



Agenda

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

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 8/24/07 TIME 2:40 pm

SERVED BY _____

RECEIVED BY Indomineez

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 – August 8, 2007
8. PRESENTATIONS
 - a) 2007 Fiesta de Santa Fe Schedule of Events. (Dean Milligan)
9. CONSENT CALENDAR
 - a) Request for Approval of Change Order No. 4 – Install Five (5) Art Sculptures for Traffic Circle and Medians; Albuquerque Asphalt Inc. (Sabrina Pratt)
 - b) Request for Approval of Amendment No. 1 to Professional Services Agreement – Chemical Analysis Services; ASSAIGAI Analytical. (Bryan Romero)
 - c) Request for Approval of Change Order No. 2 – Rodeo Road/Richards Avenue Improvements; A.S. Horner, Inc. (Peter Manzanares)
 - d) Request for Approval of Professional Services Agreement – Advertising Services for Santa Fe Trails (RFP No. 07/49/P); Templeton Marketing Services. (Jon Bulthuis)
 - e) Request for Approval of Procurement Under State Price Agreement – One (1) Wheel Loader for Wastewater Division; Ellen Equipment, LLC. (Nicholas Schiavo)



Agenda

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

- f) Request for Approval of Santa Fe Civic Center Project: (Martin Valdez)
 - 1) Request for Approval of Construction Change Order No. 4 to Construction Contract; Cameron Swinerton.
 - 2) Request for Approval of Amendment No. 4 to Professional Services Agreement – Project Management Consultant; Hands Engineering, LLC.
 - 3) Request for Approval of Amendment No. 4 to Professional Services Agreement – Project Architect; Fentress Bradburn Architects, Ltd.
- g) Request for Approval of Agreement – Nutrition Service Incentive Program for Senior Division; North Central New Mexico Economic Development District Area Agency on Aging. (Ron Vialpando)
 - 1) Request for Approval of Budget Adjustment from Grant Revenue – Grant Fund.
- h) Request for Approval of Contracts – Capital Outlay; State of New Mexico, New Mexico Aging and Long-Term Services Department. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase from Grant Revenue – Grant Fund.
- i) Request for Approval of Contract – State Funded Senior Employment Program; North Central New Mexico Economic Development District Area Agency on Aging. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase from Grant Revenue – Grant Fund.
- j) Request for Approval of Procurement Under State Price Agreement - Thirty-Nine (39) Alternative Fuel Police Vehicles; Reliable Chevrolet. (Police Chief Eric Johnson)
 - 1) Request for Approval of Budget Increase – Police Property Tax.
- k) Request for Approval of Procurement Under State Price Agreement – Police Vehicle Equipment and Installation; West Mesa Auto Crafts. (Police Chief Eric Johnson)



Agenda

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

- l) Request for Approval of Sole Source Procurement – Three (3) Police Trained Dogs; K-9 Services. (Police Chief Eric Johnson)
 - 1) Request for Approval of Budget Adjustment – Special Revenue-Federal Forfeiture Fund.
- m) Request for Approval of Procurement Under Cooperative Price Agreement – Backhoe Loader for Streets Division; Tom Growney Equipment. (Robert Rodarte)
- n) Request for Approval of Procurement Under State Price Agreement – Heavy Duty Motor Grader for Streets and Drainage Division; Tom Growney Equipment. (Robert Rodarte)
- o) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Dominguez and Councilor Wurzburger)
A Resolution to Review the Downtown Vision Plan and Recommendations of the Downtown Vision Plan Steering Committee; to Explore Possible Options for Implementation and to Set Priorities. (Katherine Mortimer)
- p) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Wurzburger and Mayor Coss)
A Resolution Approving Participation in the Program of the North Central New Mexico Economic Development District. (Scott Beckman)
- q) Request for Approval of Amendment No. 1 to Professional Services Agreement – Research at State Engineer Office for Water Division; Lee Wilson & Associates. (Dale Lyons)
- r) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz, Councilor Wurzburger, Councilor Dominguez and Councilor Trujillo)
A Resolution Directing Staff to Research Various Options for the City of Santa Fe to Provide Funding Mechanisms to Promote Healthy Lifestyles for Children and Adolescents. (Lynn Hathaway)
- s) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee)
A Resolution Adopting Policies and Procedures Governing Santa Fe Government Television. (Joe Abeyta)



Agenda

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

- t) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee and Mayor Coss)
A Resolution Adopting an Infrastructure Capital Improvements Plan (ICIP). (Robert Romero)
- u) Request for Approval to Publish Notice of Public Hearing on September 26, 2007:
 - 1) Bill No. 2007-43 An Ordinance Establishing the Long Range Planning Subcommittee of the Planning Commission. (Councilor Bushee) (Jeanne Price)
 - a) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee, Councilor Ortiz and Mayor Coss)
A Resolution Repealing Resolution No. 2004-20 Regarding the City Planning Policy Commission. (Jeanne Price)
 - 2) Bill No. 2007-44 An Ordinance Amending Sections 14-3.1(F)(2), 14-3.6(B)(1), Table 14-6.1-1, and Section 14-6.2(A)(6)(a) SFCC 1987; Creating a New Section 14-6.2(C)(12) SFCC 1987; Amending Section 14-6.3(C)(1) and Table 14-8.6-1 SFCC 1987; and Making Such Other Changes as are Necessary to Allow Short Term Rental Units as Special Exceptions in Residential Districts and Clarify Short Term Rentals are a Permitted Use in C-1, C-2, C-4, HZ, BCD and MU Districts. (Councilor Wurzbarger) (Jeanne Price)
- 10. Annual Review of the Code of Ethics, Pursuant to Section 1-7.11 SFCC 1987. (Yolanda Y. Vigil and Frank Katz)
- 11. MATTERS FROM THE CITY MANAGER
- 12. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Settlement Agreement on the County Appeal of the Homewise Tract #4, Pursuant to §10-15-1 (H) (7) NMSA 1978.
- b) Discussion of Settlement Agreement – Buckman Direct Wells 10-13; Pursuant to §10-15-1 (H) (7) NMSA 1978.
- c) Discussion of Settlement Agreement with Arby's on Living Wage Litigation, Pursuant to §10-15-1 (H) (7) NMSA 1978.



Agenda

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

13. Action on the Settlement Agreement on the County Appeal of the Homewise Tract #4. (Frank Katz)
14. Action on Settlement Agreement – Buckman Direct Wells 10-13. (Frank Katz)
15. Action on Settlement Agreement with Arby's on Living Wage Litigation. (Frank Katz)
16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) Request from 838, LLC for a Transfer of Ownership of Dispenser License #649 from Andy Ortiz, Inc., dba Andy's Liqueur, to 838 LLC, dba The House of Booze. The License Will Remain at 838 Agua Fria. (Yolanda Y. Vigil)
 - 2) CONSIDERATION OF RESOLUTION NO. 2007-_____.
Case #M 2007-13. Beaty South General Plan Amendment. Jennifer Jenkins, Agent for Building Services of Santa Fe Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 96.73± Acres of Land From Low Density (3 – 7 Dwelling Units Per Acre), Medium Density, Public/Institutional, Open Space and Business Park to "Low Density (3-7 Dwelling Units Per Acre)." The Area is Generally Located West of Richards Avenue and South of Governor Miles Road. (Greg Smith) **(Postponed at August 8, 2007 City Council Meeting) (Public Hearing Closed)**



Agenda

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

- 3) CONSIDERATION OF BILL NO. 2007-38: ADOPTION OF ORDINANCE NO. 2007-_____.
Case #M 2007-14. Beaty South Annexation. Jennifer Jenkins, Agent for Building Services of Santa Fe Requests Annexation of 96.73± acres of Land as Well as The Adjacent 2.55± Acres of Richards Avenue Right-Of-Way, for a Total of 99.28± acres. The Area is Generally Located West of Richards Avenue and South of Governor Miles Road. (Greg Smith) **(Postponed at August 8, 2007 City Council Meeting) (Public Hearing Closed)**
- 4) CONSIDERATION OF BILL NO. 2007-39: ADOPTION OF ORDINANCE NO. 2007-_____.
Case #ZA 2007-03. Beaty South Rezoning from R-1 to R-5. Jennifer Jenkins, Agent for Building Services of Santa Fe Requests Rezoning of 96.73± Acres of Land From R-1 (Residential – 1 Dwelling Unit Per Acre) to R-5 (Residential – 5 Dwelling Units Per Acre). The Property is Generally Located West of Richards Avenue and South of Governor Miles Road. (Greg Smith) **(Postponed at August 8, 2007 City Council Meeting) (Public Hearing Closed)**
- 5) CONSIDERATION OF BILL NO. 2007-31: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Ortiz)
An Ordinance Dissolving the Grievance Review Board so that Article 6-8 SFCC 1987; Article 19-10 SFCC 1987; and Sections 19-10.1 SFCC 1987 Through 19-10.3 SFCC 1987 are Repealed. (Jeanne Price) **(Postponed at the July 25, 2007 City Council Meeting)**
- 6) CONSIDERATION OF BILL NO. 2007-35: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Dominguez, Councilor Calvert, Councilor Bushee and Councilor Trujillo)
An Ordinance Adding a Definition for Off-Highway Motor Vehicle to the City of Santa Fe Uniform Traffic Code and Amending Sections 12-7.9 and 12-7-9.1 of the City of Santa Fe Uniform Traffic Code to Prohibit the Use of Off-Highway Motor Vehicles within the Municipal Boundaries of the City of Santa Fe, Unless Off-Highway Motor Vehicles are Used on City Designated Courses; Tracks or Trails. (Chief Johnson)
- 7) CONSIDERATION OF BILL NO. 2007-36: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Wurzbarger and Councilor Trujillo)
An Ordinance Amending Section 14-6.3(C)(2) SFCC 1987 Regarding Home Occupations. (David Tapia and Georgia Urioste)



Agenda

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

8) CONSIDERATION OF BILL NO. 2007-42: ADOPTION OF ORDINANCE NO. 2007-_____.

An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement by and Among the New Mexico Water Trust Board and the New Mexico Finance Authority (The "Lenders/Grantors"), the City of Santa Fe, New Mexico (The "Borrower/Grantee"), and the Buckman Direct Diversion Board as Operator of the Project, in the Amount of \$2,000,000.00 Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing a Portion of the Costs of the Buckman Direct Diversion Project Involving Release of Stored San Juan-Chama Water From Upstream Reservoirs and Subsequent Diversion of the San Juan-Chama Water and Native Rio Grande Water Supplies for Treatment and Conveyance to the Regional Storage and Distribution System and in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely From Pledged Revenues; Certifying That the Loan/Grant Amount, Together with Other Funding Sources Identified by the Borrower/Grantee, are Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement. (Rick Carpenter) (Request to Postpone to September 11, 2007)

H. ADJOURN

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

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

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

INDEX
SANTA FE CITY COUNCIL MEETING
August 27, 2007

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	1-2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: Reg. City Council Meeting – August 8, 2007	Approved	4
PRESENTATIONS 2007 FIESTA DE SANTA FE SCHEDULE OF EVENTS		4
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2007-76 A RESOLUTION TO REVIEW THE DOWNTOWN VISION PLAN AND RECOMMENDATIONS OF THE DOWNTOWN VISION PLAN STEERING COMMITTEE; TO EXPLORE POSSIBLE OPTIONS FOR IMPLEMENTATION AND TO SET PRIORITIES	Approved [amended]	5-10
CONSIDERATION OF RESOLUTION NO. 2007- 77 A RESOLUTION DIRECTING STAFF TO RESEARCH VARIOUS OPTIONS FOR THE CITY OF SANTA FE TO PROVIDE FUNDING MECHANISMS TO PROMOTE HEALTHY LIFESTYLES FOR CHILDREN AND ADOLESCENTS	Approved [amended]	11-13
CONSIDERATION OF RESOLUTION NO. 2007- 78 A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP)	Approved [amended]	13-15

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 26, 2007: BILL NO. 2007-44. AN ORDINANCE AMENDING SECTIONS 14-3.1(F)(2), 14-3.6(B)(1), TABLE 14-6.1-1, AND SECTION 14-6.2(A)(6)(a) SFCC 1987; CREATING A NEW SECTION 14-6.2(C)(12) SFCC 1987; AMENDING SECTION 14-6.3(C)(1) AND TABLE 14-8.6-1 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO ALLOW SHORT TERM RENTAL UNITS AS SPECIAL EXCEPTIONS IN RESIDENTIAL DISTRICTS AND CLARIFY SHORT TERM RENTALS ARE A PERMITTED USE IN C-1, C-2, C-4, HZ, BCD AND MU DISTRICTS	Postponed to 10/29/2007	16-21
***** END OF CONSENT CALENDAR DISCUSSION *****		
ANNUAL REVIEW OF THE CODE OF ETHICS, PURSUANT TO SECTION 1-7.11 SFCC 1987	Approved	22
MATTERS FROM THE CITY MANAGER	None	22
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	22-23
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	23
ACTION ON THE SETTLEMENT AGREEMENT ON THE COUNTY APPEAL OF THE HOMEWISE TRACT #4	Approved	23
ACTION ON SETTLEMENT AGREEMENT – BUCKMAN DIRECT WELLS 10-13	Approved	23-24
ACTION ON SETTLEMENT AGREEMENT WITH ARBY'S ON LIVING WAGE LITIGATION	Postponed to 9/11/2007	24
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	25
PETITIONS FROM THE FLOOR		25-26

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
APPOINTMENTS		
Historic Design Review Board	Approved	27
Sustainable Santa Fe Commission	Approved	27
<u>PUBLIC HEARINGS</u>		
REQUEST FROM 838, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #649 FROM ANDY ORTIZ, INC., D/B/A ANDY'S LIQUORETTE, TO 838 LLC, D/B/A THE HOUSE OF BOOZE. THE LICENSE WILL REMAIN AT 838 AGUA FRIA	Approved	27-28
CONSIDERATION OF RESOLUTION NO. 2007- 79. CASE #M 2007-13. BEATY SOUTH GENERAL PLAN AMENDMENT. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 96.73± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE), MEDIUM DENSITY, PUBLIC/INSTITUTIONAL OPEN SPACE AND BUSINESS PARK TO "LOW DENSITY (3-7 DWELLING UNITS PER ACRE)." THE AREA IS GENERALLY LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD	Approved	29-30
CONSIDERATION OF BILL NO. 2007-38; ADOPTION OF ORDINANCE NO. 2007- 30. CASE #M 2007-14. BEATY SOUTH ANNEXATION. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE, REQUESTS ANNEXATION OF 96.73± ACRES OF LAND AS WELL AS THE ADJACENT 2.55± ACRES OF RICHARDS AVENUE RIGHT-OF-WAY, FOR A TOTAL OF 99.28± ACRES. THE AREA IS GENERALLY LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD	Approved [amended]	30-34

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2007-39; ADOPTION OF ORDINANCE NO. 2007- 31. CASE #ZA 2007-03. BEATY SOUTH REZONING FROM R-1 TO R-5. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE REQUESTS REZONING OF 96.73± ACRES OF LAND FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE). THE PROPERTY IS GENERALLY LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD	Approved	34
CONSIDERATION OF BILL NO. 2007-31; ADOPTION OF ORDINANCE NO. 2007- ____ . AN ORDINANCE DISSOLVING THE GRIEVANCE REVIEW BOARD SO THAT ARTICLE 6 -8 SFCC 1987; ARTICLE 19-10 SFCC 1987; AND SECTIONS 19-10.1 SFCC 1987 THROUGH 19-10.3 SFCC 1987, ARE REPEALED	Not approved	34-36
CONSIDERATION OF BILL NO. 2007-35; ADOPTION OF ORDINANCE NO. 2007- 32. AN ORDINANCE ADDING A DEFINITION FOR OFF-HIGHWAY6 MOTOR VEHICLE TO THE CITY OF SANTA FE UNIFORM TRAFFIC CODE AND AMENDING SECTIONS 12-7.9 AND 12-7.9-1 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE, TO PROHIBIT THE USE OF OFF-HIGHWAY MOTOR VEHICLES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE, UNLESS OFF-HIGHWAY MOTOR VEHICLES ARE USED ON CITY DESIGNATED COURSES, TRACKS OR TRAILS	Approved [amended]	36-38
CONSIDERATION OF BILL NO. 2007-36; ADOPTION OF ORDINANCE NO. 2007- 33. AN ORDINANCE AMENDING SECTION 14-6.3(C)(2) SFCC 1987, REGARDING HOME OCCUPATIONS	Approved [amended]	38-39
CONSIDERATION OF BILL NO. 2007-42; ADOPTION OF ORDINANCE NO. 2007- ____ . AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT	Postponed to 09/11/2007	39-40

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY CLERK	Information	40
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	40-42
ADJOURN		42

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
August 27, 2007**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on August 27, 2007, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Also Present

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Vigil, City Clerk
Melessia Helberg, Stenographer

5. APPROVAL OF AGENDA

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

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

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

- a) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – INSTALL FIVE (5) ART SCULPTURES FOR TRAFFIC CIRCLE AND MEDIANS; ALBUQUERQUE ASPHALT, INC. (SABRINA PRATT)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CHEMICAL ANALYSIS SERVICES; ASSAIGAI ANALYTICAL. (BRYAN ROMERO)**
- c) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – RODEO ROAD/ RICHARDS AVENUE IMPROVEMENTS; A.S. HORNER, INC. (PETER MANZANARES)**
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ADVERTISING SERVICES FOR SANTA FE TRAILS (RFP NO. 07/49/P); TEMPLETON MARKETING SERVICES. (JON BULTHUIS)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ONE (1) WHEEL LOADER FOR WASTEWATER DIVISION; ELLEN EQUIPMENT, LLC. (NICHOLAS SCHIAVO)**
- f) **REQUEST FOR APPROVAL OF SANTA FE CIVIC CENTER PROJECT: (MARTIN VALDEZ)**
 - 1) **REQUEST FOR APPROVAL OF CONSTRUCTION CHANGE ORDER NO. 4 TO CONSTRUCTION CONTRACT; CAMERON SWINERTON.**
 - 2) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGEMENT CONSULTANT; HANDS ENGINEERING, LLC.**
 - 3) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – PROJECT ARCHITECT; FENTRESS, BRADBURN ARCHITECTS, LTD.**
- g) **REQUEST FOR APPROVAL OF AGREEMENT – NUTRITION SERVICE INCENTIVE PROGRAM FOR SENIOR DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT AREA AGENCY ON AGING. (RON VIALPANDO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT FROM GRANT REVENUE – GRANT FUND**

- h) REQUEST FOR APPROVAL OF CONTRACTS – CAPITAL OUTLAY; STATE OF NEW MEXICO, NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (RON VIALPANDO)**

 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE – GRANT FUND.**
- i) REQUEST FOR APPROVAL OF CONTRACT – STATE FUNDED SENIOR EMPLOYMENT PROGRAM; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT AREA AGENCY ON AGING. (RON VIALPANDO)**
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THIRTY-NINE (39) ALTERNATIVE FUEL POLICE VEHICLES; RELIABLE CHEVROLET. (POLICE CHIEF ERIC JOHNSON)**

 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – POLICE PROPERTY TAX.**
- k) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – POLICE VEHICLE EQUIPMENT AND INSTALLATION; WEST MESA AUTO CRAFTS. (POLICE CHIEF ERIC JOHNSON)**
- l) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – THREE (3) POLICE TRAINED DOGS; K-9 SERVICES. (POLICE CHIEF ERIC JOHNSON)**

 - 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – SPECIAL REVENUE – FEDERAL FORFEITURE FUND.**
- m) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – BACKHOE LOADER FOR STREETS DIVISION; TOM GROWNEY EQUIPMENT. (ROBERT RODARTE)**
- n) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – HEAVY DUTY MOTOR GRADER FOR STREETS AND DRAINAGE DIVISION; TOM GROWNEY EQUIPMENT. (ROBERT RODARTE)**
- o) *[Removed for discussion by Councilor Heldmeyer]***
- p) CONSIDERATION OF RESOLUTION NO. 2007- 74 (COUNCILOR WURZBURGER AND MAYOR COSS). A RESOLUTION APPROVING PARTICIPATION IN THE PROGRAM OF THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT. (SCOTT BECKMAN)**
- q) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RESEARCH OF STATE ENGINEER OFFICE FOR WATER DIVISION; LEE WILSON & ASSOCIATES. (DALE LYONS)**
- r) *[Removed for discussion by Councilor Ortiz]***

- s) **CONSIDERATION OF RESOLUTION NO. 2007-75 (COUNCILOR BUSHEE). A RESOLUTION ADOPTING POLICIES AND PROCEDURES GOVERNING SANTA FE GOVERNMENT TELEVISION. (JOE ABEYTA)**
- t) ***[Removed for discussion by Councilor Heldmeyer]***
- u) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 26, 2007:**
 - 1) **BILL NO. 2007-43. AN ORDINANCE ESTABLISHING THE LONG RANGE PLANNING SUBCOMMITTEE OF THE PLANNING COMMISSION (COUNCILOR BUSHEE). (JEANNE PRICE)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2007-____ (COUNCILOR BUSHEE, COUNCILOR ORTIZ AND MAYOR COSS). A RESOLUTION REPEALING RESOLUTION NO. 2004-20, REGARDING THE CITY PLANNING POLICY COMMISSION. (JEANNE PRICE)**
 - 2) ***[Removed for discussion by Councilor Heldmeyer]***

7. APPROVAL OF MINUTES: Reg. City Council Meeting – August 8, 2007.

Councilor Bushee moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of August 8, 2007, as presented. The motion was approved on a voice vote, with Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

a) 2007 FIESTA DE SANTA FE SCHEDULE OF EVENTS. (DEAN MILLIGAN)

The 2007 Schedule of Events is incorporated herewith to these minutes as Exhibit "1."

Dean Milligan, President, Fiesta Council, presented the schedule of events for the 2007 Santa Fe Fiesta, and introduced Council Vice-President Albert "Gabby" Montoya. Mr. Milligan presented Galen Buller with a Santa Fe Fiesta badge admitting him to all events.

Mr. Milligan thanked the Mayor and Council for their support of Fiesta, with special thanks to the staff who work very hard on this event.

Mayor Coss thanked the Fiesta Council, and Mr. Milligan for all of their work on Fiesta, and said all of the Governing Body members look forward to this year's Fiesta.

Yolanda Vigil, City Clerk, said there will also be a special Fiesta presentation at 4:00 p.m., on Tuesday, September 4, 2007, in the Council Chambers.

CONSENT CALENDAR DISCUSSION

- 9(o) CONSIDERATION OF RESOLUTION NO. 2007-76 (COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER. (A RESOLUTION TO REVIEW THE DOWNTOWN VISION PLAN AND RECOMMENDATIONS OF THE DOWNTOWN VISION PLAN STEERING COMMITTEE; TO EXPLORE POSSIBLE OPTIONS FOR IMPLEMENTATION AND TO SET PRIORITIES. (KATHERINE MORTIMER)**

Councilor Heldmeyer said originally the Resolution was worded to adopt the Downtown Vision Plan. She said after public input at the Committees, a decision was made to change the Resolution to review the Downtown Vision Plan and the recommendations of the Steering Committee. However, additional language was added to "explore possible options for implementation and set priorities." She said the Council shouldn't set options for implementation at this point, and that could come after the review and public input.

Councilor Heldmeyer moved, seconded by Councilor Chavez, for purposes of discussion, to adopt Resolution No. 2007-76, with the following amendments:

- a) Title: "TO REVIEW THE DOWNTOWN VISION PLAN AND RECOMMENDATIONS OF THE DOWNTOWN VISION PLAN STEERING COMMITTEE; ~~TO EXPLORE POSSIBLE OPTIONS FOR IMPLEMENTATION AND TO SET PRIORITIES;~~ and**
- b) Retain Item #1 on page 2, lines 4 and 5; and**
- c) Delete Item #2 2.) ~~Implementation teams shall be established in order to explore possible implementation steps and set priorities.~~**

Discussion: Councilor Heldmeyer said there are many questions about this Plan, what it is, who worked on it, who didn't, who was allowed to talk, who wasn't allowed to talk, and all of these need to be discussed prior to implementation.

Councilor Chavez asked if this is the final draft of the Plan.

Ms. Mortimer said this draft Plan is the one which was reviewed by the Steering Committee and is presented in legislative style, noting there were graphic changes as well. This is the plan as approved in March by the Steering Committee, and is the current plan. She said the new language added by the Steering Committee is underlined.

Councilor Wurzbarger moved, seconded by Councilor Ortiz, to sever the amendments which were proposed by Councilor Heldmeyer.

Discussion: Councilor Wurzbarger said there has been repeated input in this process, and discussed this Resolution through the Committee process, and said the implementation will be done through a public process.

The motion to sever the amendments was approved on the following Roll Call vote:

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

Against: Councilor Chavez, Councilor Heldmeyer and Councilor Bushee.

Discussion on the proposed amendments: Councilor Heldmeyer said there have been public meetings, some well attended, others not, and the public was not allowed to speak at some of the meetings. She said although the public was allowed to attend, they weren't allowed to speak at many of the Task Force meetings because they said they were "running out of time." This is one reason when the earlier version of the Resolution was considered. A lot of people showed up at the Committee meeting, and were told it was being pulled because it was going to be different and there were going to be amendments. She said those people aren't here this evening, but they have a lot to say which is what do we want downtown Santa Fe to be in the future, and is it what is in the amended version of the Downtown Vision Plan. Councilor Heldmeyer said for many people the answer is no, and for many, the answer is that this Plan is a development plan and a plan to see how much we can stick downtown, and how much we can ignore what we've done in terms of preservation.

Councilor Heldmeyer said one of the things the current downtown plan has are individual streetscapes, which are specific to the particular place. She said this plan wants, under the guise of making things more simple, to homogenize the downtown, lumping large groups of streetscapes together. She said perhaps some people want this for Santa Fe, but she knows some who don't. She said we haven't had that discussion. She is concerned about linking implementation to a review, when in fact the review has been strange from the beginning with consultants who wanted to make downtown Santa Fe compete with "lifestyle centers."

Councilor Heldmeyer said the Task Force was supposed to be the local people who had more input, and on some things did a good job. The reality is that not everyone was allowed to have a voice. She said when you get a little group who meets with each other and don't want to hurt each other's feelings and want to "make nice," you get a plan like this – a plan written by a Committee where some people had very specific points of view and others were going along because they wanted to "make nice." She said this resulted in an extraordinarily different vision of Santa Fe, especially if it's accompanied by some of the other things which we hear about in the background. She said we can talk about things other than what is in the Resolution because this is what an implementation plan means: putting forward ideas which probably wouldn't be accepted by a large number of people in Santa Fe. We first need to decide if this is the plan we want. This is another one of these "let's make nice," and pretend there's not an issue here. Therefore, she will be supporting her amendments.

Councilor Dominguez said he is not sure what's wrong with "making nice," especially when there are controversial issues such as this. He thinks there is nothing wrong with coming up with a compromise to make something positive happen. He said with regard to public participation, he was a member of the public when this was first "born," and he participated and attended the meetings as a member of the public. He said he felt very welcome and was able to provide input, some of which may have been implemented. In his view, it is something which

was intended, was transparent, and the public was invited. He said the amendments are the result of some of the concerns people expressed. He said people had concerns about the difference between implementation and exploring options for implementation. The reason the review was strained was that it became clear that this wasn't merely a historic preservation kind of document. He said in his view this is a vision, and it is a dream of his to some degree. He said to be able to have affordable housing, or just housing, downtown is a dream. He said parking has been an issue since he was a kid, when his parents were complaining about it in the early 1970's. It is a dream to be able to address parking.

Councilor Dominguez said historic preservation as far as he's concerned is a given, and something he thinks is automatic. However, he asked what good is it to have a building preserved historically, when the people behind the culture, the Santa Fesenos, aren't around. He sees this as an opportunity to explore possible options for implementation and to set priorities as a governing body and as a community. He believes until we get past this it will be the same old "song & dance." A lot of people may not be able to see downtown the way they want to see it. He cannot just live with the "same old," and we need to move forward and be visionary and to have a debate after we explore possible options for implementation. He won't be supporting the amendments.

Councilor Calvert said he didn't like everything in the Downtown Vision Plan, and the reason he doesn't want to approve the Vision plan. He said this is to review the Downtown Vision Plan, and find what makes sense for downtown. He said his representative to the Task Force asked the questions nobody else was asking, and made people think more about the issues. He believes Lois Snyderman had a great impact on the study. However, he doesn't like everything in the Plan, although we changed the Resolution to review the Plan, and possibly to implement some of the things after they are prioritized.

Councilor Chavez said with any plan, there always will be contradictions and some things which are easier to do than others. He said with regard to the public meetings, the timetable was extended because we felt there wasn't enough participation, especially in the Southwest sector, and some of the meetings were moved to get better participation. He said although we did better in terms of public participation, he is unsure whether we had the buy-in we really need to move forward.

Councilor Chavez said, with regard to downtown housing, when he was growing up, families were living downtown. However, since 1970, there has been a 50% loss of those families living downtown. We now understand, and are trying to compensate and bring housing back downtown. He said there is also a contradiction in that we are trying to accommodate industry by allowing more short term rentals in neighborhoods where people used to live, but now those houses are businesses such as Osteria and others. These businesses have displaced the families who lived there 40-50 years ago. He asked, if the Council agrees to put more single family homes into the short term rental pools, what this will do to the density to accommodate that new population. We need to consider parking for that new population as well. He believes the market will dictate what happens – what is built, what isn't, and when. If housing is one of the principles which is driving this plan, he is unsure how doable that might be, and it is not enough for him to support the resolution as currently drafted.

Councilor Bushee said she is torn about the plan, commenting that she was the Councilor who initially introduced a Resolution asking for a downtown vision plan. She was

okay with the team which was hired. She attended lots of meetings and felt there was a lot of public input. She would like the ability to make changes if it is discovered that there are things we want to "jettison" during the review. She commented that everyone won't be happy.

Friendly amendment: Councilor Bushee would like to include a provision that the whole thing is open to change in the review process.

Discussion on the friendly amendment: Councilor Bushee believes that there was a lot of public process, but is unsure if everything was included. She said she isn't "in love" with the plan for various reasons, but she doesn't want to turn this into a debate about the plan. She wants a thorough review. She believes the members of the implementation teams will be important, and hopes they aren't the same small handfuls from either side. She wants to try to move this forward with everything open to reinterpretation, and then send it through the Committees with public hearings during the process.

Friendly amendment: Mayor Coss said he was thinking of language as follows: "Implementation teams shall be established in order to explore possible implementation steps and set priorities for presentation to and approval by the Governing Body."

Discussion on the Friendly amendments: Councilor Bushee said she wants it to go through the Committee process. She also wants to include language which would also review the plan as it exists and offer any changes to the Governing Body.

Councilor Wurzbarger said then it would be exploring possible options for implementation, including new ideas to be reflected in the Plan. She said this was always the intention.

Councilor Bushee said people are still objecting to this, and she would like to include language to "review the plan and propose changes to the plan."

Councilor Wurzbarger noted she has taught implementation of Planning. She said implementation for her means taking something and exploring the pros and cons and different ways to do things. It doesn't mean you take something and absolutely do it without wavering.

Councilor Wurzbarger said she would like to comment about the public input and the allegation that this plan is responsive to just a few. She said a very strong voice of concern about this plan came from the Old Santa Fe Association, and gave input throughout the process. At the end the Association wrote a letter, and that letter influenced her that we shouldn't use the word "adopt." She said what we are trying to accomplish is to move forward, see what is good and what we can do with the plan. She hopes this intention has been made clear to the public.

[Stenographer's note: There was never a response to Councilor Bushee's and Mayor Coss's proposed friendly amendments.]

Friendly amendment: Councilor Ortiz suggested, in trying to accommodate the interests of Councilor Heldmeyer and her concerns, and the suggestion from Councilor Bushee, adding a new paragraph No. 3 as follows: "3. Any and all recommendations by any and all

implementation teams shall be reviewed through the City Committee process with final approval by the Governing Body."

Discussion on Councilor Ortiz's proposed friendly amendment: Councilor Ortiz said this would allow any members of the public, at any of the Committee processes or at the last Governing body approval process, to bring forward any ideas or suggestions relative to the ideas offered by the implementation team. He said it is his understanding that this revised resolution doesn't adopt the Downtown Vision Plan, but provides that staff is to review it, and implementation teams will be established to explore priorities and the steps needed. He said to him this means this is still a work in process and not the *fait accompli* as suggested by Councilors Councilor Heldmeyer and Chavez. He believes the proposed paragraph will give clarity to the concerns which have been expressed.

Councilor Heldmeyer said this particular friendly amendment might be more friendly, if it included language that all meetings of all implementation teams shall be noticed to and open to the public.

Councilor Heldmeyer said she attended a lot of these meetings all across town, and what struck her was the unanimity of the kinds of comments which were made, regardless of where the meetings were held or who was making the comments. She said everybody was very concerned about maintaining what is left of the downtown and what has been lost. She said there was unanimity to keep the precious and unique thing which Santa Fe has. She said this is not a dichotomy between preservation versus affordable housing. She said we have had way too much of this lately, and most of it has been a false dichotomy.

Councilor Heldmeyer said the question is what this City and Council are going to do about what happens downtown, and what the community wants to keep, do new and such. She said there are things in the Plan which a lot of people think are terrible. She said she didn't say not to review it in her motion, so she wasn't stopping it. She said she was saying let's really review it with open minds and open hearts. She said, with regard to "making nice," there is nothing wrong with being polite and trying to get a consensus, but it is wrong to stifle dissent to push something through. She would like to see more consensus building, and would like to see more in this process which didn't happen because of the push to get something "out the door." In the last part of the process, the public was seen as a distraction. The public could come and watch but not participate. She said we do need the public debate as to what we as a community want our downtown to be. She is hearing tonight an attempt to get a consensus which wasn't attempted in the committees.

Councilor Heldmeyer withdrew her amendments, with the understanding that Councilor Ortiz's friendly amendment will be added

Councilor Heldmeyer said everyone is going to have to keep their eye on what is really going on and what really is going to happen downtown, because there are a lot of people who have extraordinarily big, vested interests who are already keeping their eye on it.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2007- 76, with an amendment to add a new Paragraph #3 on page 2, as follows: “ 3. Any and all recommendations by any and all implementation teams shall be reviewed through the City Committee process with final approval by the Governing Body.”

Clarification of the motion: Councilor Heldmeyer asked if this includes her friendly amendment with regard to the public openness of the implementation team meetings. **Councilor Ortiz said yes, the amendment is friendly to the maker. The amendment was friendly to the second, and no objections were made by the other Councilors.**

Discussion: Councilor Chavez said he appreciates Councilor Ortiz’s motion. He asked how many teams there will be and who will set the priorities, noting this isn’t clear. He noted, with regard to the implementation of the Southwest Area Master Plan, that has taken years. He said the implementation has not been clear to him – who will be behind it, and who will set the priorities – although it is becoming more clear. He hopes this Vision Plan won’t be implemented in the field anytime soon. If we don’t keep the buildings, the history, the culture and the people, then we will lose, so it has to be all of these pieces and not one or the other. He said Councilor Ortiz’s amendment completes this a little more.

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

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

Against: Councilor Heldmeyer,

Explaining her vote: Councilor Heldmeyer said she will vote no because she still hates this plan, but at least the process is somewhat better, and it will be up to this administration for the next 2 ½ years to decide how this will be done, who will be on the implementation teams, and whether or not the community as a whole will be represented. She looks forward to seeing how this is going to be done.

Explaining his vote: Councilor Ortiz said he is going to vote yes because it was his amendment.

Explaining her vote: Councilor Wurzbarger said her input from the public is that they are tired of us not doing anything. She has had recent conversations about elements which are happening downtown which they knew nothing about, such as the affordable housing and the Cathedral project. She said when Councilor Bushee introduced this she supported it. She said she would be disappointed if we spend another 2½ years doing this, because by that time, the developments downtown would have gone through the process. She is hopeful that we can move forward.

9(r) CONSIDERATION OF RESOLUTION NO. 2007- 77 (COUNCILOR ORTIZ, COUNCILOR WURZBURGER, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO RESEARCH VARIOUS OPTIONS FOR THE CITY OF SANTA FE TO PROVIDE FUNDING MECHANISMS TO PROMOTE HEALTHY LIFESTYLES FOR CHILDREN AND ADOLESCENTS. (LYNN HATHAWAY)

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2007-77, with recommendations #1, #2 and #4 from the Finance Committee, delete Paragraph #1 on page 3, lines 10 through 14; on page 3, on lines 15 and 16, and lines 20 and 21, delete the term "gross receipts increment," and replace this language with "an annual allocation/increment (based on the City's share of gross receipts tax collected," and renumber the paragraphs accordingly.

Discussion: Councilor Ortiz said later this evening he will introduce a Resolution which addresses the issue of a soft drink assessment in a more meaningful way which deals more with the substance, and isn't a "gut" reaction to the assessment he proposed. He said on lines #15 and 16, and 20 and 21, replace "gross receipts increment" with what we do which is an annual allocation/based on the City's GRT collected. This will clarify what some people have misunderstood to be an increase in tax. He said the beverage industry has been very productive and helpful with City staff in gathering more information on this topic. He said if we could spend 1/10 th of the time on this topic as we do on the other issues which consume our public attention and time, we will be doing our children a great service.

Councilor Bushee said she is glad he is removing the tax. She doesn't want to support the increase or earmark that percentage by any amount until there is a "full on" budget debate before her. She might decide that, for example, public safety is the priority. She is concerned that we are doing this out of context. She hopes what he brings forward is more programmatic than budgetary at this point until we know how all the pieces fit into this equation. She can't support this resolution this evening.

Responding to Councilor Chavez, Councilor Ortiz said because of the confusion created by the so-called "think tank," he has changed "gross receipts allocation," although the title is still consistent with the body of the resolution. He said the 0.5 percent remains in the Resolution for both Children & Youth and Human Services, and he is increasing the allocation by 0.5 percent. He said the Council can determine this percentage annually by a majority vote.

Councilor Heldmeyer said directing staff to prepare an ordinance amendment is not the same as passing an ordinance amendment. She agrees with Councilor Bushee that there is no way this should be passed if the idea is to allocate money, because there needs to be a different kind of FIR, and this needs to take place as part of the budget discussion. She didn't think it was necessary for Councilors to pass a resolution in order to get staff to work on an ordinance amendment.

Councilor Heldmeyer said, for the press, if there is a so-called "think tank," she believes it would behoove them to check what they say to see if they are really thinking before printing it as an article. In this case, there were several different errors in what this "report" said, which were corrected by the newspapers in subsequent articles. She said any group can call itself a

"think tank," and some have been around long enough to build a reputation, and then there are others.

Councilor Chavez said then basically this percentage would be allocated at the front end of the budget to the Children & Youth Commission which would be responsible for allocating those funds to the other service providers.

Councilor Ortiz thanked Dr. Hathaway for her work in moving this forward. He said we already have a commitment as a City to assist the Santa Fe Schools in trying to provide healthy lifestyle programs for children and adolescents. It is his belief that both the Human Services Commission and the Children & Youth Commission are doing this on a regular basis. He said if we give them the resources, he believes these Commissions, working with the Public Schools, can develop the kinds of additional programs which can lead to healthier lives for kids.

Councilor Ortiz said the way the Resolution is drafted, staff will develop the resources and a task force to develop other alternatives which can be presented, so we can come up with a plan which provides for the future. He doesn't believe any of the Councilors, except perhaps Councilors Heldmeyer and Wurzburger, have any kind of depth or experience on what those programs should be. He trusts these two Commissions to make recommendations for these allocations.

Councilor Chavez said he is questioning the competition for our very limited resources. He said by designating a portion of our GRTs up front, then the youth providers have to understand that this could mean less for some other programs.

Councilor Ortiz said it doesn't mean any less, because this would be an additional increment for allocation for healthy lifestyles to the schools and to other providers.

Councilor Chavez asked if Councilor Ortiz is suggesting that the School Board would contribute to that assessment, or would this all be on the City. He pointed out that, with regard to the CIP, there are more requests than we have dollars for all types of programs.

Councilor Ortiz said he doesn't believe we can use CIP moneys for programs.

Councilor Chavez said he is speaking about the competition for funds overall. He said, with regard to the GRTs, we seem to find ourselves in a very limited position at times.

The motion was approved on the following Roll Call Vote:

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

Against: Councilor Bushee,

Explaining his vote: Councilor Dominguez said when he left the Board of Education, he told Board member Montaño that he would support an initiative like this one, so he votes yes.

Explaining her vote: Councilor Heldmeyer said she is voting yes on the Resolution, but this doesn't say how she would vote on the ordinance change, because she hasn't seen the money figures.

Explaining her vote: Councilor Bushee said she would rather be voting on this whole thing when we have a budget process, and she votes no.

Explaining his vote: Councilor Chavez said he has expressed these same concerns, but he will vote for the Resolution, but stressed that this has to be done within the context of a budget discussion which we've not yet had.

9(t) CONSIDERATION OF RESOLUTION NO. 2007- 78 (COUNCILOR BUSHEE AND MAYOR COSS). A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ROBERT ROMERO)

Councilor Heldmeyer said she pulled this item at the request of staff who has had difficulty in getting a consensus from the Councilors on the top priorities, and Mr. Romero would like to address this issue.

Robert Romero said at the Finance Committee he was asked to list all of the priorities, noting there is a list of the priorities identified by the Councilors on page 2 of the packet, noting there were 2-3 Councilors who didn't identify priorities. However, he was told we need to list only five priorities, because this is the only way we can get it into the program.

Councilor Heldmeyer moved to table this item to the end of the meeting, to give Robert Romero the opportunity to talk to different Councilors. The motion died for lack of a second.

Mr. Romero suggested listing the top five priorities in a more vague manner, such as Trails Improvements, City Facilities Improvements, River, Parks & Open Space Improvements, Road Improvements and Water Improvements which would cover everything. He said we have to go through this again before meeting with the Legislative delegation. He is offering this as an option so we don't have to do specifics. He spoke with the people at the State and they told him they would have no problem in doing it this way.

Councilor Bushee moved, seconded by Councilor Chavez, to accept Mr. Romero's suggestion as long as we don't leave out the downtown Plaza improvements and affordable housing infrastructure in "lumping" categories.

Discussion: Mr. Romero said the Plaza improvements would be included in Parks and affordable housing infrastructure in City facilities.

Friendly Amendment: Councilor Bushee would like to change the category to Trails and Pedestrian Amenities. **The amendment was friendly to the second, and there were no objections from the other Councilors.**

Friendly Amendment: Councilor Chavez said we are looking for funds to implement the five-year Parks, Open Space, Trails Master Plan, and suggested we change the category to Trails, Parks and Open Space, and Pedestrian Amenities, which should cover everything. **The amendment was friendly to the maker, and there were no objections from the other Councilors**

Councilor Wurzbarger asked how we will refine the list prior to the Legislature – will it go to Public Works and/or Finance and when do we have to make that decision.

Mr. Romero said Mr. Duran likes to get this information to the Legislature in early to mid-November, so he believes we will start going through this process September 10th, and once this is done, we can move into identifying legislative priorities.

Responding to Councilor Heldmeyer, Mr. Romero said this list is being prepared just to get it into the State's computer system for the next Legislature. He said between now and the 2008 Legislature, the Council will develop priorities to take to our delegation. He said as long as the top five priorities are broad, it will be okay.

Mr. Romero said last year, we went with 10 priorities. He said the Legislature probably will fund more than five requests, and in the end it won't make any difference which generic five we will submit. He said last year some of the top five were funded, and some were not.

Councilor Heldmeyer asked Mr. Romero if he knows what the effect would be in the Legislature in having a very generic top five.

Mr. Romero said last year we didn't change the priorities, noting some weren't funded such as sewer line and sewer improvements. He said ultimately, it is an evolving process.

Councilor Heldmeyer said her top priority is getting the property tax circuit breaker enacted which isn't on the list, and that's another discussion.

Councilor Ortiz said he believes Trails and Pedestrian Amenities Citywide should be a top priority for the City. His individual priority is a new teen center at the former Tino Griego Pool, noting the only way we could have it as multi-use would be if we firmed up the commitment the State has for providing funding for that center. He believes we should put it on as a priority to see if the State will come forward with that funding. He is willing to shuffle his other priorities into these two.

Councilor Dominguez asked if there is a way to broaden that particular teen center to teen centers in general, because there is a need throughout the community, noting he would appreciate it.

Councilor Chavez said in the interest of "shuffling," he could shift Larragoite Park into a Citywide category, with the Citywide Trails, Parks, Open Space and Pedestrian Amenities. He believes it would be of interest to extend the effluent line from the Tierra Contenta area into other parts of the City, noting there are some funds allocated for that project.

Responding to Councilor Chavez, Mr. Romero said he is unsure when the funding will expire, but believes it is usually five years.

Councilor Chavez said we can set 5 or 10 priorities, but our Legislative delegation will entertain other requests from other non-profits which may or may not be on our list. He said we can have the lobbyist working on the short list of our priorities.

Councilor Trujillo said his priority is the reconstruction of Cerrillos Road from Richards to St. Michaels and refurbishing Franklin Miles and Ragle Parks. He asked the DOT priority of the reconstruction of Cerrillos Road.

Mr. Romero said there are two projects which are funded for Cerrillos Road. The next one is the project in GRIP 2 and those funds will be available within the next year, so we are moving forward with the final design changes and putting that out to bid. He said at the DOT level, GRIP 2 was totally independent of the NOP process, but he believes the City has a project which was in the DOT STIP for the next phase of Cerrillos Road for \$6 million. He said the funds allocated through GRIP 2, plus our match will take the project to Cielo Court. The next phase was in the program for 2010, but we'll still have to determine how far that will get us based on the estimates. He said the DOT is having federal funding issues, so funds are a moving target, but we are in their Transportation Plan for a project in 2010.

Councilor Wurzbarger said she would hope, as we define the process between now and November, there might be some relevance to the Strategic Planning process on which we have worked for so long, and perhaps this question could be asked. She said right now we're submitting our ideas, hopes and dreams which is one way to make policy. Another is to try to build on what we started, and she doesn't see that reflected here, and would like to request this.

Mayor Coss said he understands this is a request to include the Capital Outlay Plan in the strategic planning, whether it is ours or what we request from the state or federal government.

Councilor Wurzbarger said we spent a lot of time trying to begin to develop a strategic plan, and had some sense of priority, and that should give some elucidation to this discussion, or perhaps it won't.

Mayor Coss said the Council identified priorities and initiatives which could help guide it. The discussion so far has been around operating budgets, noting Mr. Buller is getting ready to begin the strategic planning process once again. However, that could be broadened to capital outlay programs as well.

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(u)(2)

REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 26, 2007:

- 2) **BILL NO. 2007-44. AN ORDINANCE AMENDING SECTIONS 14-3.1(F)(2), 14-3.6(B)(1), TABLE 14-6.1-1, AND SECTION 14-6.2(A)(6)(a) SFCC 1987; CREATING A NEW SECTION 14-6.2(C)(12) SFCC 1987; AMENDING SECTION 14-6.3(C)(1) AND TABLE 14-8.6-1 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO ALLOW SHORT TERM RENTAL UNITS AS SPECIAL EXCEPTIONS IN RESIDENTIAL DISTRICTS AND CLARIFY SHORT TERM RENTALS ARE A PERMITTED USE IN C-1, C-2, C-4, HZ, BCD AND MU DISTRICTS (COUNCILOR WURZBURGER). (JEANNE PRICE)**

Councilor Heldmeyer said this has been hanging around a while. She talked about the Task Force for home occupation which successfully developed a consensus opinion. She said the same results were hoped from this Task Force, but were not. It was a hope after the Task Force completed its work that some kind of consensus oriented, public process would be followed at that point. This has been through a lot of committees, some public, some not public, where some people were invited, and some were not invited. In the last few days, she has heard that there may be very substantive amendments to this. She said it's not ready for "prime time."

Councilor Heldmeyer moved, seconded by Councilor Chavez, that we do not publish notice of a public hearing.

Discussion: Councilor Chavez said he sees some contradictions in this, especially if we are going to encourage more single families to live in the downtown area, and hopefully to keep it affordable. He doesn't see this short term effort doing that, because we are putting the single family units in the pool of homes for short term rentals, taking them out of the pool for housing in which families or single individuals might be able to live. He does see that the industry has benefitted from the extension of the short term rentals into residential areas which have not been approved. It has been good for the industry and a few people who do handyman work and provide a service for the management companies. He said he is somewhat torn on this issue.

Councilor Chavez said as more short term rentals creep into the neighborhoods, it does change the character. He said the Districts don't belong to us, and we were elected to be public servants and to represent the Districts in which we live. If there is a problem in one District, it is a problem for all of us, and doesn't do any good to say it is a problem for one District over the other. He spoke about District #3 which is in close proximity to downtown, but you see many of the older homes "flipping," and believes some of those could be, or already are, short term rentals. He said there is a handful of local Santa Feans who have been able to hold onto their family's property, and acquire a second property, who are doing what others are doing in short term rentals. He doesn't know whether this is lucrative.

Councilor Chavez said the City Attorney has been researching cases in neighborhoods, primarily in District 3, with an established pattern of negative activity. In many cases, these are

rental units with absentee landlords. He said that does cause some of the problems in terms of management and policing the problem in that the landlords don't live in this community. He said if we say Santa Fe is for sale, and we want to allow short term rentals in every neighborhood, then every neighborhood is a commercial district or a business district in a sense. He said perhaps we could expand short term rentals into some areas or discuss a grandfathering clause, but that opens another layer of enforcement and discussion and debate which he doesn't think should happen right now. He doesn't think this is ready right now, noting the season is over, and the activity has happened.

Councilor Chavez said we knew two years ago we weren't enforcing this ordinance, and we were trying to compensate by compromising, but that hasn't gotten us anywhere. He doesn't think spending more time on this will hurt, especially since this year's season is behind us for the most part.

Councilor Ortiz said he understands this is a motion to publish title and general summary, and all of this discussion can take place then. If you want to be a naysayer, and are comfortable with the status quo, then you have to vote in favor of the motion to kill this bill now. He is against the motion. He said his inclination is to work out what needs to be worked out the night of adoption.

Councilor Dominguez said the public isn't happy with status quo. To delay this again, is a disservice to the public. The public has spoken loud and clear and he is ready to make a final decision.

Councilor Trujillo said he voted against this previously because he has a lot of questions. He believes we need these public hearings, and he will be asking a lot of questions. He will vote to move this forward through that process.

Councilor Bushee would like to know what happens if we change this ordinance substantively, and there is a published date for a hearing – would it have to be republished. She doesn't like the Mayor's proposal, and doesn't like the grandfathering. She would rather have the discussions to take place in advance.

Mr. Katz said the Governing Body can amend the proposed Ordinance any way it would like to do so. He said he understands that the Council is concerned about adequate public participation and transparency in the process.

Councilor Bushee said she is sure the last thing Councilor Wurzbarger wants are another three months of hearings. However, she is concerned about the rush, and what we have won't have been vetted like the proposal before the Council this evening. She has not seen a solution which would make her comfortable. She will vote for the motion.

Councilor Wurzbarger said there have been 21 public hearings over the past two years, some not as public as others. This has been through six committees on the bill which is before us this evening. She believes it is a travesty, in terms of process. She said at the majority of the meetings over the past eight months, 40-60 people have attended the hearings. The bill she is asking for Council support to be published has gone through a public process. She said the way she has worked this in terms of crafting legislation, is that she has not made changes behind the scenes and people have been asked about the changes before the next meeting

through the process. She has tried to talk with each Councilor as she has gone through this process. It isn't her intention to accept a change prior to the public hearing. She said the public hearings on the proposed bill have happened prior to today. She said at the next public hearing, changes can be introduced. She said it is time to go to the public, and Councilors can propose amendments. The public should be involved. She wants to go forward with this document through the process, and use it as a basis for public input at the September meeting. She asked the Council not to support the proposed postponement which would kill this bill tonight.

Councilor Bushee said she only wanted one more month.

Responding to Councilor Calvert, Councilor Heldmeyer said the motion is that we do not publish notice of this for a public hearing on September 26, 2007. She said accompanying the motion is a fervent belief that if there are more ideas coming forward which would change this in a big way, instead of publishing this she would like to have a more collaborative and inclusive public process and see what comes out of that. She understands anybody can bring amendments when this is heard, but it seems odd to her to have major, major changes come through at the last minute as an amendment, when people won't have a chance to discuss them, knowing in advance what they are. This was the problem with the task force.

Councilor Calvert said his discomfort is that if we don't vote to approve the publication he would like to have something specific to be done in its stead.

Friendly amendment: Councilor Calvert said what has happened is that some people haven't been fully engaged, and we need to get it before the whole Council to get everyone fully engaged and get their undivided attention. He said he would like a full Council study session to discuss all of the issues and changes within two weeks, or as soon as possible. **Councilor Heldmeyer said this would be friendly to her theoretically, noting Mr. Buller has been trying to schedule study sessions on all kinds of things for several months and hasn't been successful. She wants a specific time frame.**

Discussion on the friendly amendment: Councilor Calvert said that was during the summer, and hopefully people's schedules aren't as full now.

Friendly amendment: Councilor Bushee suggested during the next month that everyone with changes work with the sponsors and staff, submit those, and then have a hearing. We need a specific time frame and a specific work period where everyone will really focus on this.

Discussion on Councilor Bushee's friendly amendment: Councilor Calvert said he doesn't like this, because he wants everybody in the room at the same time discussing these things. **Councilor Calvert objected to the friendly amendment.**

Councilor Bushee said then schedule a meeting no later than the end of September.

Friendly amendment: Councilor Heldmeyer said what would be friendly is that we not publish notice of public hearing, but, in the alternative that the City Manager try to arrange a study session on this issue sometime within the month of September, and that the study

session include public testimony. **The amendment was not friendly to Councilor Bushee.**

Neither of the previous two friendly amendments was friendly to the maker.

Councilor Heldmeyer said the public needs to be able to comment on these things.

Councilor Bushee said the same group comes down with the same testimony from what she can see.

Councilor Chavez said this is an important ordinance which will impact or benefit neighborhoods for many years to come, and he doesn't believe waiting another month or two will make that much difference. He said we need to have all of the details flushed out before notice to publish. He said even if there have been 21 meetings, at this point there are still more questions and more amendments.

Councilor Wurzbarger stated that she has no amendments before her.

Councilor Chavez said there are other amendments which are being discussed which are not included in this version which Councilor Wurzbarger is asking for notice to publish.

Councilor Wurzbarger said what will be accomplished in the next month is that people who are in the background doing amendments, will come forward with those amendments and without public input, someone is going to decide "magically" that that is the way to go, and then we will go forward to a public hearing based on that. She would much rather have the amendments brought forward to something people have already debated for the past eight months, and do it publicly and let the Council make its decision there. She said Mr. Katz has said, "There has been little political support either to enforce the current ban, to allow short term rentals to bloom," and there has been little political support in developing this ordinance. She said it is important to move forward and give the public a chance to respond to the proposed ordinance and to the proposed amendments. She said those can get out to the public before the meeting without having to go through the committee process. She believes this is a way to kill the bill, which she believes is unfortunate, and it is being done in a meeting which is not a public hearing.

Councilor Heldmeyer stated that she did not recommend going to something where the public wasn't included.

Councilor Dominguez wonders if delaying this for 2-3 months and holding study sessions is an attempt to "play nice" with the whole thing, and he believes we should go forward and have this debate. He said he hasn't seen any proposed changes, but this is something that always happens. He said the public hearings have yielded amendments, some proposed by Councilor Calvert. He said the process is to engage in the public process, listen to the public, then come up with the amendments and take action. He sees this as an attempt to kill the bill.

Councilor Dominguez said we, as Councilors, don't need invitations, and don't necessarily need the public outcry to engage. He said there have been plenty of opportunities to engage in this and to bring those things to the sponsor, and try to come up with a compromise. He said suddenly, because there is a potential that something is going to happen, and it's going to move forward, some of us are afraid to "jump." We should have the debate

and move forward. If the Council decides it needs a study session at the public hearing, then we can do so. We should move forward right now.

Mayor Coss said Councilor Wurzbarger has been working alone for many months on this, and 4-5 weeks ago, he agreed to help move the ordinance forward. He said this was moved forward with no recommendation from two Committees, although it was approved at the Finance Committee with two votes in favor.

Mayor Coss said he wants to help get this done, and he likes much of the work. However, he believes the administrative appeals process potentially could result in hundreds of appeals to us, and there are no standards by which the Governing Body would judge those appeals. We need to determine those standards.

Mayor Coss said he previously made a promise that the City will enforce the existing law, and the City Attorney has been watching and working with this process for a year. If this bill fails, "our view" is to start enforcement. He pointed out that we don't have the staff to start enforcement, so there will be a major reconfiguration of staff, resources and priorities to start enforcing this. He said we now have an existing situation on the ground. He believes we should listen to the City Attorney with regard to the ideas which have come forward. We are about to publish an ordinance which has no consensus, and doesn't believe it could be passed by the Council in its current form.

Mayor Coss said he has proposed changes from Mr. Katz on the grandfathering issue and an alternative to the appeals process which would go through the Board of Adjustment and then to the City Council. He agrees with Councilor Heldmeyer that this is a major change. He said he isn't going to introduce these because he can't make a motion, and doesn't believe we are ready to move forward this evening. We need to listen to the City Attorney, given that there has been no enforcement since 2002. We have a situation and conditions on the ground which have serious legal and staffing repercussions. He said despite the best efforts of Councilor Wurzbarger, the Planning Commission, Marilyn Bane and others, we haven't resolved the issues through the hearing process. He believes we do need the study session, and more public meetings and hearings.

Mayor Coss suggested that we publish the ordinance at the last meeting in October or the first meeting in November, and get it done this year. He said everybody is ready if the ordinance fails to start enforcing this ordinance. He reiterated that the priorities of the City, in terms of staff work, will change, because we have a very serious, on the ground situation right now.

Councilor Bushee would like a motion with a very date specific time frame. She reiterated that we need to vet the amendments prior to consideration of this ordinance.

Restated motion: Councilor Heldmeyer moved, seconded by Councilor Chavez, to hear some ordinance having to do with short term rentals for final action, at the November 28, 2007 Council Meeting, that it be published 30 days prior to that date, and in the interim that the administration ensure that the appropriate meetings and/or public hearings are held on this.

Discussion: Councilor Heldmeyer said if people have ideas about what should be published they need to submit those within the next two months. She said we don't want to come to the public meeting for action on this ordinance and have something totally new, a totally different concept without the public having heard any of it. She said we know this has some issues and this Council needs to address those, including the philosophy of rentals in the neighborhoods and residential zoning.

Clarification of motion: Councilor Wurzbarger asked if the public process is to be the regular committee process, or a special process set up for this.

Mayor Coss said he believes there should be at least one Study Session of the Governing Body on this issue.

Ms. Vigil asked if the Council would like to place the bill on the agenda for October 29, 2007 as a request to publish, or does the Council just want it published one month prior to the meeting.

Councilor Heldmeyer said it would be cleaner to put it on the agenda for October 29, 2007 as a request to publish.

Clarification: Councilor Wurzbarger asked if the motion is to postpone this, and to publish whatever evolves through whatever "magical" process.

Councilor Heldmeyer said it is a motion to postpone this, and when we come to the October 29th meeting and discuss what to publish, it may be this, something else, or it could be a hybrid.

Restated motion: Councilor Heldmeyer moved, seconded by Councilor Chavez, to postpone this item to the Council meeting of October 29, 2007, to hear some ordinance having to do with short term rentals for final action, at the November 28, 2007 Council Meeting, that the proposed ordinance on short term rentals be placed on the agenda as a request to publish at the Council meeting of October 29, 2007, and in the interim that the administration ensure that the appropriate meetings and/or public hearings are held on this.

The motion was approved on the following Roll Call Vote:

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

Against: Councilor Ortiz, Councilor Trujillo, Councilor Wurzbarger and Councilor Dominguez.

The resulting vote was a tie vote. The Mayor voted in favor of the motion to break the tie, approving the motion.

END OF CONSENT CALENDAR DISCUSSION

10. ANNUAL REVIEW OF THE CODE OF ETHICS, PURSUANT TO SECTION 1-7.11 SFCC 1987. (YOLANDA Y. VIGIL AND FRANK KATZ)

Councilor Ortiz moved, seconded by Councilor Bushee, to approve the proposed Code of Ethics with amendment as proposed.

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

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 Settlement Agreement on the County Appeal of the Homewise Tract #4, Pursuant to §10-15-1(H)(7). NMSA 1978.**
- b) Discussion of Settlement Agreement – Buckman Direct Wells 10-13; Pursuant to §10-15-1(H)(7) NMSA 1978.**
- c) Discussion of Settlement Agreement with Arby's on Living Wage Litigation; Pursuant to §10-15-1(H)(7) NMSA 1978.**

Mayor Coss asked if the Council would like to defer the Executive Session to the end of the public hearings, or to do them now.

Mr. Katz said it won't take very long to do this.

Councilor Bushee moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of the discussion of the settlement agreement on the County Appeal of the Homewise Tract #4, discussion of settlement Agreement – Buckman Direct Wells 10-13, and discussion of settlement agreement with Arby's on Living Wage Litigation, all pursuant to §10-15-1(H) (7). The motion was passed on a Roll Call vote as follows:

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

Against: Councilor Ortiz.

Absent: Councilor Wurzburger

Explaining his vote: Councilor Ortiz said he votes no, because he believes we should start the public hearings, and put the administrative items to end of the agenda. He believes we are doing a disservice to the public by doing this.

The Council went into Executive Session at 7:20 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:55 p.m., Councilor Chavez moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were the settlement agreements on the County Appeal of the Homewise Tract #4, Buckman direct wells 10-13 and Arby's on the living wage litigation.

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

13. ACTION ON THE SETTLEMENT AGREEMENT ON THE COUNTY APPEAL OF THE HOMEWISE TRACT #4. (FRANK KATZ)

Councilor Calvert moved, seconded by Councilor Chavez, to approve the Settlement Agreement on the County appeal of Homewise Tract #4.

The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Wurzburger and Councilor Bushee.

14. ACTION ON SETTLEMENT AGREEMENT – BUCKMAN DIRECT WELLS 10-13. (FRANK KATZ)

Councilor Calvert moved, seconded by Councilor Chavez, to approve the Settlement Agreement on Buckman Direct Wells 10-13.

The motion was approved on the following roll call vote:

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor

Heldmeyer, Councilor Ortiz and Councilor Trujillo.

Against: None.

Absent: Councilor Wurzburger and Councilor Bushee.

15. ACTION ON SETTLEMENT AGREEMENT WITH ARBY'S ON LIVING WAGE LITIGATION.

Action on this item was postponed to the meeting of September 11, 2007.

END OF AFTERNOON SESSION AT 7:58 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 8:00 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

E. PETITIONS FROM THE FLOOR

A copy of a letter dated August 27, 2007, to Mayor Coss and City Councilors Heldmeyer, Bushee, Chavez, Dominguez, Calvert, Ortiz, Wurzburger and Trujillo, from Dr. Leslie Carpenter, Superintendent and Frank Montaña, President, Board of Education, Santa Fe Public Schools, is incorporated herewith to these minutes as Exhibit "2."

Stephanie Beninato said she is in attendance with regard to 610 Galisteo and the destruction of a 100-year-old adobe home. She said last week she provided to each of the Councilors and the City Clerk, a copy of a petition signed by 28 people in the neighborhood who are concerned about the destruction of the house and have asked for an open process instead of that of Mr. Katz behind closed doors. Ms. Beninato demonstrated the damage using photographs which *were not entered into the record*. She said 42" of the wall has been removed, and "they" do not have a permit to do this. "Their" permit allowed them to remove the vigas in the room and to remove 8 ft. of one wall. She said David Rasch was going to present this petition to the H-Board last week, but Mr. Katz told him that the Board can't take items back once approved. She said it was red tagged, and it was Mr. Katz's decision not to take it back to the Historic Board. She said people in the area are shocked at the removal of the historic material. She is asking for a public process and that this be directed back to the H-Board. She had a long conversation with Mr. Hiatt today at his request, and she believes he understands that this is a serious problem. She is asking the Council to support "us" in our petition and ask for an open process in front of the H-Board about whether this building is still contributing, and if the permit has been exceeded.

Mayor Coss said he will not direct staff to do anything, but said the discussion with Mr. Hiatt is interesting, and he would ask him to work with the City Attorney and David Rasch to review for noncompliance with the permit. He said they continue to tell him that the permit is in compliance.

Frank Montañño, 610 Alta Vista, President Santa Fe Board of Education, thanked the City for its help today on the first day of school, noting it has been one of best first days of school in some time.

Mr. Montañño read a letter into the record from Superintendent Carpenter and himself. Please see Exhibit "2" for the text of this letter.

Responding to Councilor Dominguez, Mayor Coss said copies of the letter were placed on the desks prior to the meeting.

Rick Martinez, 735 Macias Road, invited everyone to the ENN if it isn't postponed. He said this is an important meeting, noting they are doing 700-900 homes up there and the traffic is a big issue. He would like the Governing Body to attend and comment and meet the people in the area.

Dina Aqualina said she heard the Mayor is proposing changes to Councilor Wurzbarger's short term rental bill. She said she looks forward to the day when she can come to the Council and talk about something other than short term rentals. She said the fact that you predict hundreds of appeals shows her that you really know how the citizens of Santa Fe feel about this. She said she has attended 20 of the 21 public meetings, as well as the task force meetings. She said the public is unanimous and the neighbors have spoken with one voice that we don't want short term rentals in our neighborhoods. She said the only ones who have spoken in favor of short term rentals are those who have been doing it illegally for all these years and making money of it. She said this is a really bad way to run a city. She said the bottom line is that the voting neighbors have a right to know who is in the house next door month to month.

Collier Martinez said he was born in Santa Fe 44 years ago, and recently returned after 21 years away. He has been working to clean shopping carts out of the River, and as a volunteer working on the houses and grounds of relatives. He is going through the process of getting funds to beautify the Sandoval House at San Francisco and Paseo de Peralta. He spoke about his family and their long time connection to Santa Fe. He would also like funds to beautify the Galisteo house at Paseo de Peralta/Galisteo, noting his great-uncle is Theodore Roybal. He said the water pipes have burst in the house where he is living. He is asking the City to fix the sidewalks at these houses and to help him to complete the paperwork to pipe water from the Acequia Madre to water the yard. He said the houses are in the Historic District and eligible for historic preservation funds.

Mayor Coss asked Mr. Martinez to give the addresses to the City Manager so he can assist him.

Mr. Martinez said the Roybal House is at 521 Galisteo, but he doesn't have the address of the other house. It is the last house on San Francisco Street, right across from the Farmer's Market and DeVargas Mall, next to the river walk. At one time it had a plaque which said "first house," but was changed to a plaque saying it is a fine example of colonial territorial.

F. APPOINTMENTS

Historic Design Review Board

Mayor Coss appointed the following individual to the Historic Design Review Board:

John M. (Jake) Barrow, Historian – reappointment – term ending 01/2009.

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

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

Sustainable Santa Fe Commission

Mayor Coss appointed the following individual to the Sustainable Santa Fe Commission:

Claudia Pavel – term ending 05/2010.

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

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

G. PUBLIC HEARINGS

- 1) REQUEST FROM 838, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #649 FROM ANDY ORTIZ, INC., D/B/A ANDY'S LIQUORETTE, TO 838 LLC, D/B/A THE HOUSE OF BOOZE. THE LICENSE WILL REMAIN AT 838 AGUA FRIA. (YOLANDA Y. VIGIL)**

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

Public Hearing

Matt Chavez, 208 Galisteo, was sworn. Mr. Chavez said he is the new owner of The House of Booze, and is here to ask for the approval of the license transfer.

The Public Hearing was closed

Councilor Heldmeyer asked the distance of the business from the Monica Roybal center.

Ms. Vigil said it is not within 300 feet of the Center.

Councilor Heldmeyer asked if the former owner had problems with the Alcohol and Gaming Bureau.

Ms. Vigil said she called Alcohol & Gaming who had not returned the call as of this afternoon. She said when they did reach someone, they told her there were no citations against this license.

Councilor Calvert asked if the police have had difficulties with this site in terms of enforcement activity.

Ms. Vigil said she didn't consult with the Police.

Deputy Chief Montaña, 838 Agua Fria, said he has no knowledge of this being a problem area in terms of police enforcement, at least no more than any liquor store in the area. He said they don't get a lot of calls to go there. He said there are a lot of people waiting to buy alcohol early in the morning, and late at night.

Councilor Calvert asked if there are issues in the surrounding neighborhood.

Deputy Chief Montaña said it is accessible for people to buy alcohol. He said he can't say that the police have any realistic problems with it.

Councilor Chavez disclosed that he and Matthew Chavez are first cousins, but he has no vested interest in the business. He said if the Council will allow him to vote, he believes that he will be able to vote in a fair and impartial manner on this issue.

Councilor Dominguez moved, seconded by Councilor Ortiz, to grant the request to transfer ownership of Dispenser License #649 from Andy Ortiz, Inc., d/b/a Andy's Liqueur, to 838, LLC d/b/a The House of Booze, the license to remain at 838 Agua Fria.

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.

- 2) **CONSIDERATION OF RESOLUTION NO. 2007- 79. CASE #M 2007-13. BEATY SOUTH GENERAL PLAN AMENDMENT. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 96.73± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE), MEDIUM DENSITY, PUBLIC/INSTITUTIONAL OPEN SPACE AND BUSINESS PARK TO "LOW DENSITY (3-7 DWELLING UNITS PER ACRE)." THE AREA IS GENERALLY LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD. (GREG SMITH) (Postponed at August 8, 2007 City Council Meeting) (Public Hearing Closed)**

Items #2, #3 and #4 were combined for purposes of presentation and discussion, but were voted upon separately.

A Memorandum prepared August 1 for August 8, 2007 City Council Meeting, with attachments, to the City Council, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case #M 2007-13, Case #M 2007-14, and Case #ZA 2007-03, is incorporated herewith to these minutes as Exhibit "3."

Mayor Coss said the public hearing is closed on these three agenda items.

Councilor Chavez said after the last public hearing, the applicant and representatives of the school board were to meet and decide the fair share of the school site. He said this is one of the points which have not been finalized. He said we do have a letter before the Council which stipulates the agreement. He asked where the letter fits best, in the annexation or the rezoning. *[Note: This letter was not entered for the record]*

Councilor Ortiz said it would be imposed as conditions of approval on the annexation.

Councilor Chavez said there was another letter from the County which raises questions about the ownership of Richards Avenue, which was discussed earlier in Executive Session. He said the County has agreed to consent to the annexation with the condition that it be conveyed back to the County after the annexation is complete. He said this letter will need to be read into the record.

Councilor Ortiz said he didn't understand that this has to be made a condition of approval on the developer, because that is just the consent we need to receive from the County, and doesn't believe we can impose this requirement on the developer as a condition of approval.

Mr. Katz said this is correct, and it wouldn't be a condition of approval, but it might be part of the annexation ordinance which the City intends to pass.

Councilor Ortiz said if it needs to be a condition of approval, it should be in the annexation.

Councilor Chavez moved, seconded by Councilor Bushee, to adopt Resolution No. 2007- 79, approving Case No. M-2007-13.

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.

- 3) CONSIDERATION OF BILL NO. 2007-38; ADOPTION OF ORDINANCE NO. 2007- 30. CASE #M 2007-14. BEATY SOUTH ANNEXATION. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE, REQUESTS ANNEXATION OF 96.73± ACRES OF LAND AS WELL AS THE ADJACENT 2.55± ACRES OF RICHARDS AVENUE RIGHT-OF-WAY, FOR A TOTAL OF 99.28± ACRES. THE AREA IS GENERALLY LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD. (GREG SMITH) (Postponed at August 8, 2007 City Council Meeting). (*Public Hearing Closed*)**

Councilor Chavez moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2007-30, with the following conditions as stated in the letter from the School Board:

- 1) that the 3.14 acres will be contiguous with open space;**
- 2) that the Beaty representatives will work with the partners in the adjacent lots surrounding the development to assist the district in obtaining an appropriate site of 15 acres;**
- 3) a 15-acre site will be necessary to accommodate the future K-8 school within the area known as the Beaty Annexation and Las Soleras, based on current student yield calculations; and**
- 4) that if it is not possible to identify a total of 15 acres contiguous, that the District is allowed to develop or sell for fair market value the 3.14 acres of land in the Beaty Annexation.**

and in accordance with the letter received from the County, that Santa Fe County is willing to agree to the inclusion of Richard's Avenue in the annexation, and the City agrees to immediately convey this portion of Richards Avenue back to Santa Fe County once the annexation is complete; and

the developer agrees to study erosion and drainage issues along Governor Miles and for

the development, and agrees to address whatever issues come out of that study during its construction.

Discussion: Councilor Ortiz asked if this condition is acceptable to the developer.

Jennifer Jenkins, 140 Grant Avenue, Suite 101, was sworn. Ms. Jenkins said the developer is agreeable to embarking upon this as a part of their subdivision platting process.

Friendly Amendment: Councilor Ortiz proposed, with regard to setbacks, that the developer provide a 150 ft. buffer that matches or mirrors the north side of Governor Miles Road and for at least a 30 ft. buffer along Governor Miles and Richards Avenue. **The amendment was friendly to the maker and there were no objections from the other Councilors.**

Councilor Ortiz asked if this is acceptable to the developer.

Ms. Jenkins asked, with respect to the 150 ft., if we are talking about the depth at the corner.

Councilor Ortiz said this is correct.

Ms. Jenkins said the condition is acceptable to the developer, and "with the 30 ft. along Richards Avenue and Governor miles, at least 30 ft."

Friendly Amendment: Councilor Ortiz proposed a condition of approval that the developer amends the roadway plan as a part of the subdivision plat approval process to have a more direct access to both the school site for the public schools as well as the Monte del Sol Charter School behind it for the express purpose of taking the school traffic which currently exists now in Nava Ade out of the neighborhood, and that the developer work with City staff as a part of the subdivision plat approval process. **The amendment was friendly to the maker and there were no objections from the other Councilors.**

Responding to Councilor Ortiz, Ms. Jenkins said this condition of approval is acceptable to the developer.

Councilor Chavez asked if the land for the setback and buffer will compete with the land on which the homes will be built.

Ms. Jenkins said it would require it to be reconfigured slightly, but it is very doable.

Discussion: Councilor Chavez said we are asking the developer to comply with stormwater and erosion, and asked if they would also have to comply with the City's stormwater ordinance.

Councilor Ortiz said this is In addition to anything they are required to do. He said there have been problems the Beaty North development which has been built out with regard to

erosion and drainage issues along Governor Miles. He said because of this concern, he wanted to ensure that the developer studies both their side of the development and the other side to see if there is anything which they can do over and above what they are already required to do, and if so, to address that.

Councilor Dominguez said he is in support of this. He said everyone would agree that he is one of the biggest proponents in the School District to ensuring that we include the School in any dialogues that we have. He said he is a little dismayed, because some of the information which has been presented today is a little different from what was presented at the last Council meeting. He said people from the public attended to speak to this case, and the Council reacted to some of the information given to us by the School District which we learn today is different today than then. He said the one good result is that it is clear that we need to continue to have the kind of dialogue which we are having in this particular case. It has also put an emphasis to the School District that it begins to do some long range planning, and to consider how these kinds of things will impact the District which is a good thing.

Councilor Heldmeyer asked Councilor Chavez, given the conditions of approval, does he think the City is committing itself to providing space if the developer won't, or can't come up with that space.

Councilor Chavez said he doesn't think so. He said, referring to condition #4, the School Board knows that they are hoping for 15 acres which will be contiguous to the Beaty Annexation. If that doesn't work out, we may not be able to convince the other partners to make an equal contribution. If they're not willing to do this, then the School Board would like to develop or sell the acreage for full market value. He does not think, by agreeing to this, we are laying out any expectations to the School Board that the City would pick up the slack.

Councilor Heldmeyer said we could make this a condition of approval. She doesn't want the School Board members to walk away with the understanding that in the absence of contributions from developers that the City can take land that it doesn't own and award it to the School District.

Friendly Amendment: Councilor Heldmeyer said she doesn't see a discussion of what would run behind the homes on Autumn Leaf Lane, noting there was a promise that there would be trees, and Ms. Jenkins agreed to that, and she would like to amend the motion to make this a condition of approval as part of the buffer for open space. **The amendment was friendly to the maker and there were no objections from the other Councilors.**

Ms. Jenkins said this is on the west side of the project which is directly adjacent to some Nava Ade back yards, and is part of the open space buffer area, and they did agree to plant trees in addition to the fencing there.

Friendly Amendment: Councilor Calvert proposed a condition of approval that all the homes will be built to a minimum of energy star rating. **The amendment was friendly to the maker and there were no objections from the other Councilors.**

Ms. Jenkins said this condition is agreeable to the developer.

Councilor Chavez asked if there are any staff recommendations for conditions of approval.

Mr. Katz said the City should add to Exhibit "D" of the Ordinance, the condition which acknowledges that the City will give Richards Avenue back to the County.

Councilor Ortiz said this was read into the record as one of the conditions of approval.

Greg Smith said there is an Exhibit "D" to the Annexation Ordinance as recommended by the staff and Planning Commission, and he is unsure of the effect of the conditions just discussed with regard to Richards Avenue and the County. However, the condition as recommended by the Planning Commission and staff states, "An irrevocable offer that dedicates sufficient right of way to the approval of the City Public Works Director for widening of Richards Avenue, and for creation of Beckner Road, as shown on the Annexation Master Plan, shall be recorded concurrently with the annexation plat, with acceptance of the offer at the discretion of the Governing Body."

Mr. Smith said the condition was made by the Planning Commission when the staff and Commission anticipated that the Richards Avenue right-of-way would become a City controlled right of way.

Councilor Chavez asked what the County's letter does to the staff's condition of approval, noting this is an irrevocable offer.

Mr. Katz said the intention was to ensure that the public body that builds roads will have enough room to make Richards four-lane. He would guess that the desire would be still to have the developer dedicate the land for that purpose, and in the Richards Avenue situation, it would be dedicating it for the right-of-way that the County would own, so we can make it a nice four-lane road to Rancho Viejo.

Friendly amendment: Mr. Katz suggested that we slightly amend the staff condition that the developer dedicate sufficient right-of-way for the widening of Richards Avenue. The right-of-way would go, and the City would deed the right-of-way to the County. **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Clarification of the motion: Mr. Smith clarified that the Richards Avenue dedication would be presented to the County, but the right-of-way dedication would be presented to the City since the right-of-way proposed would be in the City limits and is not within the County.

The motion, as amended, was passed on the following Roll Call Vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor

Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger.

Against: None.

- 4) CONSIDERATION OF BILL NO. 2007-39; adoption of ordinance no. 2007-31. CASE #ZA 2007-03. BEATY SOUTH REZONING FROM R-1 TO R-5. JENNIFER JENKINS, AGENT FOR BUILDING SERVICES OF SANTA FE REQUESTS REZONING OF 96.73± ACRES OF LAND FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE). THE PROPERTY IS GENERALLY LOCATED WEST OF RICHARDS AVENUE AND SOUTH OF GOVERNOR MILES ROAD. (GREG SMITH). (Postponed at August 8, 2007 City Council Meeting). (Public Hearing Closed)**

Councilor Chavez moved, seconded by Councilor Bushee, to adopt Ordinance No. 2007-31 and approve Case No. ZA-2007-03, with the same conditions as applied in 9(G)(4).

Discussion: Councilor Ortiz said although staff doesn't like it, we have been putting the conditions on the rezoning as well.

Clarification: Mr. Smith asked if the motion includes Exhibit B which has a condition relative to complying with full staff conditions of approval at the time of subdivision.

Councilor Chavez said that is standard and the motion includes conditions as recommended by staff.

The motion was approved on the following Roll Call Vote:

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

Against: None.

- 5) CONSIDERATION OF BILL NO. 2007-31; ADOPTION OF ORDINANCE NO. 2007- ____ (COUNCILOR ORTIZ). AN ORDINANCE DISSOLVING THE GRIEVANCE REVIEW BOARD SO THAT ARTICLE 6 -8 SFCC 1987; ARTICLE 19-10 SFCC 1987; AND SECTIONS 19-10.1 SFCC 1987 THROUGH 19-10.3 SFCC 1987, ARE REPEALED. (JEANNE PRICE). (Postponed at the July 25, 2007 City Council Meeting)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz said this proposed ordinance was a part of the Resolution which the Council adopted and issues were raised about the propriety of getting rid of this grievance board. He noted that there is a memo from the City Attorney talking about this particular issue. Councilor Ortiz said this Board has never been formed or requested by an employee, and he really doesn't see the need for it, but he does not necessarily want to kill it. He said he is a sponsor because he was on the original Resolution which requested that staff do the follow up. He said staff did the follow-up.

Councilor Bushee moved, seconded by Councilor Heldmeyer, to deny approval.

Discussion: Councilor Bushee said there is a greater concern that the Council passed a Resolution undoing something which was created by law. She said there isn't any reason to make it go away. She would like Personnel to look at trying to activate it. She said this is the only venue that non-union employees have for a grievance.

Councilor Chavez said perhaps the brush stroke was too broad, and we wanted to eliminate some of the committees which weren't effective. Although this Board may not have met, he does see a need for this Board.

Councilor Heldmeyer said the biggest reason she sees in the Memo for getting rid of it is that we don't use it all the time, commenting that it's not that it hasn't been used. She said maybe we won't be ready when someone wants to use it. She spoke with someone who sat on this Board, he felt, although it wasn't used a lot, that it provided the City as well as the employee with an extra level of protection. For that reason, she isn't interested in getting rid of it. However, she believes it is the responsibility of the City Manager and the head of Human Resources to ensure this Board is staffed and has members appointed to it, so when we need it, we will be able to act within the time frame required to act.

Responding to Councilor Dominguez, Mayor Coss said this board can be reactivated and appointments made.

Mr. Katz said, by ordinance, the Board has the authority given to it through the Personnel Rules and Regulations, which is none at this time. If you want it to do something, then it would be necessary to change the Personnel Rules and Regulations. He said it doesn't automatically have life, and the Rules must be changed to give the Board life.

Councilor Bushee said she disagrees.

Mayor Coss said we just have to amend the Rules to make it consistent with the Regulations.

Councilor Bushee suggested we move forward and do this.

The motion was approved on the following Roll Call Vote:

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

Against: Councilor Dominguez, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger.

The resulting vote was a tie vote. The Mayor voted in favor of the motion to break the tie, approving the motion.

- 6) CONSIDERATION OF BILL NO. 2007-35; ADOPTION OF ORDINANCE NO. 2007- 32 (COUNCILOR DOMINGUEZ, COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). AN ORDINANCE ADDING A DEFINITION FOR OFF-HIGHWAY6 MOTOR VEHICLE TO THE CITY OF SANTA FE UNIFORM TRAFFIC CODE AND AMENDING SECTIONS 12-7.9 AND 12-7.9-1 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE, TO PROHIBIT THE USE OF OFF-HIGHWAY MOTOR VEHICLES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE, UNLESS OFF-HIGHWAY MOTOR VEHICLES ARE USED ON CITY DESIGNATED COURSES, TRACKS OR TRAILS. (CHIEF JOHNSON)**

Deputy Chief Montaño presented information regarding this matter, noting the Department supports this Ordinance.

Public Hearing

There was no one speaking for or against this Ordinance.

The Public Hearing was closed

Councilor Dominguez moved, seconded by Councilor Chavez, to adopt Ordinance No. 2007- 32.

Discussion: Councilor Chavez asked if the courses have been designated for these all-terrain vehicles.

Councilor Dominguez said they are in the process of doing this.

Councilor Chavez said then once the spaces are designated, we will expect people to have a truck and trailer to haul the ATVs to the track.

Deputy Chief Montañó said yes.

Councilor Chavez asked about those who don't have the luxury of a truck and trailer, and what they will be doing.

Deputy Chief Montañó said they will try not to chase them around.

Responding to Councilor Chavez, Deputy Chief Montañó said there is already a State statute on this, and he believes it is the same as what the County is enforcing now.

Councilor Chavez reiterated his concern that everybody won't be able to transport their vehicles to designated tracks. He said the use of ATVs also happens in the middle of town. He believes enforcement will be a lot of work, and believes it has to be enforced on both sides – in the City and in the County.

Councilor Heldmeyer asked about people driving on their own property.

Ms. Price would read this that it is prohibited even on their own property.

Friendly Amendment: Councilor Heldmeyer would like to include language to the effect that says, "unless such use is on the private property of the owner or driver of the vehicle."

Discussion on the Friendly Amendment: Councilor Dominguez said it was not the intent to prohibit people from driving on their own property, but it was to make it consistent with State law. He said State law has a 200 ft. distance from the residence where they cannot drive the ATV. This takes that distance out completely.

Responding to Councilor Bushee, Councilor Dominguez said the intent was to prevent people from driving their ATV on public property, not private property.

Councilor Heldmeyer said that may be the intent, but it isn't stated.

Councilor Dominguez said he has no issues if Councilor Heldmeyer wants to amend it to permit the use on their own private property.

Councilor Heldmeyer clarified that it can be used on private property with the permission of the owner.

Mr. Katz said the ordinance provides "unless such use is permitted on a designated off-road property." He doesn't think it is inconsistent to permit people do it on their own property.

The maker of the motion said he has no objection to an amendment if someone has the language. Councilor Heldmeyer believes her suggested language is the specific

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

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

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

Against: None.

7) CONSIDERATION OF BILL NO. 2007-36; ADOPTION OF ORDINANCE NO. 2007- 33 (COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 14-6.3(C)(2) SFCC 1987, REGARDING HOME OCCUPATIONS. (DAVID TAPIA AND GEORGIA URIOSTE)

Georgia Urioste, Building Inspection Supervisor, presented information regarding this matter.

Public Hearing

There was no one speaking for or against this Ordinance.

The Public Hearing was closed

Councilor Wurzburger moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2007-33, with the amendment as proposed by Councilor Ortiz, as follows: "On page 3, line 11, after the word "properties" insert "The storage of fire arms, ammunition, fire works or similar explosives for sale or services is prohibited."

Discussion: Councilor Wurzburger thanked Ms. Urioste and Mr. Tapia for their work on this ordinance.

Councilor Heldmeyer, referring to Exclusions on lines 15-18, page 10, said one change which didn't come from the Task Force, was added by the Council at the time that this law was approved. She said, "I have heard in the last week from two different neighborhoods, one being Park Plazas....and another neighborhood in my District, that were concerned about getting rid of the idea that legally binding, restrictive covenants prohibiting commercial activities were something that the City took into account when it was allowing a home occupation to occur. And, in both cases, what these people told me is that just going to the person's house and saying, you know, because we have restrictive covenants, the City is not going to let you do this, got rid of some fairly intense commercial uses that were being contemplated."

Friendly amendment: Councilor Heldmeyer asked the maker of the Motion if it would be a friendly amendment to restore that paragraph.

Discussion on the friendly amendment: [Most of Councilor Wurzburger's remarks here are inaudible]. Councilor Wurzburger said during this process she was advised by City Attorney that we should not take this position. **The maker said the amendment is friendly with the approval of the City Attorney. The City Attorney said it was fine to do this. The amendment was friendly to the second, and there were no objections from the other Councilors.**

Councilor Chavez said his concern with the first version of the Home Occupation Ordinance, was the suggestion that an individual didn't have to live at the main house for the home occupation. The ordinance as currently written provides that this has to be the primary residence. One of the benefits in home occupation is that there are people at home during the day more often, and this is a neighborhood watch built into the neighborhood. He said that he is one of the benefactors of the Home Occupation Ordinance, and was able to build a small shop in his backyard. He said this provides a more cost effective way for many small businesses to be able to stay in Santa Fe and keep their businesses going. He believes it is a good thing.

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. 2007-42; ADOPTION OF ORDINANCE NO. 2007- _____. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT BY AND AMONG THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS"), THE CITY OF SANTA FE, NEW MEXICO (THE "BORROWER/GRANTEE"), AND THE BUCKMAN DIRECT DIVERSION BOARD AS OPERATOR OF THE PROJECT, IN THE AMOUNT OF \$2,000,000.00, EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF THE BUCKMAN DIRECT DIVERSION PROJECT, INVOLVING RELEASE OF STORED SAN JUAN/CHAMA WATER FROM UPSTREAM RESERVOIRS AND SUBSEQUENT DIVERSION OF THE SAN JUAN/CHAMA WATER AND NATIVE RIO GRANDE WATER SUPPLIES FOR TREATMENT AND CONVEYANCE TO THE REGIONAL STORAGE AND DISTRIBUTION SYSTEM AND IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDING SOURCES IDENTIFIED BY THE**

BORROWER/GRANTEE, ARE SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. (RICK CARPENTER). (Request to postpone to September 11, 2007)

This agenda item was postponed to the Council meeting of September 11, 2007.

16. MATTERS FROM THE CITY CLERK

Ms. Vigil reminded the Council that the next meeting will be on Tuesday, September 11, 2007.

17. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Dominguez

Councilor Dominguez introduced an Ordinance establishing an Anti-Graffiti Task Force, a copy of which is incorporated herewith to these minutes as Exhibit "4." He said this ordinance will try to provide opportunities to our young people, and provide canvasses to do art in the proper place. He asked that it go to the Public Safety, Public Works, and Youth Advisory Committees.

Councilor Calvert

Councilor Calvert introduced a Resolution asking staff to study and make a recommendation on an incentive program to use state of the art water conservation technology in the Laundry industry. He asked that it go to the Public Utilities and Finance Committees. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Calvert introduced a Resolution encouraging the U.S. Senators from New Mexico to create a Community Building Code Administration Grant Program, a copy of which is incorporated herewith to these minutes as Exhibit "6." He asked that it be sent to the Public Works and Finance Committees.

Councilor Trujillo

Councilor Trujillo wished his wife a happy birthday tomorrow!

Councilor Wurzbarger

Councilor Wurzbarger noted that there are two vacancies on the Quality of Life Committee.

Councilor Bushee

Councilor Bushee introduced Resolution asking staff how we can get rid of the electrical poles, and how to stop them from proliferating elsewhere. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7." She asked that it be sent to the Public Works and Public Utilities Committees.

Councilor Ortiz

Councilor Ortiz said he is introducing a Resolution establishing the Healthy Lifestyle Task Force, which asks members of the public and interested parties to come up with more detail, and specifically requests a report to Governing Body within 6 months of the initiation of the Task Force, and if there are funding alternatives, to submit those by July 1, 2008. He said the Resolution can either come back to the Council or go through the Committee process.

Councilor Chavez

Councilor Chavez said the Governing Body needs to adopt the Southwest Area Master Plan, and he would like a date specific to move forward with this as soon as possible. He would like to do this within the shortest time frame possible, noting we have been working on this for at least two years.

Councilor Heldmeyer

Councilor Heldmeyer said she has been thinking about what she still needs to do that she hasn't done, which she can do in 6 months. She said the first thing is an Ordinance change she introduced some time ago regarding the conservation district, noting she was promised a public meeting in each District, but this hasn't been done. She would like those meetings to be scheduled after Fiesta.

Councilor Heldmeyer introduced the following Resolutions:

- 1) A Resolution directing Staff to do market research on transit needs in Santa Fe. She asked that it go to the Transportation Advisory, Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

- 2) A resolution for multiple use of public buildings, noting some buildings are empty and we should be looking at that to save money instead of building new ones. She asked that it go to the Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
- 3) A Resolution directing staff to develop policy on wise use of electricity. A copy of this Resolution is incorporated herewith to these minutes as Exhibit "10 ."

Councilor Heldmeyer said she has been thinking about the issue of process. She said her inclination has always been to have an open, public, and transparent process. She believes that process gets us where we want to go the fastest, with the least divisiveness. She said it is sort of the same idea as an ENN with all of the issues before people start drawing lines in the sand. She spoke about the successful process of adopting the Home Occupation Ordinance which has stood the test of time. She would like to move in this direction for more consensus building.

Councilor Heldmeyer said in the next six months, she would like to address some of these issues in a very open process.

Mayor Coss

Mayor Coss introduced a Resolution endorsing the \$25 million Community College bond. He said this Resolution will come directly back to the Council. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Mayor Coss introduced a Resolution to include bridge, street and sidewalk repairs and improvements in the G.O. Bond proposed to go to the voters in the March 2008 Municipal Election. He asked that it go to the Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Mayor Coss said he is looking for cosponsors on both Resolutions.

H. ADJOURN

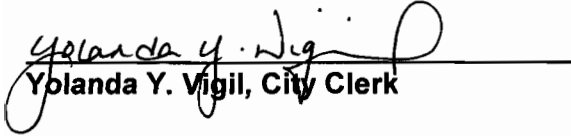
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:30 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer