



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 11, 2007
CITY COUNCIL CHAMBERS

AMENDED – G-9, G-10 & G-11

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 7-11-07 TIME 11:30 am

SERVED BY _____

RECEIVED BY tydominguez

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 27, 2007
8. PRESENTATIONS
 - a) Employee of the Month for July – Frank Archuleta, Community Facilities Section Manager. (5 Minutes)
 - b) 2007/2008 City Poster. (Sabrina Pratt) (5 Minutes)
 - c) Muchas Gracias – “Relay for Life”. (5 Minutes)
9. CONSENT CALENDAR
 - a) Bid No. 07/54/B – Uniforms for City of Santa Fe. (Robert Rodarte)
 1. Neve's Uniforms
 2. Capital Uniforms
 3. Foot Solutions
 4. Job Site
 - b) Bid No. 07/55/B – City Wide Water Utility Construction and Repair Contract; Sub Surface Contracting, Inc. (P.J. Griego and Brian Snyder)
 - c) Bid No. 07/57/B – On-Call Construction Services for Various Capital Improvements Projects Construction Agreement; A.S. Horner, Inc. (Desirae Lujan)



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- d) Request for Approval of Professional Services Agreement – Coordination of the Artworks Program (RFP #07/48/P); Kristin Watson. (Debra Garcia y Griego)
- e) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez)
A Resolution Authorizing Eight (8) Arts and Crafts Shows at Cathedral Park During the 2007 Calendar Year Because of the Limited Availability of Space in the Downtown Area Due to On-Going Construction. (Sabrina Pratt)
- f) Request for Approval of Procurement Under State Price Agreement – Police Vehicle Equipment and Installation; West Mesa Auto Crafts, Inc. (Robert Rodarte)
 - 1) Request for Approval of Budget Transfer – GRT Police Fund.
- g) Request for Approval of Amendment No. 1 to Professional Services Agreement – Printing and Mailing of Reminder and Final Notices to Utility Billing Customers; Data Print LLC. (Peter Ortega)
- h) Request for Approval of Sole Source Procurement and Professional Services Agreement – Water Treatment Facility Services; Yukon and Associates, Inc. (Gary Martinez)
- i) Request for Approval of Restated and Amended Agreement – Lease Storage Space in Abiquiu and Elephant Butte Reservoirs; City of Santa Fe, Albuquerque Bernalillo County and Water Utility Authority. (Claudia Borchert)
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 - 1) Foster Grandparent Program
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- m) Request for Approval of Amendment to Affordable Housing Contribution Agreement – Carlos Rey del Sur Subdivision Phase IV; Vistancia LLC and Santa Fe Community Housing Trust. (Ron Pacheco)
- n) Request for Conceptual Approval – Conversion of (LED) Traffic Signal Bulb Replacement Project. (Chris Ortega)
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- o) Request for Approval of Amendment No. 1 to Professional Services Agreement – Physicals for Firefighters; Concentra Medical Centers. (Brian Caldwell)
- p) Request for Approval of Amendment No. 1 to Professional Services Agreement – Medical Direction Services for Fire Department; Northern New Mexico Emergency Medical Services. (Brian Caldwell)
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- r) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer and Councilor Calvert)
A Resolution Directing Staff to Develop a "Water Smart" Education and Rebate Program. (Dan Ransom)
- s) Request for Approval of Funding Recommendations – Human Services Providers for Fiscal Year 2007-2008. (Terrie Rodriguez)
- t) Request for Approval of Cooperative Agreement – Establish Partnership Between the District and the City; Santa Fe Public Schools. (Bill Tallman)
- u) Request for Approval of Amendment No. 5 to Northwest Quadrant Water System Extension Agreement – Northwest Quad Tank; Sangre de Cristo Water Company; Tano Santa Fe Partners; Southwest Lifestyle Concepts, LLC and City of Santa Fe. (Gary Martinez)



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- v) CONSIDERATION OF RESOLUTION NO. 2007-_____. (COUNCILOR CHAVEZ)
A Resolution Repealing Resolution No. 2005-10 and Re-Establishing the 400th Anniversary Committee to Plan for the Four-Hundred Year Anniversary of the Founding of La Villa de la Santa Fe, 1607 Through 1610. (Darlene Griego)
- w) Request for Approval of Part 150 Noise Compatibility Study Noise Exposure Maps (NEM). (Jim Montman)
 - a) Request for Approval for the Airport Division Director to Sign Appropriate Documents Forwarding the NEM to the FAA for Review and Acceptance.
- x) Request For Approval for Water and Sewer Service, Under Provisions of Section 22-6.2 and Section 25-1.11 SFCC, by Larry A. Martinez for a Head Start Facility at 5600 Lower Agua Fria to Replace the Site Currently Located at 1150 Canyon Road. (Antonio Trujillo)
- y) Request for Approval for Water and Sewer Service, Under Provisions of Section 22-6.2 and Section 25-1.11 SFCC, by Santa Fe County for the Santa Fe County Youth Shelter and Family Services Administration Building at 5600 Agua Fria Road. (Antonio Trujillo)
- z) Request for Approval for Sewer Service, Under Provisions of Section 22-6.2 SFCC, by Mike and Pamela Garcia of 2110 Pam Y Eutilia Lane Located in the Historic Agua Fria Village for an Existing Single Family Residence. (Stan Holland)
- aa) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez and Mayor Coss)
A Resolution Calling for the Governing Body to Petition the President and the United States Congress to Immediately Cease Combat Operations in Iraq, End the Occupation, and Safely Bring Home all American Troops.
- 10. Appeal of Denial of Driveway Permit #07-07-01 – Paseo Compound, 511 Paseo de Peralta; Rosanna C. Vasquez for Real Estate Investment Partners. (Frank Katz)
- 11. MATTERS FROM THE CITY MANAGER



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12. 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 Siler Road/Agua Fria Property Acquisition, Pursuant to §10-15-1 (H) (8) NMSA 1978.
- c) Discussion of Disposal of Real Property – Northwest Quadrant, Pursuant to NMSA 1978, §10-15-1 (H) (8).
- d) Discussion of Disposal of Real Property Under the PNM Franchise Agreement, Pursuant to §10-15-1 (H) (8) NMSA 1978.

13. Action Regarding Siler Road/Agua Fria Property Acquisition. (Mike Lujan)

14. Action for Approving the Disposal of Real Property Under the PNM Franchise Agreement. (Frank Katz)

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



Agenda REGULAR MEETING OF
THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcoholic Beverages at El Museo Cultural de Santa Fe, 1615 B. Paseo de Peralta, Which is Within 300 Feet of Alvord Elementary School, 551 Alarid and Located on City Property. The Request is for the Following Event: (Yolanda Y. Vigil)
 - a) The Santa Fe Fiesta Council's Annual Fiestecita to be held on Tuesday, September 4, 2007, from 6:00-9:00 p.m.
- 2) Request from Giant Industries Arizona, Inc., for a Transfer of Ownership and Location of Dispenser License #931 from R.E. & Lois Ellis, dba Sal's Red Skye Grill, 2239 Old Pecos Trail, to Giant Industries Arizona, Inc., dba Giant #6864, 4354 Cerrillos Road. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL NO. 2007-22: ADOPTION OF ORDINANCE NO. 2007-_____. (Mayor Coss, Councilor Calvert and Councilor Wurzburger)
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) **(Postponed at the June 27, 2007 City Council Meeting)**
- 4) CONSIDERATION OF BILL NO. 2007-23: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Calvert and Councilor Bushee)
An Ordinance Amending Section 24-2.6 SFCC 1987 to Restrict Truck, Truck Trailer and Other Large Vehicle Traffic on Camino Carlos Rael Between West Alameda Street and the City Limits. (Rick Devine)
- 5) CONSIDERATION OF BILL NO. 2007-24: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Bushee, Councilor Wurzburger, Councilor Calvert, Councilor Dominguez and Councilor Trujillo)
An Ordinance Amending Section 6-4.3 SFCC 1987 Regarding the Community Development Commission, Repealing the Affordable Housing Investment Loan Fund Ordinance and Creating a New Article 26-3 SFCC 1987 Regarding the Establishment of the Affordable Housing Trust Fund. (Kathy McCormick)



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- 6) CONSIDERATION OF BILL NO. 2007-25: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Heldmeyer and Councilor Trujillo)
An Ordinance Amending Section 16-13.6 SFCC 1987 Regarding Curfew for Parks and Recreation Areas. (Fabian Chavez)
- 7) CONSIDERATION OF BILL NO. 2007-26: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Wurzburger, Councilor Heldmeyer and Councilor Bushee)
An Ordinance Amending Sections 14-3.1 (H) (1) (a) (ii) AND 14-3.1 (H) (3) SFCC 1987 Regarding Posting Requirements for Public Hearing. (Jack Hiatt)
- 8) Case # H-07-53. Appeal of the Historic Design Review Board's Decision on May 8, 2007 Concerning the Previous Healy Matthews Stationers Building, Located at 515 Cerrillos Road in the Historic Transition Historic District. Richard Martinez of Martinez Architecture Studio, Agent for Wiviott Co., Requests that the Governing Body Rescind the Historic Status Upgrade from Non-Contributing to Contributing. (David Rasch)
- 9) CONSIDERATION OF RESOLUTION NO. 2007-_____.
Case #M 2006-52. Old Las Vegas Highway General Plan Amendment. Jennifer Jenkins, Agent for Homewise, Inc. Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 15.35± Acres of Land From Mountain/Corridor to Residential, Very Low Density. The Area is Located East of Old Las Vegas Highway and South of Old Pecos Trail. (Donna Wynant) **(Request by Applicant to Postpone to the August 8, 2007 City Council Meeting)**
- 10) CONSIDERATION OF BILL NO. 2007-33: ADOPTION OF ORDINANCE NO. 2007-_____.
Case #M 2006-53. Old Las Vegas Highway 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. (Donna Wynant) **(Request by Applicant to Postpone to the August 8, 2007 City Council Meeting)**



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- 11) CONSIDERATION OF BILL NO. 2007-34: ADOPTION OF ORDINANCE NO. 2007-_____.

Case #ZA 2006-21. Old Las Vegas Highway Rezoning from R-1 to R-3.
Jennifer Jenkins, Agent for Homewise, Inc. Requests Rezoning of 15.35± Acres of Land From R-1 (Residential, One Dwelling Unit Per Acre) to R-3 (Residential, Three Dwelling Units Per Acre). The Property is Located East of Old Las Vegas Highway and South of Old Pecos Trail. (Donna Wynant) (Request by Applicant to Postpone to the August 8, 2007 City Council Meeting)

H. ADJOURN

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DATE 7-6-07 TIME 1:40 pm

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RECEIVED BY tyclomunguiz

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CITY COUNCIL MEETING
EXECUTIVE SESSION
July 11, 2007

The governing body of the City of Santa Fe met in an executive session duly called on July 11, 2007 beginning at 6:42 p.m.

The following items were discussed:

1) Discussion of Siler Road/Agua Fria Property Acquisition, Pursuant to §10-15-1(H)(8) 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
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Bill Tallman, Deputy City Manager
Ann Lovely, Assistant City Attorney
Mike Lujan, Risk Management & Safety Director

2) Discussion of Disposal of Real Property – Northwest Quadrant, Pursuant to §10-15-1(H)(8) NMSA 1978.

PRESENT

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

ABSENT

Councilor Chavez

STAFF PRESENT

Galen Buller, City Manager

Frank Katz, City Attorney

Yolanda Y. Vigil, City Clerk

Kathy McCormick, Affordable Housing Director

**3) Discussion of Disposal of Real Property Under the PNM Franchise Agreement,
Pursuant to §10-15-1(H)(8) NMSA 1978.**

PRESENT

Mayor Coss

Councilor Bushee

Councilor Calvert

Councilor Dominguez

Councilor Heldmeyer

Councilor Ortiz

Councilor Trujillo

Councilor Wurzbarger

ABSENT

Councilor Chavez

STAFF PRESENT

Galen Buller, City Manager

Frank Katz, City Attorney

Yolanda Y. Vigil, City Clerk

Ann Lovely, Assistant City Attorney

Jeanne Price, Legislative Liaison

Robert Gallegos, Environmental Compliance Specialist

Ann McLaughlin, Open Space & Trails Coordinator

Fabian Chavez, Parks Division Director

Nann Winter, Sheehan, Sheehan & Stelzner, PA

**4) Discussion of Limited Personnel Matters, Pursuant to §10-15-1(H)(2) NMSA 1978
Three Month Evaluation of City Manager.**

PRESENT

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

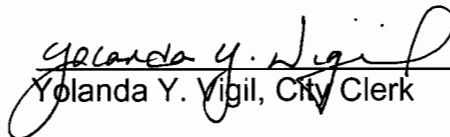
ABSENT

Councilor Chavez

STAFF PRESENT

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

There being no further business to discuss, the executive session adjourned at 7:57 p.m.


Yolanda Y. Vigil, City Clerk

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SANTA FE CITY COUNCIL MEETING
July 11, 2007

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 11, 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 July 11, 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

A Memorandum prepared July 11 for July 11, 2007 Meeting, to Mayor David Coss and City Council, from Greg Smith, Current Planning Division Director, regarding Items G(9), (10) and (11), is incorporated herewith to these minutes as Exhibit "1."

Mr. Buller would like to postpone Item 8(C) to the next meeting of the Council.

Mr. Buller noted a Memorandum prepared July 11th for July 11, 2007 meeting, regarding items G(9),(10) and (11), was distributed to the Councilors [Exhibit "1"]. He said there was a problem in the notice and transmittal to Board of County Commissioners and those need to be postponed for one month.

Mayor Coss would like to add a new 8(c) to present a Muchas Gracias Certificate to Mr. David Caseman.

Responding to Councilor Bushee, Mr. Smith explained the reason items G(9), (10) and (11), are being postponed. He said the notification process for getting these items on the Council agenda involve a number of steps, and they had gone through the first three steps by the applicant – publishing the notice in the newspaper, posting the property and direct mail to the applicants – when staff discovered a technical correction was needed to the Plat before it was transmitted to the Board of County Commissioners. This item is being postponed because "the left hand got out in front of the right hand" on the notification process, and it is necessary to

allow the full 30 days for the Board of County Commission to review the documents.

Councilor Trujillo would like to pull item G(6) on the evening agenda, and send it back to Public Works, saying he just found out there is a group of teens who want to talk about this and he wants to hear what they have to say. Responding to Councilor Heldmeyer, Councilor Trujillo said it will be on the next Public Works Agenda and then come back to the Council at the next meeting

Councilor Trujillo moved, seconded by Councilor Bushee, to approve the agenda as amended with the changes proposed by staff and Councilors.

The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Trujillo and Wurzburger voting for the motion and Councilor Heldmeyer voting against.

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

- a) BID NO. 07/54/B – UNIFORMS FOR CITY OF SANTA FE. (ROBERT RODARTE)**
 - 1. NEVE'S UNIFORMS**
 - 2. CAPITAL UNIFORMS**
 - 3. FOOT SOLUTIONS**
 - 4. JOB SITE**
- b) BID NO. 07/55/B – CITY WIDE WATER UTILITY CONSTRUCTION AND REPAIR CONTRACT; SUB SURFACE CONTRACTING, INC. (P.J. GRIEGO AND BRIAN SNYDER)**
- c) BID NO. 07/57/B – ON-CALL CONSTRUCTION SERVICES FOR VARIOUS CAPITAL IMPROVEMENTS PROJECTS CONSTRUCTION AGREEMENT; A.S. HORNER, INC. (DESIRAE LUJAN)**
- d) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – COORDINATION OF THE ARTWORKS PROGRAM (RFP #07/48/P); KRISTIN WATSON. (DEBRA GARCIA Y GRIEGO)**

- e) **CONSIDERATION OF RESOLUTION NO. 2007- 58 (COUNCILOR CHAVEZ). A RESOLUTION AUTHORIZING EIGHT (8) ARTS AND CRAFTS SHOWS AT CATHEDRAL PARK DURING THE 2007 CALENDAR YEAR BECAUSE OF THE LIMITED AVAILABILITY OF SPACE IN THE DOWNTOWN AREA DUE TO ONGOING CONSTRUCTION. (SABRINA PRATT)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – POLICE VEHICLE EQUIPMENT AND INSTALLATION; WEST MESA AUTO CRAFTS, INC. (ROBERT RODARTE)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – GRT POLICE FUND.**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PRINTING AND MAILING OF REMINDER AND FINAL NOTICES TO UTILITY BILLING CUSTOMERS; DATA PRINT LLC. (PETER ORTEGA)**
- h) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – WATER TREATMENT FACILITY SERVICES; YUKON AND ASSOCIATES, INC. (GARY MARTINEZ)**
- i) **REQUEST FOR APPROVAL OF RESTATED AND AMENDED AGREEMENT – LEASE STORAGE SPACE IN ABIQUIU AND ELEPHANT BUTTE RESERVOIRS; CITY OF SANTA FE, ALBUQUERQUE, BERNALILLO COUNTY AND WATER UTILITY AUTHORITY. (CLAUDIA BORCHERT)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WATER TREATMENT PLANT RESIDUAL (SLUDGE) TRANSPORT AND DISPOSAL; RHINO ENVIRONMENTAL SERVICES. (ROBERT GALLEGOS)**
- k) **REQUEST FOR APPROVAL OF GRANT AWARDS – STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)**
 - 1) **FOSTER GRANDPARENT PROGRAM**
 - 2) **RETIRED AND SENIOR VOLUNTEER PROGRAM**
 - 3) **SENIOR COMPANION PROGRAM**
 - a0 **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS/ DECREASES – GRANT FUND**
- l) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – ADDITIONAL ASPHALT MILLING AND INLAY FOR CERRILLOS ROAD/ST. MICHAEL'S DRIVE/OSAGE AVENUE INTERSECTION IMPROVEMENTS PROJECT; STAR PAVING COMPANY. (LEROY PACHECO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND**

- m) *[Removed for discussion by Councilor Calvert]*
- n) *[Removed for discussion by Councilor Calvert]*
- o) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PHYSICALS FOR FIREFIGHTERS; CONCENTRA MEDICAL CENTERS. (BRIAN CALDWELL)**
- p) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – MEDICAL DIRECTION SERVICES FOR FIRE DEPARTMENT; NORTHERN NEW MEXICO EMERGENCY MEDICAL SERVICES. (BRIAN CALDWELL)**
- q) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – COMPUTER EQUIPMENT FOR CITY OF SANTA FE GOVERNMENT TELEVISION CHANNEL; APPLE, INC. (SEVASTIAN GURULE)**
- r) *[Removed for discussion by Councilor Calvert]*
- s) **REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS – HUMAN SERVICES PROVIDERS FOR FISCAL YEAR 2007-2008. (TERRIE RODRIGUEZ)**
- t) *[Removed for discussion by Councilor Heldmeyer]*
- u) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO NORTHWEST QUADRANT WATER SYSTEM EXTENSION AGREEMENT – NORTHWEST QUAD TANK; SANGRE DE CRISTO WATER COMPANY; TANO SANTA FE PARTNERS; SOUTHWEST LIFESTYLE CONCEPTS, LLC, AND CITY OF SANTA FE. (GARY MARTINEZ)**
- v) **CONSIDERATION OF RESOLUTION NO. 2007- 59 (COUNCILOR CHAVEZ). A RESOLUTION REPEALING RESOLUTION NO. 2005-10 AND RE-ESTABLISHING THE 400TH ANNIVERSARY COMMITTEE TO PLAN FOR THE FOUR-HUNDRED YEAR ANNIVERSARY OF THE FOUNDING OF LA VILLA DE LA SANTA FE, 1607 THROUGH 1610. (DARLENE GRIEGO)**
- w) **REQUEST FOR APPROVAL OF PART 150 NOISE COMPATIBILITY STUDY NOISE EXPOSURE MAPS (NEM). (JIM MONTMAN)**
 - a) **REQUEST FOR APPROVAL FOR THE AIRPORT DIVISION DIRECTOR TO SIGN APPROPRIATE DOCUMENTS FORWARDING THE NEM TO THE FAA FOR REVIEW AND ACCEPTANCE.**
- x) *[Removed for discussion by Councilor Calvert]*

- y) *[Removed for discussion by Councilor Ortiz]*
- z) **REQUEST FOR APPROVAL FOR SEWER SERVICE, UNDER PROVISIONS OF SECTION 22-6.2 SFCC, BY MIKE AND PAMELA GARCIA OF 2110 PAM Y EUTILIA LANE, LOCATED IN THE HISTORIC AGUA FRIA VILLAGE FOR AN EXISTING SINGLE FAMILY RESIDENCE. (STAN HOLLAND)**
- aa) *[Removed for discussion by Councilor Chavez]*

7. APPROVAL OF MINUTES: Reg. City Council Meeting – June 27, 2007.

Councilor Bushee moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council Meeting of June 27, 2007, as presented. 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.

8. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR JULY 2007 – FRANK ARCHULETA, COMMUNITY FACILITIES SECTION MANAGER.**

Mayor Coss introduced the employee of the month for July 2007, Frank Archuleta, and presented him with a plaque and a check for \$200 from the employee's fund. Mayor Coss said Mr. Archuleta is retiring, and read his nomination into the record. He said Mr. Archuleta has done an exemplary job on behalf of the City, especially during the construction of some very large facilities including the new Convention Center.

Frank Archuleta thanked his fellow employees for this honor, and the Governing Body for the opportunity to work with the City.

- b) **2007/2008 CITY POSTER. (SABRINA PRATT)**

Sabrina Pratt introduced Julie Beistrom, Project Specialist with the Arts Commission for a very short presentation followed by the proclamation.

Ms. Beistrom introduced Sarah Bienvenu, this year's City poster winner for her submission entitled "Small Canyon." Ms. Beistrom thanked the panel of judges for their work in selecting this year's winner. The panel judges were Mayor Coss, the Arts Commission, last year's winner Betty Brodsky and Gallery owner Victoria Price.

Mayor Coss read a Proclamation declaring July 11, 2007, as Sarah Bienvenu Day.

Mayor Coss thanked Fred Sisneros Design for printing the posters.

Ms. Pratt said for many years, Sisneros Design has volunteered its services to do the graphic design and printing of the posters.

Ms. Bienvenu thanked the panel of Judges for choosing her piece for the Santa Fe Poster. She thanked the Santa Fe Arts Commission, Julie Beistrom and Sabrina Pratt, and the Governing Body for this honor which she has received.

Councilor Chavez congratulated the recipient, and complimented all of those who participated in the whole process, commenting that there were so many good entries it was difficult to narrow the choice to one. He said the quality of this competition is a statement of the quality of the arts community in Santa Fe.

Councilor Bushee thanked the Arts Commission, and said it is great to see an abstract chosen for this year's poster.

Mayor Coss thanked all the artists who participated, and said the poster represents the City well this year.

c) MUCHAS GRACIAS CERTIFICATE TO DAVID CASEMAN.

Mayor Coss presented a Muchas Gracias Certificate to Mr. David Caseman for his activism and his work in the business community over the years, noting that Mr. Caseman is leaving Santa Fe.

Mr. Caseman thanked the Mayor for this honor. Mr. Caseman spoke about the genesis for his efforts, and described the work of the Alliance over the past years.

Councilor Wurzbarger spoke about Mr. Caseman and the work of his group, noting a key component was promoting for Santa Fe, and said she will miss him greatly.

Councilor Heldmeyer spoke about the work of the alliance, and thanked Mr. Caseman for changing the face of business friendly in Santa Fe, commenting that what is important in Santa Fe are the small local businesses.

Mr. Caseman introduced Vicki Paziban, the new President of the Alliance, and said he knows the Alliance will do very well in her good hands after he moves to Lincoln, noting he will be keeping an eye on things.

Councilor Calvert thanked Mr. Caseman very much for his work.

c) MUCHAS GRACIAS – “RELAY FOR LIFE.”

This item was postponed to the Council Meeting of July 25, 2007.

CONSENT CALENDAR DISCUSSION

9(m) REQUEST FOR APPROVAL OF AMENDMENT TO AFFORDABLE HOUSING CONTRIBUTION AGREEMENT – CARLOS REY DEL SUR SUBDIVISION, PHASE IV; VISTANCIA LLC AND SANTA FE COMMUNITY HOUSING TRUST. (RON PACHECO)

Councilor Calvert said he removed this item to clarify that the amendment in the Council packet is incorrect, it is the old one, and the new one specifies the six homes, two at 1,100 sq. ft., two at 1,150 sq. ft., and two at 1,250 sq. ft. He wants to be sure this is the one on which the Councilors are voting, and not the one in the packet.

Councilor Calvert moved, seconded by Councilor Bushee, to approve this request with the clarification that the approval is for the amended version which specifies the six homes, two at 1,100 sq. ft., two at 1,150 sq. ft., and two at 1,250 sq. ft. 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.

Mr. Sandoval said he will be submitting the changed and updated copy of the amendment, and thanked the Council for approving this request.

9(n) REQUEST FOR CONCEPTUAL APPROVAL – CONVERSION OF (LED) TRAFFIC SIGNAL BULB REPLACEMENT PROJECT. (CHRIS ORTEGA) 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – ½% CIP GRT FUND.

Councilor Calvert said he asked staff to follow up on potential state funding which may be available for this project, and wanted this report before voting on this item.

Mr. Ortega said he has been attempting to contact the State DOT, but he has not received a return call, so as soon as he finds out he will let him know.

Councilor Bushee asked Robert Romero and Mr. Ortega, with regard to the street lights, to try to find an alternative to incandescent lights.

Councilor Calvert moved, seconded by Councilor Bushee, to approve this request. 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(r) CONSIDERATION OF RESOLUTION NO. 2007- 60 (COUNCILOR HELDMEYER AND COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO DEVELOP A "WATER SMART" EDUCATION AND REBATE PROGRAM. (DAN RANSOM)

Councilor Calvert proposed an amendment to the title of the Resolution and in the body of the Resolution, to change "Water Smart," to "Water Wise Irrigation Education and Rebate Program." He noted that "Water Smart" is sort of a trademark of Homewise, and this change will avoid confusing people.

Councilor Calvert moved, seconded by Councilor Bushee, to adopt Resolution No. 2007-60.

Discussion: Councilor Bushee said she was a cosponsor, but her name doesn't appear, and asked Ms. Vigil to add her name to the Resolution.

The motion was approved on the following Roll Call vote:

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

Against: None.

9(t) REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – ESTABLISH PARTNERSHIP BETWEEN THE DISTRICT AND THE CITY; SANTA FE PUBLIC SCHOOLS. (BILL TALLMAN)

Councilor Heldmeyer said when this item was before the Finance Committee, Mr. Tallman was unaware of some of the problems the City has had in the past with regard to the use of recreational facilities and run-ins with various principals. She asked Mr. Tallman if he has had a chance since that meeting to talk to people from the School District to ensure this wouldn't happen again.

Mr. Tallman said he hasn't, but he has a very good relationship with the Deputy Superintendent, and he is sure if there are any problems they will be able to discuss them.

Councilor Heldmeyer said this sounds great, and others have had great relationships with other superintendents. However, the City has had problems, depending on the principal, which have spanned years. She wants to have an agreement with the schools.

Mr. Tallman said he will be happy to talk to anyone to resolve the situation, and asked for suggestions other than just more discussion.

Councilor Heldmeyer said the assumption was that there was going to be some connection with the schools between when this was at Finance and when it came to the Council.

Councilor Dominguez said one of the reasons the MOU came to light was to ensure that there is cooperation between the Santa Fe Public Schools and the City of Santa Fe in the use of the facilities, both indoor and outdoor. He recalled that at the Finance Committee meeting, Deputy Superintendent Gutierrez said there are now two new principals at these facilities. He spoke with her earlier this evening, and she told him she will continue to educate those school site principals to let them know what we expect. He believes she said they will proceed in creating signs which will articulate the agreement to the public.

Councilor Heldmeyer said this was mentioned as a possibility at the meeting, but it isn't in the MOU. She asked if the School District has approved the MOU.

Mr. Tallman said it is on tomorrow night's agenda. He noted the MOU was amended after the Finance Committee meeting and language was added that the school will post signs indicating that these are joint city/county facilities.

Councilor Dominguez moved, seconded by Councilor Wurzbarger, to approve this request.

Discussion: Councilor Heldmeyer said the problem is that it says the signs will say these are joint use facilities, but this does not address the issue of who can use it and when. She said she has had problems in her District, noting there have been issues in District 3 as well. She said everybody understands these are joint use facilities, but some individuals within the school system interpret that differently than others. She thought the whole point of having a joint MOU was to get this worked out in writing.

Mr. Tallman suggested that he and Councilor Heldmeyer meet and work out the detailed language for the signs which would be acceptable to both the schools and the City.

Friendly Amendment: Councilor Heldmeyer proposed the following amendment to #5 Outdoor Field Use: "...joint use facilities, and stating who can use which facility at which time." **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Dominguez said the intent in the beginning was to be able to do just this – when the public would have access to the fields without compromising the safety of the students.

Councilor Heldmeyer said she would talk to Councilor Dominguez about why this was a ruse, because when the City proposed things which would have assured the safety of the students they were turned down.

Councilor Chavez said he thought the cooperative agreement would deal with some of the indoor space. He commented that the City has been able to use the gym at one of the schools for a public meeting. In this case, a lot has to do with scheduling and coordinating with

the schools for the use. The policies we're looking at should be developed for both the indoor and outdoor space of those facilities. He said over the years, we have discussed and debated operating under the concept of community schools that these buildings and playgrounds in which we have invested jointly, will function to some extent as a community center after hours and during the summer. However, we have never come to an agreement that we can use the space, when, and how it's managed, and he wants to look at that further.

The motion, as amended, was approved on the following Roll Call vote:

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

Against: None.

9(x) REQUEST FOR APPROVAL FOR WATER AND SEWER SERVICE, UNDER PROVISIONS OF SECTION 22-6.2 AND SECTION 25-1.11 SFCC, BY LARRY A. MARTINEZ FOR A HEAD START FACILITY AT 5600 LOWER AGUA FRIA TO REPLACE THE SITE CURRENTLY LOCATED AT 1150 CANYON ROAD. (ANTONIO TRUJILLO)

Councilor Calvert said he removed this because it's same issue: Why do we keep doing this. He asked, with regard to the 1.6 afy, if the City is transferring these rights, and if someone develops the Manderfield site if they will have to bring water rights.

Mr. Trujillo said they will be required to comply with the ordinance in effect, and because this is a new site, they will not be allowed to transfer the water use from the Manderfield site to this other site, so they will have to retrofit or bring water rights.

Councilor Calvert said the other issue he has with all of these County projects, is that it seems the County is almost intentionally picking these spots so they can avoid certain City fees, noting the City won't get GRTs from construction of this project. The City is continuing to supply the water through our system, but we are not getting any benefit, and this pattern keeps happening. He understands this is a very worthwhile project, but this "mode of operation is getting to be a pattern that is hard to swallow."

Councilor Heldmeyer said she made the motion at Public Utilities on this request, and placed special conditions and amendments on the request. She assumes all the usual conditions and amendments would apply to this request, although it doesn't say so. She said the additional conditions were: (1) the City will not pay for the main line extension; (2) the lines cannot be tapped for other uses; and (3) the connection can be used only by the applicant.

Councilor Heldmeyer said there have been issues where the County would give a piece of land to something like Head Start, a school or a clinic, and then a main line is run, often paid by the developer, between where the main line stops and where they are putting this very good project. She said the City has cut back on these requests, and has become more restrictive. However, we're in a situation where the County essentially has veto power over most

annexations which the City wants to do. She believes our water policy has to change because of this. The City has to stop giving water to County projects because the County is benefitting from its recalcitrance on annexation.

Councilor Heldmeyer moved, seconded by Councilor Calvert, to deny this request.

Discussion: Councilor Chavez said he wants to vote on the motion before commenting, saying he can't support the motion.

Councilor Ortiz said he agrees with Councilor Heldmeyer, but he cannot support a motion to deny a request for Head Start. He said we do need to change our policy, given the recent decision in another annexation case. He said it is gall that some of the County Commissioners can tell us at the RPA that we need to annex only certain areas, and then on the other hand we get applications such as we see in 9(x) and 9(y). It seems that the County government is promoting or pushing forward these requests for services at the same time they are not following through with some of the annexation requests brought forward by the City. He believes we do need to change the water policy, but does not believe it should be the blanket denial which has been proposed by some members of the governing body for some period of time.

Councilor Ortiz said the City can, by amending the existing Water Services Agreement with Santa Fe County, and as previously suggested, accounting for the water by deducting from that agreement any water acreage for water usage for these water services, especially for these kinds of proposals in 9(x) and 9(y) where it seems there has been a partnership made between the County government and these private entities. He said we need to reopen the Water Services Agreement with Santa Fe County, and that document becomes the vehicle for changing water policy and not, essentially, leaving Head Start or the next applicant in the lurch. He said we can bring this issue up here and now, commenting that if the County doesn't have people here it should have, and the County will catch wind of this decision. He will be asking that the City reopen this agreement to deal specifically with these kinds of issues. He will not support the current motion, but if the motion fails, he has an amendment to the request.

Mayor Coss said the County proposed an amendment to the Water Service Agreement two years ago to put a master meter for the County in or near Agua Fria Village.

Mr. Buller said this is correct.

Mayor Coss said this needs to be part of the discussion, that the County requested this and the City turned them down.

Councilor Wurzbarger agrees with Councilor Ortiz, but she does not agree with denying the request. She would be more comfortable with a motion making this a condition.

Councilor Bushee said we are all speaking to the next motion which hasn't been made. She said the City left the door open for the non-profits and other good community causes to come forward and plead their case, and doesn't believe there can be a case against Head Start which serves the entire County and the community. If you want to punish the County, don't use the non-profits and good community programs as the pawns in this battle. She suggested we develop a policy on which we can all agree which tells the County the City doesn't want to do

these piecemeal extensions of our infrastructure without oversight or recovering financial means.

Councilor Chavez said the reasons the City turned down the master meter was obvious, because we thought we would be moving forward on annexation and we wouldn't be dealing with this piecemeal situation. However, unfortunately we are back dealing with a piecemeal situation. He pointed out that in many cases the City and County ordinances differ, such as affordable housing and impact fees. He said we are still applying some of the City ordinances to development which is outside the City.

Mr. Trujillo said they are responsible for paying the Utility Expansion Charge.

Councilor Chavez said that basically would replace the impact fees if this project were in the City limits.

Mr. Trujillo said this is correct.

Councilor Chavez asked Mr. Katz if it would be possible for the City to collect GRTs during the construction phase.

Mr. Katz said it wouldn't be possible to collect GRTs, but it would be possible to work out some sort of fee in lieu.

Responding to Councilor Chavez, Mr. Katz said the entity seeking to have the water service would be the only entity which would be responsible for paying

Councilor Chavez asked Mr. Martinez if PMS would be willing to consider this.

Mr. Martinez said this is certainly something PMS would be willing to consider.

Councilor Chavez said he believes it is in the best interest of the project as well as the community as a whole. He asked Mr. Katz if this additional condition of approval is appropriate.

Mr. Katz said he believes it would be appropriate.

Councilor Heldmeyer said it is not her intent to punish the County by doing this. She has talked with a lot of people since the Court case came down last Thursday. She is being told that until there is pressure on the County from the people who live in the County to treat these issues with equity that "it isn't going to happen." She said she loves Head Start and Youth & Family Shelters, which are wonderful groups, and the reason they've been chosen to get the land and the water main, noting we would turn down a developer. The reality is that the County wants things to stay in the County, but it does not want to be responsible for the level of infrastructure and services which meet the level of development that it is approving. And, they can get away with it because we are always nice.

Councilor Heldmeyer spoke about the issue of the GRTs. On other County projects, the City tried to negotiate for 50% of GRTs because we were providing services, and the County refused because they didn't have to agree. She said it has been discussed that perhaps we could deduct this from the water the City gave to the County in its JPA.

Councilor Bushee noted the motion is to deny, and none of these topics are germane to the motion.

Councilor Heldmeyer said it is directed to her motion and is germane, and she didn't hear from the Parliamentarian.

Mayor Coss told her to proceed.

Responding to Councilor Bushee, Councilor Heldmeyer said another motion will have a lot of stuff in it which has already been tried when the JPA was negotiated – if we send water to the County it is subtracted from the afy in the agreement – it didn't work. She said it is frustrating that the City, trying to do the right thing, ends up getting it "in the neck" every time.

Councilor Heldmeyer asked if there are any County water lines which run near this site, noting there are County buildings on this same property.

Mr. Trujillo said there are no County water lines running along Agua Fria next to this property.

Councilor Heldmeyer reiterated that we have nice people before the Council. She asked if PNM would go to the County Commission at its next meeting

Mayor Coss said this discussion is not germane.

Councilor Heldmeyer said it is a motion to deny, and she is trying to decide whether to withdraw her motion, and wants to know if a motion to accept is passed, will PNM go to the County Commission and tell them what they're doing to you and other nonprofits who are locating in the County at this point.

Mr. Martinez said it is difficult to assign motives to the County Commission. He said PMS went to the County Commission and asked them for land because PMS received a federal appropriation to build the Head Start site, which would allow PMS to return the Manderfield property to the Santa Fe Public Schools. He said PMS specifically requested land in the southern part of Santa Fe because this is where the kids being served by Head Start reside, and the County offered two sections of land. Currently, some kids are on a bus for as much as an hour one way to get to Manderfield, when most live in the Cottonwood Village area. The identified land is under State lease which led to additional issues, and the County has since relinquished that portion which we will use back to the State Land Office. Mr. Martinez said he will do anything he can possibly do in his power to come up with a rational partnership between the City and County with respect to water use. However, he really doesn't believe Head Start was selected as test case, because PMS went to the County and requested the land, and the County has done everything possible to accommodate them.

Councilor Heldmeyer said, "and you can't bite the hand that feeds you," and said she does not withdraw her motion.

The motion failed to pass on the following Roll Call vote:

For: None.

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

Explaining his vote: Councilor Calvert said he is going to vote no, but he believes we accomplished something here tonight, and that is that we definitely need some changes in our agreements with the County on this, because this is going to keep coming up until we do get some changes.

Explaining her vote: Councilor Heldmeyer said she will vote no so she won't be mean to the small children.

Councilor Ortiz moved, seconded by Councilor Wurzburger, to approve this request with the standards which always apply, and with the following additional conditions: (1) The City will not pay for mainline extension; (2) the lines cannot be tapped for any other use; (3) that this connection is only for the specific applicant; and (4) that the service can be obtained after the County gives written authority to the applicant and to the City that it, the County, is willing to open the water service agreement discussions with the City and/or, for this applicant, agree to annexation of this particular property.

Discussion: Councilor Ortiz said this condition, which doesn't change the water policy or change the Water Services Agreement, puts the onus back on the County. If the County's motives are pure, then they'll give the City a letter. If the motives are to find attractive "stocking horses" for them, then we won't get a letter, and the applicant will be in the situation of coming back to the City, saying they went to the County and the County said it is not willing to open the Water Services Agreement with the City and/or the County is not willing to agree to annexation for these properties. He believes this discussion, which he will request both at Council and at the RPA, is something which hopefully will take these kinds of applications out of the escalating fight which seems to be occurring between the City and the County Commission. This is the basis for his condition.

Councilor Bushee believes the last condition is unfortunate, given that this puts PMS right in the middle of this battle. She asked if the City could develop a proactive policy after these two applications, and let these folks contribute their services to the community. She asked to separate that part out of the motion, saying she believes it is unfair at this juncture.

Friendly amendment: Councilor Chavez would like to amend the motion to include the discussion about GRT during construction of the project if it's approved. **The amendment was not friendly to the Maker, who commented we need to have this discussion, but doesn't believe it is specific to water service. If we amend the water policy, there should be talk about water policy by accounting for the water somehow.**

Councilor Chavez moved to amend the motion to include the discussion about GRT during construction of the project if it is approved. The motion died for lack of a second.

Councilor Heldmeyer said the County is always willing to open discussion. Her research

is that the initial annexation recommendations came down on February 13, 2002, five years ago. What the County is somewhat reluctant to do is to close the discussion, especially if it will result in any loss to the County. She said asking the County if it is willing to open discussion won't hold these projects up, because the County will say yes, but she believes in 20 years a lot of different people will be sitting here having this same discussion.

Clarification of the motion: Councilor Dominguez asked if this means if we aren't in agreement, once it is opened, that this particular applicant won't be able to proceed with the project, noting he is concerned about this, recognizing the need and service it provides. He does understand the rationale in opening the dialogue, but he is concerned about putting PMS in the middle of that.

Councilor Ortiz said if this really is a hammer, as Councilor Bushee believes, which is somehow putting these and all future applicants in the middle, then it is an onerous requirement on the applicants, because the County will be recalcitrant and won't write a letter. However, if you believe, as Councilor Heldmeyer does, that this really says something but has no sticking power, because the County is always agreeable to opening discussions, and therefore it is some kind of a loophole, then all that needs to be done by this applicant, the next applicant and all future applicants, is get a letter from the County Manager saying for this applicant we are willing to agree to annexation or to open the Water Services Agreement for this application. It depends on the mind set.

Councilor Ortiz said it would be hard for this or any application, for the Council to say the County agrees to amend its Water Services Agreement as a condition here. All we can do is ask the County to come to the table to discuss and open the agreement. He said his experience has been that the County Commission has not been willing to open the Water Services Agreement "one inch," once it was signed, and the County Commission has done nothing to lead him to believe that the County would now be willing to do that. If you think it is too onerous, then it should be removed to a Resolution, but if you think it is too easy, then it will be easy for the applicant to get the necessary letter.

Mayor Coss agreed with Councilor Heldmeyer that the City Council and the County Commission will still be doing this strange dance about annexation in 20 years. He believes we are coming to the "end of our rope" on this, and coming to the end of the open land in Santa which is worth fighting over annexation about. He thinks we probably need to end the fight over annexation, and doesn't believe we should do this with Head Start, or other worthy organizations. The City has the only water system in this part of the world, the County doesn't, and this isn't going to change, and the annexation war is less and less worth fighting in his opinion.

Councilor Bushee moved to sever the amendment requiring a letter from the County. The amendment died for lack of a second.

Councilor Bushee said it won't be 20 years, and that we will be "called on the carpet" by the Legislators to have this discussion and have this out, or we'll be forced to do some things. She still thinks it's blatantly unfair to stick these non-profits which serve the entire community in the middle of this battle.

The motion, as amended, 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 FOR WATER AND SEWER SERVICE, UNDER PROVISIONS OF SECTION 22-6.2 AND SECTION 25-1.11 SFCC, BY SANTA FE COUNTY FOR THE SANTA FE COUNTY YOUTH SHELTER AND FAMILY SERVICES ADMINISTRATION BUILDING AT 5600 AGUA FRIA ROAD. (ANTONIO TRUJILLO)**

Councilor Ortiz moved, seconded by Councilor Chavez, to approve this request with the following additional conditions of approval: (1) that the City not pay for main line extensions; (2) that the lines cannot be tapped for any other use; (3) that the use can only be for the Youth & Family Services; and (4) that the service can be obtained after the County gives written authority to the applicant and to the City that it is either willing to open the Water Services Agreement with the City, and/or agree to annexation of this particular parcel.

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(aa) CONSIDERATION OF RESOLUTION NO. 2007- 61 (COUNCILOR CHAVEZ AND MAYOR COSS). A RESOLUTION CALLING FOR THE GOVERNING BODY TO PETITION THE PRESIDENT AND THE UNITED STATES CONGRESS TO IMMEDIATELY CEASE COMBAT OPERATIONS IN IRAQ, END THE OCCUPATION, AND SAFELY BRING HOME ALL AMERICAN TROOPS.**

A copy of a proposed amendment to Resolution No. 2007-61, submitted by Councilor Chavez, is incorporated herewith to these minutes as Exhibit "2."

Councilor Chavez moved, seconded by Councilor Bushee, to adopt Resolution No. 2007-61, with the amendment which was distributed to the Councilors. [Exhibit "2."].

Discussion: Councilor Chavez said his amendment would add two groups to the Resolution: the Social Action Committee of Temple Beth Shalom and the Archdiocese of Santa Fe Office of Social Justice. Councilor Chavez recognized those in attendance this afternoon for this Resolution, and stated for the public the names of all those who are named in the

Resolution as being in support of this Resolution. He said each of these organizations reviewed the Resolution before signing on, understanding that this is a petition to our central government asking for withdrawal of our troops from Iraq.

Councilor Bushee wants to be sure she is added as a sponsor, noting she isn't listed even though she sent an email indicating her cosponsorship. She said every time the Council votes on something like this, we are chastised and asked to deal with all the problems in our own back yard. She said we have been affected by this war. There is little or no funding for most projects, and it is insidious how little money has been available to trickle down to local communities since the inception of the war. The Council adopted a Resolution before the war began indicating it was not a good idea. She said everything we are speaking about this evening is about this community and how it has been impacted. She said this is the right thing to do for our community.

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.

Mayor Coss said he would have voted yes on the Resolution if he could. He thanked all of those in attendance in support of the Resolution.

END OF CONSENT CALENDAR DISCUSSION

10. APPEAL OF DENIAL OF DRIVEWAY PERMIT #07-07-01 – PASEO COMPOUND, 511 PASEO DE PERALTA; ROSANNA C. VAZQUEZ FOR REAL ESTATE INVESTMENT PARTNERS. (FRANK KATZ)

Councilor Heldmeyer asked Mr. Katz to explain why this is on the afternoon session as an appeal and why it is not being heard in a public hearing.

Mr. Katz said this appeal is pursuant to City Code Section 23-3.4, which allows an applicant aggrieved by the refusal of the City to grant a permit to a driveway, to notice and appeal to the governing body, which he does not believe is a public hearing. It is an appeal of the denial by the Public Works Department to grant an access permit to the appellant, which is an administrative decision of staff.

Councilor Heldmeyer said all other appeals are heard in the evening as a public hearing, and asked him to explain the legal basis for not hearing this one the same way.

Mr. Katz said he sees no provision in the Code for it to be heard as a public hearing,

because it is an appeal, and is not a public hearing.

Councilor Heldmeyer asked if he is saying that somewhere in the Code it says all other appeals heard by the Council need to be heard as a public hearing and for this kind of appeal it doesn't say that.

Mr. Katz said he is not willing to say that about all other appeals, but he is looking at what this particular ordinance allows for.

Mayor Coss asked if there is anything to prevent the Governing Body from moving it to the evening and doing a public hearing.

Mr. Katz said no.

Responding to Councilor Ortiz, Mayor Coss said he understands the public hearing could not be done this evening.

Councilor Heldmeyer said in this case, the appellant is the developer of the property.

Mr. Katz said this is correct.

Councilor Heldmeyer said if the appellant were to prevail what would happen, and if it did not prevail what would happen.

Mr. Katz said if the appellant prevails, the Governing Body would be ordering that the developers have access to their property, and the Governing Body may want to condition that access on some mitigation of the difficulties of visibility. If the developer were to have the appeal denied, the developer would have no access as currently situated, and he is unsure what would happen. The developer could go back to the H-Board and say you approved cutting down a certain amount of this historic wall, but we still can't get access from the City, would you consider more. The H-Board would then take what action it might. He said the H-Board already has refused to allow cutting down the amount of the wall which would be required, evidently by Public Works, to allow the access.

Mr. Katz said what you have is one agency of the City saying you can't cut down the wall that much, and the other agency saying we won't give an access permit unless you cut down the wall that much.

Councilor Heldmeyer asked if there any kind of vote which the Council can take tonight which would uphold the H-Board and uphold the compromise position that the H-Board reached, noting Mr. Katz didn't indicate this as a possible outcome.

Mr. Katz said the first outcome was to approve the appeal and it can be done with conditions which would mitigate the visibility problems, which he believes is the compromise which was being sought – lower the wall for a certain amount; add a requirement that there be mirrors, so the people who are leaving the driveway can, in fact, see whether there's danger; and a sign which would illuminate and indicate when there is somebody in the driveway that is leaving, so the people coming by will know there is a danger ahead.

Councilor Wurzburger moved, seconded by Councilor Heldmeyer, to support the H-Board Decision, including the three suggestions in the compromise as follows:

- (1) A mirror that would allow drivers exiting the driveway to see all the way to the Otero Road stop sign;**
- (2) A warning sign “Caution Car Exiting When Flashing” electronically triggered by a car in the driveway waiting to exit; and**
- (3) Right turn only from the driveway.**

The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Chavez and Councilor Bushee.

11. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

12. 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 Siler Road/Agua Fria Property Acquisition, Pursuant to §10-15-1(H)(8) NMSA 1978.**
- c) Discussion of Disposal of Real Property – Northwest Quadrant, Pursuant to §10-15-1(H)(8) NMSA 1978.**
- d) Discussion of Disposal of Real Property under the PNM Franchise Agreement, Pursuant to §10-15-1(H)(8) NMSA 1978.**

Councilor Bushee asked the City Attorney if Item 12(a), the evaluation of the City Manager, and Item 12(d) need to be done behind closed doors. She sees no reason why Item 12(d) couldn't just go back to the Public Utilities Committee with a public hearing. She noted the Councilors have received written responses from the City Manager on Item 12(a), and asked if this really falls under limited personnel matters.

Mr. Katz said regarding Item 12(a), the evaluation of the City Manager, one presumes the Council isn't doing this for random purposes, but with the possibility of complimenting him or perhaps terminating him, noting the Council has that full range of options, and the reason it is done in executive session.

Councilor Bushee said she spoke with the City Manager who indicated he is very comfortable in not having it in executive session.

Mr. Buller said he is comfortable in doing it either way, and he is not insisting one way or the other. As he understands, it is an acceptable way to handle it in closed session under the Open Meetings Act, noting there is an Attorney General's Opinion to this effect. It is also done to protect him, so he can waive it if he would like to do so, and has no problem waiving the executive session.

Councilor Bushee asked, with regard to Item 12(d), why this is being done in executive session, noting the Council won't be voting on the Franchise Agreement, although it is listed for action.

Mr. Katz said his understanding that what is to be discussed in executive session is not the PNM Franchise Agreement, it is one item of a financial nature concerning the disposal of City land. It is a pricing issue and the only part which will be discussed in executive session, and not the whole agreement, nor how the determination is made whether or not to sell, it is the pricing issue only.

Councilor Bushee said the City has not approved the Franchise Agreement, and she doesn't expect the motion which follows on Item #14 to be approving the Franchise Agreement.

Mr. Katz said this is correct.

Councilor Heldmeyer asked, with regard to Item 12(c), if this is a discussion of a specific piece of real property, or is this intended to be a discussion of policy options regarding the Northwest Quadrant.

Mr. Katz responded that it is a discussion of two separate, specific pieces of property.

Councilor Heldmeyer asked if this is independent of the policy considerations which the Council has not yet discussed.

Mr. Katz said yes.

Councilor Calvert moved, seconded by Councilor Chavez, that the Council go into Executive Session for the purpose of the discussion of limited personnel matters – three month evaluation of City Manager, pursuant to §10-15-1(H)(2) NMSA, and the discussion of the Siler Road/Agua Fria property acquisition, the disposal of real property – Northwest Quadrant, and disposal of real property under the PNM Franchise Agreement, 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, Councilor Ortiz and Councilor Trujillo.

Against: None.

Absent: Councilor Wurzbarger

The Council went into Executive Session at 6:34 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 8:10 p.m., Councilor Wurzbarger moved, seconded by Councilor Dominguez, 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, Siler Road/Agua Fria property acquisition, disposal of real property – Northwest Quadrant, and disposal of real property under the PNM Franchise Agreement.

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

Mayor Coss noted that Item G(6) on the evening agenda has been postponed to the next Council meeting.

13. ACTION REGARDING SILER ROAD/AGUA FRIA PROPERTY ACQUISITION. (MIKE LUJAN)

There was no action regarding this item.

14. ACTION FOR APPROVING THE DISPOSAL OF REAL PROPERTY UNDER THE PNM FRANCHISE AGREEMENT. (FRANK KATZ)

There was no action regarding this item.

15. MATTERS FROM THE CITY CLERK

Ms. Vigil asked that the Mayor remind the audience that G (9), (10) and (11) on the evening agenda are postponed to the meeting of August 8, 2007.

Mayor Coss moved Items #15 and #16 to the end of the Evening Agenda.

END OF AFTERNOON SESSION AT 8:10 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 8:10 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

Virginia Soto on behalf of Seniors on Alta Vista as well as on Ponce de Leon. Ms. Soto said yesterday one of the seniors was almost hit by a car on Alta Vista. She said, as she has said before, something is needed on Alta Vista because seniors are crossing the street to the park for various reasons. She said, before something happens, she wants to see speed humps or something. Even kids are in danger there, because they cross the street when their parents pick them up and don't look either way. She asked that Transit consider changing the direction of pickup of seniors from Luisa and Pasa Tiempo that go downtown, because going home they are on the opposite side of St. Francis. It is very dangerous for seniors to cross St. Francis because three minutes is not enough for most of them to cross, especially those in wheelchairs. She would like to see the pickup route for Bus #4 to be revised to pick them up where they don't have to cross St. Francis.

Mayor Coss asked the City Manager to check with Transit and public safety.

Councilor Heldmeyer noted the City is in the process of developing a small dog park at Alta Vista, so there will be an increased amount of foot traffic as seniors cross the road to walk their dogs twice a day at the dog park.

F. APPOINTMENTS

Parks and Open Space Advisory Committee

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

Mark A. Tupler – term ending 06/2011; and
Lester Wallman – term ending 06/2009.

Councilor Chavez moved, seconded by Councilor Bushee, 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.

G. PUBLIC HEARINGS

- 1) PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR THE FOLLOWING EVENT: (YOLANDA Y. VIGIL)**
 - a) THE SANTA FE FIESTA COUNCIL'S ANNUAL FIESTECITA TO BE HELD ON TUESDAY, SEPTEMBER 4, 2007, FROM 6:00 - 9:00 P.M.**

The staff report was given by Yolanda Vigil, noting the location is within 300 feet of a school, and staff recommends that El Museo Cultural de Santa Fe, be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

Those speaking to the request

Albert "Gabby" Montoya, President of Fiesta Council, was sworn. Mr. Montoya said a bigger venue is needed. He said Eldorado was too small and too expensive, so they are moving to El Museo. He said this will be in the evening after school is closed for the day. There will be three liquor stations, two on the railroad side and one by the entrance. He asked approval for this request.

The Public Hearing was closed

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

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 Wurzburger.

Against: None.

2) REQUEST FROM GIANT INDUSTRIES, ARIZONA, INC., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #931 FROM R.E. & LOIS ELLIS, D/B/A SAL'S RED SKYE GRILL, 2239 OLD PECOS TRAIL, TO GIANT INDUSTRIES ARIZONA, INC., D/B/A GIANT #6864, 4354 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

The staff report was given by Yolanda Vigil, noting this is a request for transfer of ownership and location of Dispenser License #931 from Red Skye Grill to Giant Industries Arizona, Inc., d/b/a Giant #6864, 4354 Cerrillos Road. The location is not within 300 feet of a church or school, and staff recommends that Giant #6864 be required to comply with the City's litter and noise ordinances as a condition of doing business with the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Wurzbarger for purposes of discussion, that the Governing Body recommend not approving this request because it is too close to, and akin to, the drive up liquor type store concept.

Discussion: Councilor Calvert said the Council has voted in the past not to approve these kinds of requests, especially when it is a gas station. He said we have enough problems in this community with drunken driving.

Councilor Wurzbarger asked if the restaurant is closed, and if it will no longer have a liquor license.

Ms. Vigil said at the last meeting the Council approved a Beer & Wine license for Red Skye, so that license will not be issued until this license is transferred.

Councilor Bushee said this request is not the creation of a new license, but it is a transfer from a restaurant to Giant on Cerrillos Road, noting Councilor Calvert has expressed opposition to a gas station/convenience store selling alcohol. She asked if these are different kinds of licenses, and wouldn't it need a dispenser license.

Mr. Vigil said it is called a dispenser license which can be used as it was used by the restaurant, noting the applicant is available for specific questions.

Councilor Bushee asked why this Giant store has no liquor license.

Roger Bird, Giant Industries, 23733 N. Scottsdale Road, Scottsdale, Arizona, 85255 was sworn. Mr. Bird said the reason Giant is requesting the license transfer is that Giant acquired the location from another company in August 2006, and it did not have a liquor license. Giant Industries wishes to acquire a liquor license and transfer it to the location on Cerrillos Road.

Councilor Wurzbarger said then this involves a single Giant gas station which doesn't have the license capability as do other Giant gas stations in Santa Fe.

Mr. Bird said this is correct, and in response to Councilor Wurzbarger, said he is representing the corporate organization.

Mayor Coss asked if this Giant is near the Potter's House.

Mr. Bird said it is located south on Cerrillos, right in front of Horsemen's Haven Café, and near I-25.

The motion was passed on the following Roll Call Vote:

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

Against: Councilor Trujillo, Councilor Chavez and Councilor Heldmeyer.

- 3) CONSIDERATION OF BILL NO. 2007-22; ADOPTION OF ORDINANCE NO. 2007- 21 (MAYOR COSS, COUNCILOR CALVERT AND COUNCILOR WURZBURGER). 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) (POSTPONED AT THE JUNE 27, 2007 CITY COUNCIL MEETING)**

A copy of a proposed amendment to Ordinance No. 2007-21, submitted by Councilor Ortiz, is incorporated herewith to these minutes as Exhibit "3."

Frank Katz said he did distribute a Memo on the signs to the Councilors. He said, with regard to the issue of the membership of Board, he believes the problem is there was a misinterpretation as to how the terms of the members were assigned. It was done by lottery, and he does not think this was the intent. The intent of the law is that each member of the Governing Body gets to appoint a member to the Board. In order to have staggered terms, some were to be for two years, and some for four years. He said in looking at trying to fulfill the intent that each member of the Governing Body gets to appoint members of the Board, what should have been clear is that the members who were appointed by the Councilors who were

up for election at the next election should have been for two years, so their replacements would then get to appoint members after they were elected. This amendment does this, and puts it back the way it was originally before it was amended earlier this year, and clarifies that each member of the Governing Body makes the appointment in January following when they take office.

Mr. Katz said this would mean that five members of the Governing Body in March 2006, should have made their appointments in January 2007. There will be an election in March 2008, with four new Councilors to be elected, and those four people will make their appointments in January 2009.

Councilor Chavez said in the first go around, one Councilor didn't make an appointment, so Mr. Katz is suggesting if the ordinance is updated with amendments proposed, what is to say that this can't happen again.

Mr. Katz said he does not believe anyone can force a Councilor to make an appointment, and that Councilor who didn't do so, can still make that appointment for the position to fill out the term to January 2009.

Councilor Chavez asked the fallback position in the event that one member might not make their appointment, because it skews numbers and changes the dynamic and scenario.

Mr. Katz said there is nothing to require an appointment.

Public Hearing

Those speaking to the request

Fred Rowe, Chair of the Ethics and Campaign Review Board, was sworn. Mr. Rowe said he is rising to commend Mr. Katz for working with Councilor Ortiz to bring something which elevates and protects the appointments to this Board. He urged the Councilors to, at their earliest convenience, make their appointments or reappointments under the ordinance, so the Board can get back to work with respect to monitoring the campaign which is about to get under way.

Jim Harrington, Common Cause, was sworn. Mr. Harrington previously appeared to support this bill, and Councilor Ortiz shared his concerns. Mr. Harrington said he, Mr. Rowe, Councilor Ortiz worked together to develop a suitable version of the bill which seems to satisfy everyone and preserve what Common Cause thinks are the essential elements in the scheme of the appointment of the members of the Board. First, that there are staggered terms for continuity of membership, and secondly, that there be some interval between the election and any reappointments to provide an opportunity for the Board not to have its membership disturbed while it is working on election matters, and to give some time for passions which arose from the election to cool before appointments have to be considered. He urged passage of the amended version which satisfies these concerns.

The Public Hearing was closed

Councilor Ortiz moved, seconded by Councilor Calvert, to adopt Ordinance No. 2007-21, with the proposed amendment [Exhibit "3"], and further in light of the discussion on staggered terms, proposed an amendment on page 2, line 20, as follows: "Members shall serve terms of four years. ~~except that four (4) of the initial members shall be appointed for terms of two (2) years in order to provide for staggered terms~~

Explanation of the additional amendment on page 2, line 20: Councilor Ortiz explained that the fact that we needed to stagger terms resulted only from the first appointment, and so all the rest of the language on page 2, line 20 is extraneous.

Mr. Katz said this works just fine.

Councilor Ortiz asked, if this is passed as amended, what is the practical result for those members of the Governing Body who would have appointed in January 2007, but now have an appointment, and what is the practical result for the appointments by the previous Council.

Mr. Katz said his understanding of the practical result would be that the members appointed by Mayor Delgado, Councilors Coss, Pfeffer, Wurzbarger and Robertson Lopez would be off the Board when the new Councilors elected in March 2006 make their appointments.

Councilor Ortiz said then can make their appointments at any time after the enactment of this ordinance. Mr. Katz said yes.

Councilor Ortiz said with regard to the second issue, on which this was postponed, he read Mr. Katz's opinion on the political signs. He takes notice that there is substantial weight of case law against prohibition of even temporary signs which are of a political nature. He said there was a case in New York, Greenwood Lakes, which recognized one of the communities as having a reasonable time, place and manner restriction. He asked if there is any hope for Santa Fe to avoid the clutter without lawsuits.

Mr. Katz said yes, but would it would mean having to eliminate all signs, such as advertising a house for sale where there is no limit on that sign. If those were not permitted, it would treat all signs uniformly without regard to content.

Councilor Bushee said in Sugarman v. Village of Chester, it said Greenwood Lakes placed durational limits on the political signs, but no other signs, and asked if this was found to be constitutional.

Mr. Katz said there were a series of cases, most of which had a problem of allowing some signs for a longer duration than the political signs, and that is what caused the court to strike down the ordinance in those cities.

Councilor Bushee asked if the motion which has been made, which includes the old language, needs to be changed.

Councilor Ortiz said the motion which is made to approve the amendments to the ordinance would include striking that language on page 4.

Councilor Bushee said then we can't impose any kind of limitation of time on political signs without including all the other signs.

Mr. Katz said this is correct.

Friendly amendment: Councilor Heldmeyer suggested on page 3, line 11, additional language as follows: “.. limited to, rights-of-way. Signs placed in a curb strip in front of a private residence with permission of the owner are exempted from this section.” She said the reason is that the City doesn't keep good maps of where the City right-of-way is and is not. In the past, people just put a sign in front of the house indicating support for an issue or candidate, and it seems onerous to expect the homeowner to figure out the City right of way. **The amendment was friendly to the maker and second, and there were no objections from the other Councilors.**

Councilor Chavez said all political signs shall be removed within five days of an election, but the signs stay longer than they should after an election, and the reason for the irritation, but he doesn't see how we can change this at this point.

Responding to Mr. Katz, Councilor Heldmeyer said her amendment deals only with residential.

Councilor Trujillo is concerned mainly with Cerrillos Road and St. Francis Drive where the signs are on City property, and asked about enforcement.

Mr. Katz said the City can remove the signs after giving notice to remove the signs within a certain time, and assess fines.

Councilor Trujillo noted that the signs on Cerrillos and St. Francis are on State right-of-way, and asked if we should contact the State, or if it will be City policy to remove the signs.

Mr. Katz said he doesn't have an answer right away, but he said the City ordinance would apply. He supposes the State could give a candidate permission, but that is very unlikely, and the City ordinance would apply in this situation, no matter if it is State, City or County land.

Councilor Bushee asked who issues citations, who collects fines, and since it doesn't involve the courts, she presumes it is allowable. Her past experience is that the City doesn't do a lot of enforcement, and it really stresses out the staff.

Mr. Katz said although enforcement often stresses staff, it is their job. Mr. Katz said doesn't have the full ordinance so he can't say who issues citations and collects fines.

Councilor Bushee wants an answer, saying we adopt new laws, but don't enforce them, and provided her copy of the proposed Ordinance to Mr. Katz.

After review, Mr. Katz said the City Manager is "stuck" with issuing citations and collecting fines.

Councilor Bushee asked Mr. Buller if he will prepare his staff to implement this ordinance for the next election.

Mr. Buller said if it is adopted, the staff will have to do it.

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.

Explaining her vote: Councilor Bushee said yes, and would like to cosponsor the bill.

Explaining his vote: Councilor Chavez said yes. He said we can put enforcement on the City Manager and ask him to fix everything. However, as candidates, future candidates, prospective candidates, it is ours and their responsibility to read the campaign ordinance and follow that ordinance. If that would happen, we wouldn't have the enforcement issues, and wouldn't have to depend on a City Manager to do some of the things we should be doing. He will support this change.

Explaining his vote: Councilor Ortiz thanked Mr. Rowe, Mr. Harrington, Fred and the City Manager for working out this particular provision. He apologized to the Governing Body and to them as well, saying "my past precedes me." He believes motives were ascribed to him which were not there and he presumed certain things he shouldn't, and it would have been better to have had Monday's discussion last year in one of the three Ethics & Rules Committee meetings we had last year, so we would have avoided this situation.

Mayor Coss thanked everyone for coming up with a good result and thanked Councilor Ortiz for working on this as well.

- 4) CONSIDERATION OF BILL NO. 2007-23; ADOPTION OF ORDINANCE NO. 2007- 22 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987 TO RESTRICT TRUCK, TRUCK TRAILER AND OTHER LARGE VEHICLE TRAFFIC ON CAMINO CARLOS RAEI BETWEEN WEST ALAMEDA STREET AND THE CITY LIMITS. (RICK DEVINE)**

Public Hearing

There was no one speaking for or against the adoption of this ordinance.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Bushee, to adopt Ordinance No. 2007-22.

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.

- 5) CONSIDERATION OF BILL NO. 2007-24; ADOPTION OF ORDINANCE NO. 2007- 23 (COUNCILOR BUSHEE, COUNCILOR WURZBURGER, COUNCILOR CALVERT, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 6-4-3 SFCC 1987, REGARDING THE COMMUNITY DEVELOPMENT COMMISSION, REPEALING THE AFFORDABLE HOUSING INVESTMENT LOAN FUND ORDINANCE AND CREATING A NEW ARTICLE 26-3 SFCC 1987, REGARDING THE ESTABLISHMENT OF THE AFFORDABLE HOUSING TRUST FUND. (KATHY MCCORMICK)**

Public Hearing

There was no speaking for or against the adoption of this Ordinance.

The Public Hearing was closed

Councilor Ortiz said we passed the Loan Fund Ordinance last year and thought we were on sound legal authority. We were told by the State that this isn't allowed, and we needed to revise the ordinance. The proposed ordinance is the previous ordinance which has been scrubbed, hopefully with approval from the State, and it makes no other kinds of policy decisions and is a reiteration of the previous ordinance which was adopted.

Ms. McCormick said MFA did approve the ordinance.

Councilor Ortiz said he isn't listed as a sponsor, but should be. Ms. McCormick apologized and said he should be listed.

Councilor Ortiz moved, seconded by Councilor Bushee, to adopt Ordinance No. 2007-23.

Discussion: Councilor Heldmeyer referred to page 5 of the ordinance which discusses properties which will be annexed into the City within six months of application for funds.

Ms. McCormick's said if a project were to come forward in response to the RFP for funding, and the City agreed to provide funding, they have to be annexed into the City prior to the City providing any dollars.

Councilor Heldmeyer asked what happens if the annexation doesn't happen.

Ms. McCormick said this would be addressed in the administrative regulations, and typically it would follow what CDBG does which is that they would have to show progress on the annexation. She said the money would be earmarked in a fund until there is compliance, and if it doesn't happen, it will be put back in the pool. The funds can't be used until a project is being built.

Councilor Heldmeyer understands MFA didn't want the City to have policy guidelines.

Ms. McCormick said MFA's concern is that the City was going to do a loan program and that couldn't be done under the old Affordable Housing Act. The new Affordable Housing Act allows us to do loans as well as housing assistance grants.

Councilor Heldmeyer asked if will we have policy guidelines.

Ms. McCormick said we will have to wait until MFA drafts its administrative guidelines that implement the Affordable Housing Act, and then we can do ours. This is frustrating because projects are queued up and ready to move forward. The last time she checked with MFA it hadn't started the drafting process. She said they were supposed to start in June, but haven't started yet. She observed that MFA is watching Santa Fe very closely, so she would be very cautious about providing any funds or donating any land until our guidelines have been approved by MFA and are in place.

Councilor Heldmeyer asked if anything can be done to encourage them to speed up the process.

Ms. McCormick has been speaking with MFOA Board, has attended town hall meetings and indicated we want to be involved in the drafting of the guidelines and staying close to the staff.

Responding to Councilor Heldmeyer, Ms. McCormick said we can work on policy guidelines in parallel, so ours would be ready to go.

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.

- 6) CONSIDERATION OF BILL NO. 2007-25; ADOPTION OF ORDINANCE NO. 2007- ____ (COUNCILOR HELDMEYER AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 16-13.6 SFCC 1987 REGARDING CURFEW FOR PARKS AND RECREATION AREAS. (FABIAN CHAVEZ)**

This item was referred back to Public Works and postponed to the meeting of July 25, 2007.

- 7) CONSIDERATION OF BILL NO. 2007-26; ADOPTION OF ORDINANCE NO. 2007- 24 (COUNCILOR WURZBURGER, COUNCILOR HELDMEYER AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING SECTIONS 14-3.1(H)(1)(a)(ii) AND 14-3.1(H)(3) SFCC 1987, REGARDING POSTING REQUIREMENTS FOR PUBLIC HEARING. (JACK HIATT)**

Jack Hiatt presented information regarding this matter.

Public Hearing

There was no one speaking for or against the adoption of this ordinance.

The Public Hearing was closed

Councilor Wurzburger moved, seconded by Councilor Bushee, to adopt Ordinance No. 2007-24.

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.

- 8) **CASE #H-07-53. APPEAL OF HISTORIC DESIGN REVIEW BOARD'S DECISION ON MAY 8, 2007, CONCERNING THE PREVIOUS HEALY MATTHEWS STATIONERS BUILDING, LOCATED AT 515 CERRILLOS ROAD IN THE HISTORIC TRANSITION HISTORIC DISTRICT. RICHARD MARTINEZ OF MARTINEZ ARCHITECTURE STUDIO, AGENT FOR WIVIOTT CO., REQUESTS THAT THE GOVERNING BODY RESCIND THE HISTORIC STATUS UPGRADE FROM NON-CONTRIBUTING TO CONTRIBUTING. (DAVID RASCH)**

Memorandum dated July 10, 2007, with attachments, to Mayor David Coss and City Council Member, from David Rasch, Acting Director, Historic Preservation Division, regarding Case #H-07-53, is incorporated herewith to these minutes as Exhibit "4."

The staff report was presented by David Rasch, which is contained in Exhibit "4."

Staff Recommendation: Staff recommends maintaining the non-contributing historic status of the structure due to numerous alterations that removed the historic character of an automobile dealership and the non-historic publicly-visible portal addition that confuses the architectural style.

Mr. Rasch said he is recommending to uphold the appeal.

Public Hearing

Richard Martinez, Architect was sworn. Mr. Martinez said he is not often in opposition to the H-Board, noting he has won three awards over the years for his work in the historic districts. He went before the Board on May 8th, asking for status review of 515 and 519 Cerrillos Road, the Healy-Matthews and Luna Building. They received contributing status on 519, the Luna Building, as expected and with which he agreed. He is here tonight to appeal the decision of the H-Board to give contributing status to the Healy-Matthews Building.

Mr. Martinez said the Code states, in Article 14-5.2(C)(2)(b)(ii), that, "A change in status or the designation of a status, shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of significant, contributing or non-contributing." He said, in spite of the fact that the City's survey in 1997, which dates the building as fifty years old, and designated this building as non-contributing, the City acted as it did.

Mr. Martinez said Mary Ragins, who was the head of City staff for Historic Design for many years, and wrote much of the City's Historic Code, wrote and reported to the Historic Board that the "structure was surveyed by the City in 1994 and 1997, and the survey has resulted in its current designation of non-contributing for the purposes of applying the Historic District Ordinance. Further, the structures are textured. My research and the information you provided about it is detailed in the attached form. I believe that the building is appropriately designated, and recommend that it maintain its Historic District status of non-contributing. "

Mr. Martinez said Ms. Ragins further mentions the standards she applies to the building saying, "515 Cerrillos Road was substantially remodeled after 1971, at a time when the building was converted from its original automobile showroom dealership use to a stationery store. A review of the 1959 photograph of the building, in conjunction with the analysis of the materials in the building from the interior, reveal the numerous historic character altering changes that the building received. Vehicular entrances and showroom windows were infilled or elongated. All of the windows on the building's west elevation, which is the street elevation, brought natural light into the former auto repair area have been infilled, stripping the building of its historic signage which also contributed to its loss of historic context, and has caused misunderstanding of its historic utilitarian design. Further, the addition of a modern and inconsistently designed portal on the north elevation at the main entrance, further confuses the building's architecture. The cumulative effect of these alterations is extensive. I believe that the structure has lost its historic integrity of design, material setting, workmanship and feeling."

Mr. Martinez said the H-Board took action designating the building as contributing, in spite of the fact that the H-Board Chair, Sharon Woods, said in the minutes, "that she respected Ms. Ragins work and didn't see this building as contributing to the character of the district." And, most importantly, in spite of the fact that David Rasch reported in his Memorandum that he recommended maintaining the non-contributing status.

Mr. Martinez said City staff at this meeting, for the first time, is not opposing an appeal to a decision of the H-Board. Mr. Martinez quoted Mr. Rasch's recommendation from his Memorandum [Exhibit "4"]. Further Mr. Rasch says, "After 1972, the stationery store remodeled significantly and altered the historic character of the dealership, by removing vehicular entrances, showroom windows and historic signage."

Mr. Martinez said, in spite of all this, the Board moved for contributing status. One Board member stated that they could still picture the auto dealership in that location.

Mr. Martinez said an archeological report completed years before the hearing, stated, "The 1974 survey concluded that neither of the two buildings on the site met the criteria for significant or contributing status." The 1997 survey report recorded similar findings, "Because of the extensive noncontributing alterations to the original east wall in Building B [the Healy Matthews building] and the extensive fire damage in Building B, neither Building A nor Building B qualifies as a significant structure or as a contributing structure under City Code 14. Neither building is listed on the National Register of Historic Place and the State Record of Cultural Properties. The vacant steel and concrete structures and asphalt parking lot that remain on the site have altered significantly and are no long contributing to the character of the historic transition district."

Mr. Martinez said the building is in the Cerrillos Road Subdistrict, which according to City Code has these goals: (a) to recognize this area as one undergoing renewal; (b) encouraging the redevelopment of large parcels; (c) provide flexible and permissive standards to encourage redevelopment and imaginative design; (d) develop this area as an entranceway to the downtown with consideration for safety due to high traffic volume; (e) discourage massive block shaped buildings; and (f) encourage concept of this area as a gateway to downtown Santa Fe.

Mr. Martinez said the applicant is going to do exactly this on the site, and is the point of all this. If the contributing status persists on the site, the applicant will be required for the primary facade's contributing structures, by Code that "No openings shall be widened or narrowed, that no new openings shall be made where one presently does not exist. No existing openings shall be closed. For all facades of contributing structures, architectural features, finishes and details, other than doors and windows, shall be repaired rather than replace." It further provides that "In any review of proposed additions or alterations of structures that have been declared contributing in any historic districts that the following standards shall be met. The status of a contributing structure shall be retained and preserved if the proposed alteration will cause a structure to lose its contributing status, the application shall be denied."

Mr. Martinez said the applicant would be in the position of maintaining historic status for a building which shouldn't have that status in the first place. No additions could be made at the front of the existing contributing building. They are going to try to repair this and to put some structure near the street on Cerrillos Road.

Mr. Martinez asked the Council to support the Historic staff in this case, and designate this building as non-contributing.

Lance Armor was sworn. Mr. Armor said he works at the corner of Cerrillos and Manhattan, and his desk faces the Healy-Matthews building, where for two years he has watched the panorama pass by. He said the great mistake is that Mr. Wiviot repaired the roof, but if left alone it would have collapsed and we wouldn't be here tonight. It is incomprehensible to him that this property is considered historic, and believes nothing could be done which would make the property worse than it is now. He has attended every ENN, and has not heard anyone even question what is being done. The building was referred to as a scab on the knee of the City. He agrees, noting on most weekend nights it clearly is a magnet for trouble. It is a sad picture of a business which many wish was still here and functioning. There is nothing about that building except the memories of buying supplies that is historic. He asked the Governing Body, as a neighbor in the community, to let them build what they want to do, because nothing they could do which would be worse.

James Ortiz, was sworn, said he is here on behalf of Café Grottesco, and is a board member of that group. He isn't here to comment on the architecture or historic value of the building. He said Mr. Wiviot has allowed them to perform their functions in the building, which isn't in the best of shape, but for their purposes is very manageable.

The Public Hearing was closed

Councilor Wurzbarger moved, seconded by Councilor Calvert, to support staff's recommendation to uphold the appeal, and reverse the decision of the Historic Design Review Board in Case No. H-07-53.

Explanation of the Motion: Councilor Wurzbarger said this is the first time that the staff has taken a position against the Board, which she takes very seriously, as well as the information which was provided by the consultant. She said this Council directed the City

Attorney and the City Manager to ensure that both the Planning Commission, the H-Board and other Boards come back with findings of fact. She said there are no findings of fact for this case, and these are the reasons she is supporting the staff's recommendation, based on the materials provided and the presentation this evening.

Discussion: Councilor Bushee said this is a new board, but she hopes we can get better decisions, noting this is a clear cut case of "wishing and wanting and not having in reality."

The motion was passed 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 his vote: Councilor Trujillo noted he lives in Bellamah and it will be 50 years old every soon, and everything will be contributing, so he is going to vote yes.

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 the Council should stop using the bottled water, and suggested instead a carafe of water and the Councilors can serve ourselves. He said it sends the wrong message to the public, especially with questions about the quality of water in the City and we that we might not be sure about it ourselves. It is wasteful in terms of the container and said it also would save some money.

Councilor Calvert said, with regard to the new Solid Waste Ordinance we adopted, he would like to see emphasis on some of the new points placed on the bill, particularly separating your recyclables from your trash by at least three feet. He constantly sees trash receptacles being placed on the recyclables and they break, spill or crash. He believes there needs to be better education. He wants to see something on the utility bills every month where there is room for comment.

He said there was a letter to the editor in the newspaper yesterday or today regarding the Public Schools watering schedule on some of their fields. He said if the Schools aren't adhering to the common sense times of watering, we should ask the schools to work with the City to do this. This is one of these leadership by example things.

Councilor Calvert said he wants to reemphasize a point made by Councilor Wurzbarger with regard to findings of fact and the training of Boards. He asked if this being done, and with which boards, etc.

Mr. Katz said most of the training has been completed with any board which makes these kinds of decisions, and in the future, decisions should be made with the findings of facts.

Councilor Calvert said the Council set up a committee to do policies and procedures on the use of the Railyard, and asked if that committee was supposed to look at areas other than the Railyard.

Councilor Chavez said it is a separate Resolution, and the policies and procedures are for the Railyard and other publicly owned or controlled land in the downtown area. He said staff is working on those, but nothing has been finalized.

Councilor Calvert asked if the Plaza is one of those areas.

Councilor Chavez said the Plaza Vendor ordinance is a separate ordinance.

Councilor Calvert said he is speaking of the use of the Plaza in general.

Councilor Chavez said for Plaza use for arts and crafts it is the Plaza Vendor Ordinance, but that ordinance does not deal with other uses.

Councilor Calvert said he will speak with Councilor Chavez and staff later in this regard.

Councilor Dominguez

Councilor Dominguez passed out two resolutions. The first is in regard to the Downtown Vision Plan, which is incorporated herewith to these minutes as Exhibit "5." He would like it to go to Public Works and Finance Committees. The second Resolution is to explore the possibility of a program to address affordable housing and the recruitment of police officers, and to promote safe school environments, by housing police officers on school properties or other City properties. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6." He would like it to go to Public Works, Finance and Public Safety Committees.

Councilor Wurzbarger

Councilor Wurzbarger had no communications.

Councilor Trujillo

Councilor Trujillo congratulated the Santa Fe Mad Dogs for going to the state playoffs,

noting his son played on this team, and although it went to state it didn't do so well.

Councilor Ortiz

Councilor Ortiz had no communications.

Councilor Bushee

Councilor Bushee introduced a Resolution adopting policies and procedures governing Santa Fe Government Television, based on Albuquerque's ordinance, which is incorporated herewith to these minutes as Exhibit "7."

She asked when we are going to have an executive session on the recent Court decision regarding the annexation issue of Las Soleras.

Mr. Katz said it will be at the next meeting on July 25, 2007.

Councilor Bushee asked about the issue of sign enforcement downtown. She recalled the ordinance was to stop those who repeatedly had sales all the time which really weren't sales. She said there are businesses which have sales.

Mr. Hiatt said staff doesn't distinguish between who's been in business a long time and who has a reputable business.

Councilor Bushee said this isn't what she is asking. She understood the push of the ordinance is that there were businesses which were having permanent sales, commenting she thought this was covered by State statute. The ordinance didn't say that a business couldn't have a sale.

Mr. Hiatt said the State does have consumer protection laws prohibiting false advertising, a form of which is perpetual sales. This particular ordinance has a couple of "twists" to it, and the State AG has been trying for years to get the City to establish and enforce this ordinance, and this goes a long way toward doing that. The ordinance prevents the percentage off, which is just one particular area of the ordinance, as well as a specific dollar amount off. enforcement. The particular area which has been noticed more than anything is the percentage off. What is prohibited is anything which says "percentage off" in the Historic District, and it is those signs the City is enforcing against.

Mr. Hiatt said before a citation was issued this week, staff had been out the previous two weeks, on the weekends as well, notifying everyone they found with a percentage off sign. They would tell them the ordinance provisions and ask them to take the signs down. He said all of the stores cooperated where staff went. They went to all the stores you normally would think would be in violation which you see all the time on Old Santa Fe Trail and elsewhere.

Mr. Hiatt said the particular store which received a citation this week was the result of a complaint from a competitor, and that is the way many of these will be generated as times goes on.

Councilor Bushee asked how "percentage off" help with perennial sales.

Mr. Hiatt said the ordinance is specific about how often these businesses can have these particular signs up. The businesses can have these sales, but it is necessary to obtain a permit from the City. He said there are other parameters, such as the size of the sign, the number of times they can do this sale during the year, the number of weeks the sign can be up and the time between the sales, commenting that people can't have a perpetual sale with this kind of sign.

Councilor Bushee asked if businesses are being given a warning and an explanation as to how to do this.

Mr. Hiatt reiterated that he and staff went out for two weeks to tell the businesses, and went as far as they could go with notification. However, he doubts they hit every store with a percentage sign posted. He said if there is a violation, these businesses will be cited

Councilor Bushee said then there's no warning period.

Mr. Hiatt said, "No more."

Councilor Heldmeyer said there were warnings.

Mr. Hiatt is working with the prosecutor to see what happens with the first case, and will go forward from there, noting it is an experiment.

Mr. Katz understands in the particular case where the citation was issued, that the business was warned, was told to remove the sign and that they needed a permit. The business took the sign down, then without obtaining a permit, put the sign back up. So it wasn't a case of no warning or ignorance from what he has been told.

Councilor Bushee wants a report regularly on this ordinance to see how well it is working.

Mr. Hiatt said he will report on a routine basis. He said there has been one citation issued, and he received a call today from a businesses who is coming in for a permit.

Councilor Bushee believes the downtown businesses are trying to stop the perpetual sales which have been happening. However, between the lack of parking, ripping up the streets, and what we do downtown in the summer, the City is not that helpful to downtown businesses. She wants to be sure we aren't going beyond what we need to do.

Councilor Bushee said, with regard to the issues about the striping on Don Gaspar, they are going to be polling the neighbors on "that" side of the street, and sending this to a public hearing within one month.

Councilor Heldmeyer

Councilor Heldmeyer said the Don Gaspar neighborhood has been polled all the way up street, and staff has that information.

Councilor Heldmeyer said, with regard to the percentage off, this is an ordinance which was developed with the downtown merchants, with their input and approval. She said it is illegal to have percentage off or sale signs 365 days a year, and you have to follow the rules. She said there were a lot of warnings and education was done. She said the Gallery Association distributed 130 copies of the ordinance. She said there is an attempt by a lot of people to follow the law, and a desire by a lot of people to have this law in the first place.

Councilor Heldmeyer handed out a Resolution, cosponsored by Councilors Ortiz and Wurzbarger, directing the City Manager to set up a pilot program for alternative dispute resolution in the Land Use Department, to fund it, and then to use that, hopefully, as a stepping stone for the greater use of alternative dispute resolution in a lot of areas in the City, but Land Use seems to need it the most. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Heldmeyer said a decision was made by the Planning Commission on June 21, 2007, in Case M-2006-27, the San Ysidro Phase 2 Final Development Plan, where a whole bunch of variances and waivers were given. She said this is a development about which we've had a lot of complaints. She would like the Council to review this case under the provisions of Section 14-2.2(a)(ii) of the Code. She said it is difficult, just from the minutes, without the packet, to know whether this was an appropriate approval. So, she is directing the City Manager and the City Attorney to proceed with this.

Councilor Heldmeyer said on this evening's agenda was what was supposed to be an evaluation of the City Manager in Executive Session. She said Mr. Buller provided answers to the questions he was given at the previous Council meeting. However, she said there is still no real agreement among this body about the criteria on which we are to judge the City Manager, and presumably at some point in the future, the City Attorney and the City Clerk, because we also have purview over them. She said if we want to see better evaluation of employees, and eventually performance based pay, we have to show the way and do the right thing.

Councilor Heldmeyer said the City Manager said he has signed a contract with the International Association of City Managers to come in and show his staff how to do this kind of evaluation. She has asked that the Council be given similar instructions, because one of our big jobs is evaluating how City Hall is working, and when it isn't working well, to let the City Manager know and what our expectations are.

Councilor Heldmeyer said there is a lot of stuff which might work better if there were clear communication of those expectations. Therefore, she has decided, in lieu of having that in place to start bringing up things at Council which haven't been working well.

Councilor Heldmeyer said she is has been approached by neighbors about projects being built, which the neighbors say aren't being built to spec or to plan. She said there is real

concern. This isn't about two neighbors fighting, because we can handle those with alternative dispute resolution. This is a whole neighborhood rising up about something which isn't being built as agreed. She understands Mr. Hiatt is understaffed in the inspection area. However, the reality is that these are things with which we need to do early, because if we don't, people keep building.

Councilor Heldmeyer said the job of the Land Use Department is to look at plans, issue permits, do inspections as building progresses. The other half of what it should do is to protect the public, and to ensure that people who are building are doing what they are permitted to do, and only what they are permitted to do. This half has been missing in the Land Use Department, back when it was Planning & Land Use, and for as long as she can remember, and the part which causes the most problems, the most lawsuits, and something on which we have to do a better job. The Public expects it and deserves it. She hopes the City Manager takes this to heart, because it is something the public really expects to see.

Councilor Chavez

Councilor Chavez thanked the City Attorney and his office for working with the Tierra Madre Neighborhood Association on the nuisance house in Tierra Contenta. He believes this is the start of trying to see if the nuisance ordinance can apply sooner and better in some of these cases. He said there are two other neighborhoods which need some attention: the Hopewell/Mann neighborhood and a house in the Las Acequias Neighborhood which is establishing the same pattern as these other houses which have surfaced over the past two months. He said the intent is for the City Attorney's office to meet with these Neighborhood Associations to better understand the situation. If it is necessary, the Council can amend the ordinance to make it work better and to connect the dots between the Municipal Court, the Police Department and enforcement. He said we need to stay vigilant with this and work with the two neighborhoods.

Councilor Chavez introduced an Ordinance amendment, amending the truck traffic on La Cieneguita, Calle Sotero and Calle Angelina. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "9."

Councilor Chavez would like staff to work on a Resolution which can be taken through the Committee process to annex Rufina in the same timeline as we are proposing to annex Airport Road, because these are both pieces of City infrastructure that the City constructed in the County, and the City is liable for anything which happens on these roadways as well as any maintenance.

Mayor Coss

Mayor Coss said he is traveling to Parajal next week for the Fiesta, and wished Councilor Dominguez a safe trip to Java.

Mayor Coss invited everyone to the State of the City address tomorrow at 6:00 p.m., at the Southside Library.

Mayor Coss urged everyone to enjoy the Folk Art market this weekend on the Plaza. He said on Saturday on the Plaza, the Fire Department, in conjunction with St. Vincent's Hospital, is sponsoring a Family Fun Day on the Plaza which will be a lot of fun.

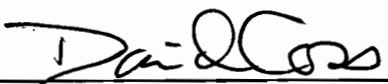
Mayor Coss distributed copies of amendments to the Living Wage Ordinance which he is sponsoring along with seven cosponsors. A copy of the Ordinance amendment is incorporated herewith to these minutes as Exhibit "10." Mayor Coss said he met with the BBER, and the study is proceeding, with initial results anticipated by the end of August, so he doesn't want to proceed to public hearing on this until probably the first meeting in September.

Councilor Heldmeyer noted the *film noir* film festival begins tomorrow in Santa Fe.

H. ADJOURN

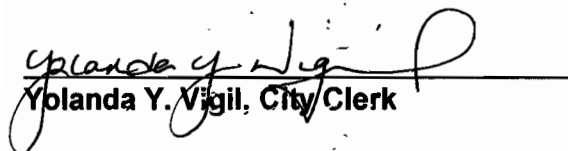
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:45 p.m.

Approved by:



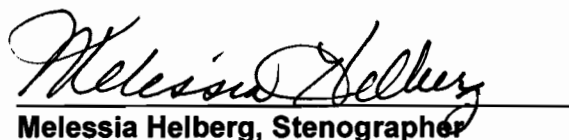
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer