR A TOTAL OF 99.28 ± ACRES. LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD.**

- b) **CASE #M 2006-53. OLD LAS VEGAS HIGHWAY SUBDIVISION ANNEXATION. JENNIFER JENKINS, AGENT FOR HOMEWISE, INC., REQUESTS ANNEXATION OF 15.35 ± ACRES OF LAND LOCATED TO THE EAST OF OLD LAS VEGAS HIGHWAY AND SOUTH OF OLD PECOS TRAIL.**

Mayor Coss pointed out these are owner petitions and the City has 60 days to act on them, and we are also required to consult with the County. We are taking this step to notify the County and ask for its comments.

Responding to Councilor Chavez, Mr. Katz said one motion can be made to approve a and b.

Councilor Chavez moved, seconded by Councilor Bushee to approve the requests in Items 12(a) and 12(b).

Discussion: Councilor Wurzburger said she understands this is being done only to notify the County.

Councilor Bushee said since these are initiated by the applicants, do they go to the County to receive comments from the County.

Mr. Katz said we received a letter today from the County Manager about these, asking when the County will be notified, and to be assured the County would be given the 15-day notice. He said the County will comment back to the Governing Body and those will be forwarded to Staff.

Councilor Chavez noted that the Old Las Vegas project has gone through two public hearings.

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.

Councilor Calvert moved, seconded by Councilor Bushee, to amend the agenda to move Items #13 through #16 to follow the evening session agenda.

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

END OF AFTERNOON SESSION AT 7:03 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David W. Coss, at approximately 7:03 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

E. PETITIONS FROM THE FLOOR

Marge Benecossin, 205 Williams Street, said she has lived at this address for 44 years. She is here this evening representing her neighborhood. In 1962, the City put zoning in place for the first time. the out-of-town consultants ignored the existing home densities – ignoring as built patterns. She said zoning was incorrectly applied to the South Capital and the Callecita Neighborhoods. By 1972, in South Capital the density was 7-9 units, possibly many lots plotted at 5,000 sq. ft., or fewer than 9 homes or more on larger lots. These densities were consistent from the 1920s through the 1940s, which were primarily single story houses. In the Callecita neighborhood the existing density was 4-5 homes per acre.

Ms. Benecossin said developers and builders are demolishing existing older homes. In her neighborhood (Callecita), three houses were replaced by 14 condos. She said traditional home patterns are being obliterated.

Ms. Benecossin said South Capitol has the protection of the Historic ordinance, with controls on height and density. The Callecita neighborhood has no overlay protection. She said we need to honor the traditional character of these areas by changing zoning designations to be true, as built home patterns, and honor the 1999 General Plan which calls for protection of existing neighborhoods allowing infill only in fringes. She begged and implored the Governing Body for help to preserve their neighborhoods.

Bill Bruno, PhD in Physics from Berkeley. Mr. Bruno said he just found out about the wireless water meters being installed, which are the equivalent of a cell phone. He said studies show that the use of these kinds of devices show an increase in sleep disorders, weakness and pain. At the previous gathering someone raised criticism that he only quote studies support his point of view, and read a quote into the record regard to the increased frequency of mobile phone use and increased duration of mobile phone use which correlate with increased headache prevalence, while hand held devices are associated with decreased headache

prevalence and severity. He said you can argue that the lower the field, the less the effects. He encourages using a hands free set.

There was a break from 7:10 p.m. to 7:33 p.m.

F. APPOINTMENTS

Parks and Open Space Advisory Committee

Mayor Coss appointed the following individual to the Parks and Open Space Advisory Committee:

Bette Booth, Chair (appointed as Chair only)

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

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

400th Anniversary Committee

Mayor Coss appointed the following individual to the 400th Anniversary Committee:

Raymond Martinez – Eight Northern Pueblos Representative

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

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

Library Board

Mayor Coss appointed the following individuals to the Library Board:

Nancy Looney – Reappointment – term ending 7/09; and
Miriam McCaffrey – Reappointment – term ending 7/09.

Councilor Bushee moved, seconded by Councilor Chavez, 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.

Planning Commission

Mayor Coss appointed the following individuals to the Planning Commission:

Harriet Heltman – Reappointment – term ending 6/09;
Angela Schackel Bordegaray – term ending 6/09;
Matthew S. O'Reilly – term ending 6/09;
John M. Salazar – term ending 6/09; and
Dr. John A. Romero – term ending 6/09.

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

Councilor Ortiz moved, seconded by Councilor Dominguez, to sever the appointment of Harriet Heltman.

Councilor Heldmeyer moved, seconded by Councilor Ortiz, to sever all the appointments.

Discussion: Councilor Bushee said the first motion was to sever, and then there was a second, and then Councilor Heldmeyer made a second motion.

Councilor Ortiz said he withdrew his motion and seconded Councilor Heldmeyer's motion.

The motion to sever was approved on a roll call vote:

For: Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, Councilor Wurzburger, Councilor Bushee

Against: Councilor Calvert , Councilor Chavez, and Councilor Heldmeyer.

EXPLAINING THEIR VOTES: Councilor Wurzburger and Councilor Bushee said they are voting yes as a courtesy to those who want to do this.

Harriet Heltman

Mayor Coss presented the reappointment of Harriet Heltman to the Planning Commission for a term ending June 2009.

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

Discussion: Councilor Ortiz said the Mayor is reappointing the one Planning Commission member who is the least effective Planning Commission member, and is not reappointing some of the other candidates who he had a chance to reappoint, in particular Michael Trujillo. He said whatever was told to the Mayor that made him change his mind about him, Mr. Trujillo was at his best on the Planning Commission. He was effective, persuasive and looked to solve problems, three traits which it seems, with the reappointment of Harriet Heltman, that he disregarded, and for this reason he will vote no on Ms. Heltman.

The motion failed to pass on the following roll call vote:

For: Councilor Chavez, Councilor Heldmeyer and Councilor Calvert.

Against: Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, Councilor Wurzburger, Councilor Bushee

EXPLAINING HER VOTE: Councilor Heldmeyer said Ms. Heltman knows Chapter 14 better than most of the people on City staff, and she votes yes.

EXPLAINING HIS VOTE: Councilor Ortiz said Ms. Heltman has not used the knowledge of Chapter 14 to help or solve problems, but instead to "cry in the wind," so he votes no.

EXPLAINING HER VOTE: Councilor Wurzburger said she is voting no because of the comments Councilor Ortiz made with respect to Michael Trujillo, because she has seen him, particularly with short term rental work, be very effective.

Clarification of action: Mayor Coss said this was a motion for reappointment, so Ms. Heltman will serve until replaced.

Angela Schackel Bordegary

Mayor Coss presented the appointment of Angela Schackel Bordegary to the Planning Commission for a term ending June 2009.

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

Discussion: Councilor Wurzburger said this is an excellent choice, and knows her from her work on the Regional Economic Development Committee and all the water work she's done, and she's an excellent addition to the Commission.

Councilor Bushee said Ms. Schackel-Bordegary is a very professional appointment,

noting she was a City planner and is now a planner with ISC. She said the next "batch" of people have very professional backgrounds, and she hopes the next Planning Commission has more expertise and less appeals to the Council.

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.

Matthew S. O'Reilly

Mayor Coss presented the appointment of Matthew S. O'Reilly to the Planning Commission for a term ending June 2009.

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

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.

EXPLAINING HER VOTE: Councilor Heldmeyer said Mr. O'Reilly has done a great job on the BCDDRC.

EXPLAINING HER VOTE: Councilor Bushee said this is another professional with a lot of experience on City committees and land use issues.

John M. Salazar

Mayor Coss presented the appointment of John M. Salazar to the Planning Commission for a term ending June 2009.

Councilor Ortiz moved, seconded by Councilor Chavez, to approve this appointment.

Discussion: Councilor Heldmeyer said she believes it is inappropriate to have a

member of County staff on the City Planning Commission, in part because of the number of controversies over land use in which the City is involved with the County. She said she has said this previously about other people and committees as well. She will be voting against this appointment.

Councilor Chavez said the Executive Director of the Regional Planning Authority has served on the EZC for a long time, but he doesn't know how to draw a comparison to that.

Councilor Heldmeyer noted she was against that appointment as well.

Councilor Bushee said although she doesn't know Mr. Salazar, she is going on faith. She noted Roman Abeyta served on the Planning Commission and he did a very good job, and at that time he was a County employee, and still works for the County after working for the City. She asked if Mr. Salazar lives in the City.

Mayor Coss said Mr. Salazar lives in the City.

Councilor Bushee noted Mr. Salazar currently works as a Review Specialist II in the County Land Use Department, as well as serving as a legislative analyst and has other experience and expertise for this appointment.

Councilor Dominguez said Mr. Salazar is an ambitious young man and is dedicated and willing to use his expertise to bring new energy to the Planning Commission.

Mayor Coss said Mr. Salazar was one of the young people who moved away and came back under our affordable housing program, and he is glad to have him back in Santa Fe.

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: Councilor Heldmeyer.

EXPLAINING HER VOTE: Councilor Heldmeyer said she is not questioning Mr. Salazar's ambition, background or training or anything else. She is questioning whether it's appropriate to have a member of County staff on a City land use committee, and she has questioned others, such as the Director of the RPA being on EZC in the past, so to be consistent with her other positions she votes no.

Dr. John A. Romero

Mayor Coss presented the appointment of Dr. John A. Romero to the Planning Commission for a term ending June 2009.

Councilor Ortiz moved, seconded by Councilor Chavez, to approve this appointment.

The motion was approved on the following roll call vote:

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

Against: None.

Councilor Bushee said if the Mayor is going to replace Ms. Heltman, she hopes it would be with a neighborhood representative as well.

Mayor Coss said this was his intention in reappointing Ms. Heltman. He said it is important in looking at professional experience, to also look for citizens who want to serve and aren't experts in planning and land use, and are fighters for the neighborhood.

Councilor Bushee said this will be a requirement in the new ordinance "we are bringing forward to combine CPPC and Planning Commission – 3 members of the neighborhoods and 2 at large representatives."

Councilor Heldmeyer commented that none of those people were appointed.

G. PUBLIC HEARINGS

- 1) REQUEST FROM MULA BLANCA LLC FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #230 FROM PHILIP J. WOLFF D/B/A EL FIDEL HOTEL, DOUGLAS & GRAND AVENUE, LAS VEGAS, NEW MEXICO, TO MULA BLANCA LLC, 139 W. SAN FRANCISCO STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, saying this is a request for a transfer of ownership and location from the El Fidel Hotel in Las Vegas, New Mexico, to Mula Blanca, LLC, in Santa Fe. There currently is no business at this location, so if this request is approved, the license transfer will go back to State Alcohol and Gaming and will be placed in suspension until a business is in place at this address. Staff recommends that whatever business goes in this location should be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

Maurice Bonal, appearing on behalf of the Barker family was sworn. Mr. Bonal said the Barker family is in attendance and are renting space adjacent to the Palace while

building a restaurant, and their intention to attract a first class restaurant operator.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for a transfer of ownership and location of dispenser license as requested from Philip J. Wolff d/b/a El Fidel Hotel, Douglas & Grand Avenue, Las Vegas, New Mexico, to Mula Blanca LLC, 139 W. San Francisco Street.

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.

- 2) CASE #M-2006-25. CARLOS REY STUDIOS DEVELOPMENT PLAN. JENNIFER JENKINS, AGENT FOR HAYS WHITE, LLC, REQUESTS DEVELOPMENT PLAN APPROVAL FOR 14,400 SQUARE FEET OF GENERAL COMMERCIAL USE ON ± 0.894 ACRES, LOCATED ON THE EAST SIDE OF CAMINO CARLOS REY NORTH OF CERRILLOS ROAD AND SOUTH OF THE LA CIENEGUITA NEIGHBORHOOD. THE PROPERTY IS ZONED C-2-PUD (GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT). (DAN ESQUIBEL). (Postponed at the June 13, 2007 City Council meeting)**

A copy of an "Early Neighborhood Notification Meeting Sign-in Sheet," dated May 3, 2006, is incorporated herewith to these minutes as Exhibit "3."

Memorandum prepared June 20, 2007 for the June 27, 2007, City Council, to the City Council, with attachments, from Dan Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "4."

The staff report was presented by Dan Esquibel, which is contained in Exhibit "4."

Staff Recommendation: Conditions 8 and 2-16 of Ordinance 1995-51, must be complied with for this development plan to be approved. As of the date of this writing, compliance has not been addressed by the applicant. The applicant has been working with staff to resolve these issues. Staff hopes to have these items resolved prior to the City Council meeting. *Mr. Esquibel noted he has spoken with the Applicant, and "with regard to condition 8, the second story issue, since the Applicant has raised the issue that the Code does not fully address a commercial story, but that they are proposing 26 ft, that the 26 ft. height two-story is a limit that they are imposing on themselves for the maximum height of the building.*

Residential structures are 24 ft., and that's the only definition in the Code. So it's going to be a choice between what the City Council is going to want to see for that area, either 26 ft. or 24 ft."

If the Council's decision is to approve this development plan, staff recommends the following conditions:

1. Conditions 8 and 2-16 of Ordinance 1995-51 be complied with prior to filing a building permit with the City.
2. Compliance with conditions 5, 6, 10, 11, 13, 15, 17, 20 & 21 of the Development Plan Matrix attached as Exhibit A of this report.
3. Summit elevations (N, S, E & W) to scale of all structures at the time of building permit. In compliance with Ordinance 1995-51.
4. Place note on development plan stating that no outdoor use are allowed prior to filing the development plan.
5. Development plan subject to DRT comments and conditions.
6. Submit lighting plan in compliance with development pursuant to 14-3.8(A)(6) and 14-8.9 outdoor lighting standards.
7. Submit landscape cross section/elevation to show compliance to screening requirement for parking areas.
8. 7.5' utility easement shown on plat needs to be consistently shown throughout the development plan.
9. Show bicycle stall detail on development plan. Subject to standards pursuant to 14-8.6(D)(3).
10. Provide additional information to insure Landscaping and Site Planning Standards will achieve required points for development in C-2 district.
11. Place note on development plan stating that minor field changes to location of trees and shrubs are subject to approval by staff.
12. The structures will/is subject to the Table 14-8.7-2 & 14-8.7-3, at the time of building permit.

Mr. Esquibel noted the ENN was held on May 3, 2006, rather than the date specified in his memorandum.

Mr. Esquibel said the Applicant has addressed most of the development standards except for the conditions.

Public Hearing

Presentation by Applicant

Jim Hays, the developer, was sworn. Mr. Hays gave a brief overview of the history of this property and the La Cieneguita Subdivision. He said this is one of those C-2 properties, about 9/10 of an acre. Mr. Hays said he was on the Planning Commission when all of this was coming through the Commission and has been a customer of Empire Builders, owned by Henry Culver, for many years. He would talk with him and about developing where he could provide space for cottage industry, perhaps with space to live. Mr. Culver told him he should do something on one of his lots. They talked about for about five years and finally came to an agreement for Mr. Hays to purchase the property. Prior to that, he had engaged Suby Bowden's firm to do some preliminary design studies.

Mr. Hays said what is proposed are units of 875 to 1,200 sq. ft. footprints, with two stories proposed to be offices and studios. Mr. Hays demonstrated the area on the enlarged

drawings, which borders residential neighbors on two sides. Using the large map, Mr. Hays indicated what is prohibited in the area, and what is permitted in the area, saying they tried to design for a mix of uses compatible with the residential area. They would like to have artists and related activities, healing arts, professional services, and such in these units.

Suby Bowden was sworn. Ms. Bowden said at the time this was approved, many neighborhoods came out to fight affordable housing and the deterioration of their neighborhoods. She said a neighborhood which was surrounded by mobile homes has started to move into the affordable housing units. She said only 6 of the 120 houses over the past eight years have changed hands. People are building a very dependable community. She said because of the neighborhood opposition, the Mayor and Council at that time determined that any project which occurred in the commercial development would come back to the Council. They are here today to show what will occur so the Governing Body and neighbors are comfortable.

Ms. Bowden said there was an ENN on May 3, 2006, attended by the neighborhood, staff and the development team. There was a very good response at that time. Another ENN was held a few weeks ago because of the time since the first ENN was held. She said the neighbors were very pleased by the way the development handled the existing problems. Currently, water runs off Maes into the existing La Cieneguita neighborhood. Mr. Hays' approach is to do on-site water harvesting which collects all the runoff and uses the ponds to grow trees which will be a strong buffer between the new development and the neighbors. She demonstrated the architecture of the project on the enlarged drawing, noting they worked with the neighbors in developing a design idea. The Landscaping Plan will increase the landscaping around the project. They pulled colors from the existing neighborhood, which is colorful. The trees will be Austrian Pines, and the neighborhood loved the idea that there would be real separation between this and the neighborhood. She said the neighborhood supports this project.

Ms. Bowden spoke about height, noting the height limit is 24 ft. They chose 26 ft, because of the existing structures, and the neighborhood is comfortable with this. The second reason is that they are interested, since it is a flat roof, in having a parapet high enough to hide any equipment on the roof, as opposed to lowering the whole building.

Ms. Bowden said the truck traffic was a big concern to the neighborhood in 1996 and is of concern today. The La Cieneguita neighborhood is designed to twist and be defined by a series of circles, straight sections so people have to do a lot of slow movement. She said trucks don't like driving through the neighborhood. Mr. Hays has suggested, since the ordinance was never implemented in 1996 requiring the truck limitation in the La Cieneguita Neighborhood, to put signs in the entrances to the neighborhood that trucks of a certain type aren't allowed in the neighborhood, and is willing to make this as a condition of approval

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Wurzbarger, to approve this request with conditions as recommended by staff.

Discussion: Councilor Chavez said this is the last parcel left in the La Cieneguita approval process.

Ms. Bowden said in 1996, five C-2 properties were established, and there are three more which could be developed, two of which are currently rented, one by RSC and the other the Dodge Dealership, so there is one more which is not yet used which would abut the Rufina extension. All of these would have to go through the same neighborhood process for final development approval, which then would come back to the Council.

Councilor Calvert asked the green building components of this project.

Ms. Bowden said sustainability starts in planning. She said the C-2 zoning allows owner to live in the units, but they can't them rent out. Mr. Hays' idea was to offer small units in which people could live/work, which is fundamental to green concept and sustainability. There are strong windows on both sides for cross ventilation as opposed to the need for air conditioning. There is the actual use of the materials, dedication to meet standards which reduce pollution in buildings and buying materials in a local region.

Councilor Calvert asked about the water harvesting.

Mr. Hays demonstrated the design and how the system works using the large drawings. He said it is intention to build the common walls of a masonry material, which will reduce the energy load of the buildings, noting the orientation is north/south so there is a lot of solar opportunity.

Responding to Councilor Calvert, Mr. Hays demonstrated the energy conservation elements of the project.

Responding to Councilor Heldmeyer, Ms. Bowden reiterated that the intent of the street design is to keep out big trucks. The permitted trucks are more like pickup trucks. She said Greg Smith and Dan Esquibel are concerned that original intent was never enforced, therefore their suggestion would be to add a sign at both the Cerrillos and Agua Fria end.

Councilor Heldmeyer asked if they would have problems going through the ordinance process. Ms. Bowden said the only problem would be if it delays the project.

Mr. Hays said he is happy to accept that as a condition of approval, saying it is already part of the ordinance, but he understands it has to be part of another ordinance to be enforced. Ms. Bowden said they support the truck traffic condition, but don't want delays because of that.

Greg Smith said staff's research showed that when the Council adopted the rezoning ordinance it did have a condition of approval in an ordinance which prohibited truck traffic. In discussions with the City Attorney and Traffic Division staff, it might technically be enforceable on that basis. However it would be more clearly and easily enforceable if the Council was to adopt an amendment to the normal truck route ordinance so the standard truck route signage could be used by enforcement staff in citing violators.

Mr. Smith said it was not indicated to staff in the drawings submitted to the Council that there would be accessory dwelling units, and staff has not done a careful review, but staff believes it can work out any technicalities of open space compliance prior to recording the development plan.

Councilor Heldmeyer asked if accessory dwelling units means an apartment within the building and not additional buildings.

Mr. Smith said the C-2 regulations don't allow a live only unit unless the development plan says they allow that. The C-2 regulations do allow live/work, because then live is accessory to work, and that is permitted without special approvals, but would not be exempt from the open space requirement.

Councilor Heldmeyer said we can't look at the 1995 ordinance as a stand alone ordinance which was passed specifically for this piece of property, noting it does say that you can't have these as separate residential units, but you can have people who work in these units also live there as well.

Mr. Smith said the generic regulations also say that, but when there is a dwelling unit function, it triggers housing opportunity program requirements and open space requirements for which staff hasn't reviewed the plan at this stage. He said they would be able to meet the open space requirement for live/work on most, if not all, of the units.

Responding to Councilor Heldmeyer, Mr. Smith said the open space requirements are different for the C-2 District than for the RM Districts in her neighborhood. In summary, neither the Planning & Land Use staff nor the Affordable Housing Office has reviewed what implications the residential use would have, but staff believes they can work out those details with the applicant prior to recording the development plan.

Councilor Heldmeyer asked if the applicant will have to go back to the Board of Adjustment for a variance, given this scenario.

Mr. Smith said there is a question of whether such a variance would go to the Board of Adjustment or come back to the Council, noting this is a hybrid process. He thinks it is more likely that the applicant would abandon accessory use before applying for variances.

Councilor Heldmeyer doesn't believe this body wants to offer blanket variances, but it certainly would have the ability, if a variance was anticipated, to send it back to the Board of Adjustment or even the Planning Commission as bodies dealing with variances. She thinks we can delegate that.

Mr. Smith would want to review this with the City Attorney's staff, because the Council's authority over the development plan tonight stems from the specific provisions of the 1996 rezoning ordinance.

Councilor Heldmeyer pointed out that the part of the open space Code to which he is referring does not come from the 1996 ordinance, but from the general ordinance.

Mr. Smith said this is correct, and the preliminary analysis that it would go to the BOA for required variances if it is clear from the Council that it doesn't want to be involved, then he believes that would be the correct interpretation. However, he hasn't received, and may not get, a legal opinion.

Jennifer Jenkins, Jenkins & Associates was sworn. Ms. Jenkins said with respect to open space, C-2 requires 25% open space or 9700 sq. ft., and RM-1 requires 250 sq. ft. per unit, which would be an additional 2,000 ft. for just under 12,000 square feet of open space. She said currently they are providing almost 16,000 sq. ft. of open space or 41% of the parcel. Regardless, if an owner has an accessory residential use, they easily can comply with open space requirements.

Councilor Heldmeyer asked Mr. Smith if he agrees with this analysis.

Mr. Smith said he agrees that the details of compliance on open space could be worked out. The Code provision cited by staff is §14-7.2(B) which states that "in a C-2 district where residential use, private and closed open space shall be provided for dwelling units as permitted per Article 14...of the total gross floor area of the unit." He said if this is the standard which applies, the applicant has sufficient flexibility to adjust the grading and drainage plans to meet that standard, but he hasn't seen a plan which demonstrates that.

Councilor Heldmeyer said if several of these had a living space within them, which is permitted by the 1995 ordinance and the Code in general, and the way this is set up now, they might not be able to meet the specifics of the open space requirements of this zoning, and might have to apply for a variance. She asked Mr. Katz if the variance would have to come back to this body, or could this body delegate that power to another body such as BOA or Planning Commission.

Mr. Katz said he thinks this body could do that and the Board of Adjustment would be the body to handle a variance of that sort.

Ms. Bowden said they appreciate the intent so it won't have to come back, noting she was just told the floor area would meet open space. She reiterated the intent of the developer to follow C-2 and any living in it would follow C-2 zoning. It is not the intent of the developer to be filling the top floors with living units.

Friendly amendment: Councilor Heldmeyer proposed an additional condition that if the applicant has to come back for a variance to the open space requirement, that the variance should be heard by the Board of Adjustment. **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Clarification for the record: Mr. Smith asked if is the intention of the Council to allow use of one of these units exclusively as a dwelling unit, as a principle use. **Councilor Heldmeyer said no, she is not changing anything from what is in the 1995 ordinance, but given the combination of the 1995 ordinance and the general ordinance for C-2, and if that combination doesn't work out, and they need a variance on the open space only that**

it go back to the Board of Adjustment. She is not speaking to any other variances which might crop up with time. Mr. Smith said the issue is that these units will be work/work or live/work, but not live/live. Councilor Heldmeyer said the 1995 ordinance is very clear and said it is only a business in which people might live.

Councilor Chavez said in talking about green building, live/work adds to it. He said if live/work fits in these kinds of developments, it is an economical way for an individual or a couple or a family to have a business and live and work in the same place which would reduce car trips on a daily basis, so there are other benefits in the live/work portion.

Councilor Heldmeyer said some of the permitted uses are those which will always have a client.

Direction to staff: Councilor Heldmeyer asked to direct staff to prepare an ordinance change which would impose a truck ban on this street.

Councilor Chavez said Condition 8 is specific to truck traffic, and believes this is the only way to deal with the ban, and it would simple to add 1-2 streets to the truck ban ordinance. He said Condition 8 would be more appropriate as a separate amendment to the Ordinance, noting he wants to include all Conditions of Approval in the packet with the exception of Condition 8. Instead of that condition, we could provide this would be captured in the truck ban.

Mr. Smith noted there are two lists of conditions. The Condition 8 which refers to truck traffic is the condition which was adopted in 1996 as the original rezoning ordinance, and so the Council isn't technically voting on that list tonight, although staff clearly understands that direction from the Council is to proceed with a truck regulation amendment pursuant to the original condition of approval. The other list of conditions, #1 through #12, in the Memorandum are the ones staff is recommending to include tonight.

Councilor Heldmeyer gave a brief history of this project for the newer Councilors. Funding was made to do a pilot project based on the way infill is done in Albuquerque and other places, which would provide a designer and facilitator to work with the neighborhood about what they wanted. We got the team of Phil Crump and Beverly Spears, and staff looked for a place where this might work. Mr. Hays came in with an idea for a project. She said "then all hell broke loose," because one person had a fit about doing this, and because of fear on the part of City staff, it never was done, and we never got to see the process work. She asks the City Manager each year why we don't try this on another piece of property because it works well in other places. The difference between infill which works well and what doesn't is site specific and neighborhood involvement. She would like the City to work to establish a model for good infill. She thanked Mr. Hays for his great patience in waiting, and in coming back and saying I think I have something which will work. This will show that it is possible to do good, site sensitive, neighborhood sensitive infill, and if you do, then neighbors aren't NIMBY, and welcome it when they are part of the process and it fits with what they would like to see. She hopes he will come back with another piece of property and he will be the "pilot project poster boy."

Mr. Hays thanked Councilor Heldmeyer for her remarks, and said he agrees with the way she articulated the way a developer should work with the neighbors and site specific conditions. Even though the project wasn't official, they tried to follow the mandate of that project.

Clarification of the motion: Councilor Chavez said he wants to be clear that his motion does include the recommended conditions from staff, and that the truck problem has been resolved.

Councilor Bushee said this is a good project and hopes City Code helps to facilitate the live/work.

Clarification: Mr. Smith said it has been discussed, but staff has not received direction on the difference between the 24 ft. height limit versus the 26 ft. height which is requested by the applicant.

Friendly amendment: Councilor Bushee would like to amend the motion to allow the 26 ft. height. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

The motion, as amended, 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.

- 6) **CONSIDERATION OF BILL NO. 2007-22; ADOPTION OF ORDINANCE NO. 2007-____ (MAYOR COSS, COUNCILOR CALVERT AND COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTIONS 6-16-1 SFCC 1987, REGARDING THE MEMBERSHIP TERMS OF THE ETHICS AND CAMPAIGN REVIEW BOARD AND AMENDING SECTION 9-2.15 SFCC 1987, REGARDING THE POSTING OF POLITICAL SIGNS. (FRANK KATZ AND YOLANDA Y. VIGIL)**

Councilor Ortiz moved, seconded by Trujillo, to postpone this item to the next meeting, and to direct the City Attorney to research the issues regarding placing limitations as to time restrictions on the posting of campaign signs.

Discussion: Councilor Ortiz said there are some cases which seem to uphold this particular composition, in particular McGuire vs. City of American Canyon, Federal District Court, North California, No. C-06-5681, and a legal memorandum LU02 coming out of the New York Department of State Counsel Office, which cites with authority, Witten v. City of Gladstone, Missouri, 54 F. 3rd 1400, which seems to indicate that there are ways in which

communities can place time restrictions on the placement of campaign signs. He wants to postpone this item in order to get a legal opinion on this.

Councilor Bushee said since this is going to be postponed, she also would like to look into residency requirements as well to ensure they are in the ordinance, commenting that she doesn't believe that it is.

Councilor Bushee is interested on a reasonable limit of time on the political signs.

Councilor Bushee would like this placed on the first list of hearings.

The motion was approved on the following Roll Call vote.

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

Against: Councilor Chavez and Councilor Heldmeyer.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) DISCUSSION OF LIMITED PERSONNEL MATTERS PURSUANT TO §10-15-1(H)(2) NMSA 1978 – THREE MONTH EVALUATION OF CITY MANAGER.**
- b) DISCUSSION OF THREATENED LITIGATION PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- c) DISCUSSION OF LEASE OF REAL PROPERTY PURSUANT TO §10-15-1(H)(8) NMSA 1978.**

Councilor Calvert moved, seconded by Councilor Dominguez, that the Council go into Executive Session for the purpose of the discussion of limited personnel matters pursuant to §10-15-1(H)(2), discussion of threatened litigation pursuant to §10-15-1(H)(7) and discussion of lease of real property pursuant to §10-15-1(H) (8). The motion was passed on a Roll Call vote as follows:

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

Against: None.

Absent: Councilor Wurzburger and Councilor Ortiz.

The Council went into Executive Session at 8:45 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 10:03 p.m. , Councilor Bushee moved, seconded by Councilor Heldmeyer, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were the three month evaluation of the City Manager and the discussion of threatened litigation and lease of real property, and that no action was taken.

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

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Calvert

Councilor Calvert said he is introducing an Ordinance amendment which will impose heavy truck traffic restrictions on Gonzales Road between Alameda and Hyde Park, which goes along with the traffic calming being proposed in the area. He will place copies of the amendment in the Councilors' boxes tomorrow. He asked that it go to Public Safety, Public Works and Finance Committees.

Councilor Dominguez

Councilor Dominguez had no communications.

Councilor Wurzburger

Councilor Wurzburger had no communications.

Councilor Trujillo

Councilor Trujillo had no communications.

Councilor Ortiz

Councilor Ortiz introduced a Resolution which supports and promotes healthy lifestyles for children and adolescents, and provides a proposed funding mechanism. He said the Council adopted Resolution 2006-33 promoting healthy lifestyles in the Schools. The Council also adopted the Parks Master Plan to go through the winnowing process of which parks would be important. He said obesity is the second largest killer of people which is preventable next to cigarette smoking. He said obesity results from physical inactivity and poor nutrition. The Resolution directs staff to do a number of things: coordinate and work with public schools, to increase by .5% the amount allocated to the Human Services Commission and Children and Youth Commission, and proposes a two cent assessment on soft drinks, and to use those funds for the creation of programs which support and promote healthy life styles. It directs staff to research the legality and feasibility of assessing two cents on every soft drink container. He said this will go to the Human Services and the Children & Youth Commissions, as well as the regular City process. He said Councilors Wurzbarger and Dominguez are cosponsors.

Councilor Bushee

Councilor Bushee said the Council has to initiate going forward with another increment of the living wage, and asked when and where we will have this discussion.

Councilor Bushee introduced an Ordinance amendment, amending the membership of the Planning Commission. She said it will go to the Planning Commission, CPPC, and Public Works Committees.

Councilor Bushee said she received a series of emails about St. Elizabeth's from Deborah Tang. She is not okay with someone who directs a non-profit, to which the City gives funding, to bring up incendiary, divisive, class and race issues about her constituents. She doesn't want to hear in a letter from a professional to which we give money, that it cannot be ignored that all neighbors at the meeting were Anglo and how long how you lived here. This isn't okay. She said neighbors have told her the day services program is different or not being managed, and it is a problem, and people are drunk and can it be cleaned up. Then she gets this kind of response, she isn't okay. She won't support future funding of programs if St. Elizabeth's can't "clean up its back yard." She said the homeless issue will go from hopeful to hopeless if this is the kind of programming and response we will have to what we have today. It is a difficult site to manage, but they do need to take the responsibility to manage it.

Councilor Heldmeyer

Councilor Heldmeyer, with regard to the emails regarding St. Elizabeth's, said she was going to ask the City Manager what came from the meeting, noting there was a somewhat unresolved ending. However, there were specific ideas. She said she also received this email and she sent Kathy an email, saying "they need to learn to work and play well with others." There were some very specific, positive ideas which came from that meeting, although they didn't resolve all the problems. She noted that the main problems weren't touched which was a problem in the meeting. There was no mention of those specific, positive ideas in the email or in going forward. She said the thing related is that this particular non-profit is looking to expand even further, and had berated the Council at budget time because we didn't give them funds to expand into a program where they hadn't met the rules, nor gotten the needed things in place. She said when she sees the plan on homelessness she sees funding for that program. She reiterated that St. Elizabeth's has to "work and play well" with others. They have to listen to neighbors when they talk, and when reasonable suggestions are made to which people can agree, there needs to be a discussion of those. She said *ad hominem* attacks are not the way to go on this. She doesn't know where this is going, but she wants to know where the good ideas go, or if they were all thrown out.

Councilor Chavez

Councilor Chavez introduced two resolutions. The first is in regard to the 400th anniversary, a copy of which is incorporated herewith to these minutes as Exhibit "5." He said the most significant part for him, after meeting with the All Indian Pueblo Council, is that we are considering this a celebration, while in their eyes, this may not be the correct word. He said this Resolution will go to Finance Committee, and then back to the Council.

The second resolution is a petition asking the City Council to petition the President and the U.C. Congress to immediately cease combat in Iraq and bring home all American troops. A copy of the resolution is incorporated herewith to these minutes as Exhibit "6." He would like this Resolution to come back to the Council on July 11th.

Councilor Chavez said he has a resolution working its way through the system asking support for the indoor arts market on the Railyard property, noting some Legislative funding has been received. He would like the resolution to through the system, and this project be added to the CIP list before Robert Romero compiles that list.

Councilor announced that the 2007 Summer Bandstand session will start on Thursday, July 5, 2007, at noon, to kick off the 2007 summer concert.

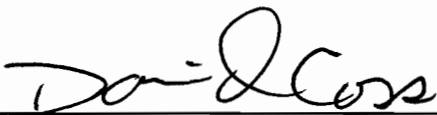
Mayor Coss

Mayor Coss had no communications.

H. ADJOURN

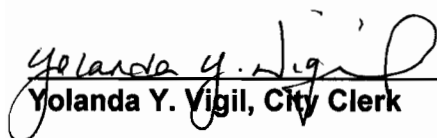
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:17 p.m.

Approved by:



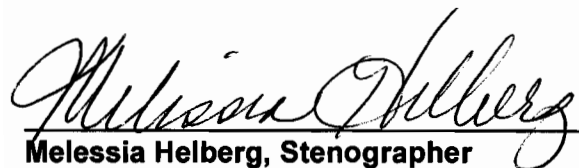
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer