



Agenda

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

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9-7-07 TIME 10:30 am

SERVED BY _____

RECEIVED BY tydominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – August 27, 2007.
8. PRESENTATIONS
 - a) Employee of the Month for September, 2007 – Paul Tapia, Swim Instructor at Fort Marcy Pool. (5 minutes)
 - b) Immigration Committee Annual Report. (Maria Cristina Lopez) (5 minutes)
9. CONSENT CALENDAR
 - a) Request for Approval of Joint Powers Agreement – New Mexico Corrections Department Inmate Program for Beautification of City's Right-of-Ways, Arroyos and Other City Properties; New Mexico Corrections Department. (Fabian Chavez)
 - b) Request for Approval of Grant Awards – Santa Fe Trails Transit Division; Federal Transit Administration. (Donald Martinez)
 - c) Request for Approval of Grant Award – Furniture, Equipment and Improvements, Parking, Security Improvements for Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)



Agenda

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

- d) Request for Approval for Ross Aviation and its Subsidiary Santa Fe Air Center (Santa Fe Jet Center) a Successor in Interest to Post Aviation Services Company to Sublease a Hanger and Related Facilities to Santa Fe Aero Services, LLC. (Jim Montman)
- e) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer, Councilor Wurzbarger and Councilor Bushee)
A Resolution Establishing a City Cooperative Program with the New Mexico Department of Transportation.
 - 1) Request for Approval of Cooperative Agreement – Don Gaspar Avenue Mill and Overlay Project; New Mexico Department of Transportation. (Michael Vargas)
 - a) Request for Approval of Budget Increase – Project Fund.
- f) Request for Approval of Complying with Pre-Conditions Associated with Inauguration of American Eagle Airlines Regional Jet Service Between Santa Fe and Dallas-Fort Worth Texas, and Between Santa Fe and Los Angeles California Provided That: (Jim Montman)
 - 1) The City Retains Title to the Letter of Intent Required Ground Support Equipment and;
 - 2) The City Funded Ground Support Equipment to be Made Available to any Carrier Requiring its use on a Non-Interference Basis. Any Political Use Conflicts Would be Resolved in Coordination with the Affected Carrier(s) and at the Discretion of the Airport Manager Whose Decision Would be Final; and
 - 3) Request for Approval of Delta Airlines Request for Equal Treatment Regarding Pre-Conditions for American Eagle Service as Amended Above.
- g) Request for Approval of Cooperative Marketing Grant Agreement; Advertising for Santa Fe Design Week 2007; State of New Mexico Tourism Department. (Melisa Collett)
 - 1) Request for Approval of Budget Increase – Economic Development Fund.



Agenda

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

- h) Request for Approval of Grant Agreement and Award – Advertising for Santa Fe Design Week 2007; State of New Mexico Economic Development Department. (Melisa Collett)
 - 1) Request for Approval of Budget Increase – Economic Development Fund
- i) Request for Approval of Amendment No. 1 to Professional Services Agreement – Advertising Campaign to Promote Fiesta de Santa Fe; Santa Fe Fiesta Council, Inc. (Keith Toler)
- j) Request for Approval of Professional Services Agreement – Employee Benefits Consultant for City of Santa Fe (RFP #07/36/P); AON Consulting, Inc. (Kristine Kuebli)
- k) Request for Approval of Amendment to Administrative Services Agreement – Renewal of Third Party Administrator for Medical Insurance Program; FISERV Health Formerly Known as WAUSAU Benefits, Inc. (Kristine Kuebli)
- l) Request for Approval of Amendment No. 4 to Construction Agreement – City Wide Sewer Line Spot Repair; Triman Construction Industries, Inc. (Lisa Sandoval)
 - 1) Request for Approval of Budget Increase – Wastewater Enterprise Fund.
- m) Request for Approval of Amendment No. 1 to Professional Services Agreement – Design Services for Santa Fe River Corridor from Camino Alire to Siler Road Crossing; Resource Technology, Inc. (Janine Johnston)
 - 1) Request for Approval of Budget Increase – Project Fund.
- n) Request for Approval of Professional Services Agreement – Design Implementation of Comprehensive Wayfinding Project for Arts Commission; VaughnWedeen Creative, Inc. (Tom Maguire)



Agenda

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

- o) Request for Approval of Sole Source Procurement and Amendment No. 1 to Professional Services Agreement – Staff Support for Land Use and Public Works Departments; Reyes Aragon. (Jack Hiatt)
- p) Request for Approval of Sole Source Procurement and Professional Services and License Agreements – Voice Permits Integrated Voice Response Software for Planning Department; Selectron Technologies, Inc. (Caryn Fiorina)
- q) Request for Approval of Memorandum of Understanding – Stocking of Rio Grande Cutthroat Trout in Santa Fe Municipal Reservoirs for Water Division; State of New Mexico Department of Game and Fish. (Alan Hook)
- r) Request for Approval of Sole Source Procurement and Professional Services Agreement – Initiate a “Buy Local” Campaign; Santa Fe Alliance. (Kathy McCormick)
- s) Request for Approval to Publish Notice of Public Hearing on October 10, 2007:
 - 1) Bill No. 2007-45: An Ordinance Creating a New Section 7-15 SFCC 1987 Requiring the Posting of Home Energy Rating Scores for all New Residential Units. (Councilor Calvert, Councilor Dominguez and Councilor Wurzbarger) (Jack Hiatt)
 - 2) Bill No. 2007-46 – An Ordinance Creating Article 18-19 of the Santa Fe City Code Imposing a Real Estate Transfer Tax.
- t) Request for Approval of Sole Source Procurement and Professional Services Agreement – Tree Ring Study to Understand Fire History in the Upper Watershed and Reconstruct a Longer Stream Flow Record; University of Arizona. (Claudia Borchert)
- u) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss and Councilor Bushee)
A Resolution Endorsing the Issuance of a 25 Million Dollar General Obligation Bond by the Santa Fe Community College for the Purposes Outlined by the Governing Board of the Santa Fe Community College. (Scott Beckman)



Agenda

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

- v) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz)
A Resolution Establishing a Task Force to Investigate, Research, Propose
and Recommend to the Governing Body Steps Toward Achieving Healthy
Lifestyles for Children and Adolescents. (Lynn Hathaway)

10. MATTERS FROM THE CITY MANAGER

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Amendment to Contract to Purchase Water Rights,
Pursuant to §10-15-1 (H) (8) NMSA 1978.

12. Action Regarding the Amendment to Contract to Purchase Water Rights.
(Marcos Martinez)

13. MATTERS FROM THE CITY CLERK

- a) Request for Approval of Nominating Petition Timeline for March 4, 2008
Regular Municipal Election.
- b) Request for Approval to Publish Notice of Public Hearing on October 10,
2007:

Bill No. 2007-47: An Ordinance Amending Sections 9-1.2, 9-1.3, and
9-1.4.1 SFCC 1987 Regarding the Election Code.

14. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE



Agenda

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

- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) 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"), and the City of Santa Fe, New Mexico (The "Borrower/Grantee") 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 the Costs of Design and Engineering 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; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, Will be 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) **(Postponed at August 27, 2007 City Council Meeting)**
 - 2) CONSIDERATION OF BILL NO. 2007-40: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Chavez, Councilor Calvert and Councilor Bushee)
An Ordinance Amending Section 24-2.6 SFCC 1987 to Restrict Truck, Truck Trailer and Other Large Vehicle Traffic on La Cieneguita, Calle Sotero, Calle Andelina and Gonzales Road, Between East Alameda and Hyde Park Road. (Rick Devine)



Agenda

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

- 3) CONSIDERATION OF BILL NO. 2007-41: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Heldmeyer)
An Ordinance Amending Section 1-3.2 SFCC 1987 to Include a Substance Abuse Fee and a Municipal Court Bench Warrant Fee; and Amending Section 1-3.3 SFCC to be Consistent with the Current Practice of the Municipal Court. (Judge Ann Yalman)

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
September 11, 2007

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: Reg. City Council Meeting – August 27, 2007.	Approved	4-5
PRESENTATIONS		
EMPLOYEE OF THE MONTH FOR SEPTEMBER 2007 – PAUL TAPIA, SWIM INSTRUCTOR AT FORT MARCY POOL		5
IMMIGRATION COMMITTEE ANNUAL REPORT		5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF COMPLYING WITH PRE-CONDITIONS ASSOCIATED WITH INAUGURATION OF AMERICAN EAGLE AIRLINES REGIONAL JET SERVICE BETWEEN SANTA FE AND DALLAS- FORT WORTH TEXAS, AND BETWEEN SANTA FE AND LOS ANGELES, CALIFORNIA, PROVIDED THAT: THE CITY FUNDED GROUND SUPPORT EQUIPMENT TO BE MADE AVAILABLE TO ANY CARRIER REQUIRING ITS USE ON A NON-INTERFERENCE BASIS. ANY POLITICAL USE CONFLICTS WOULD BE RESOLVED IN COORDINATION WITH THE AFFECTED CARRIER(S) AND AT THE DISCRETION OF THE AIRPORT MANAGER, WHOSE DECISION WOULD BE FINAL.	Approved	5-7
REQUEST FOR APPROVAL OF AMENDMENT TO ADMINISTRATIVE SERVICES AGREEMENT – RENEWAL OF THIRD PARTY ADMINISTRATOR FOR MEDICAL INSURANCE PROGRAM; FISERV HEALTH, FORMERLY KNOWN AS WAUSAU BENEFITS, INC.	Approved	7-8

ITEM	ACTION	PAGE #
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – DESIGN SERVICES FOR SANTA FE RIVER CORRIDOR FROM CAMINO ALIRE TO SILER ROAD CROSSING; RESOURCE TECHNOLOGY, INC. REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND	Approved	8
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DESIGN IMPLEMENTATION OF COMPREHENSIVE WAYFINDING PROJECT FOR ARTS COMMISSION; VAUGHN WEDEEN CREATIVE, INC.	Approved	8-10
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 10, 2007: BILL NO. 2007-46: AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE, IMPOSING A REAL ESTATE TRANSFER TAX	Denied	10-15
CONSIDERATION OF RESOLUTION NO. 2007- 82. A RESOLUTION ENDORSING THE ISSUANCE OF A 25 MILLION DOLLAR GENERAL OBLIGATION BOND BY THE SANTA FE COMMUNITY COLLEGE FOR THE PURPOSES OUTLINED BY THE GOVERNING BOARD OF THE SANTA FE COMMUNITY COLLEGE	Approved	15
***** END OF CONSENT CALENDAR DISCUSSION *****		
MATTERS FROM THE CITY MANAGER	None	16
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	16
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	16
ACTION REGARDING THE AMENDMENT TO CONTRACT TO PURCHASE WATER RIGHTS	Approved	16-17
MATTERS FROM THE CITY CLERK REQUEST FOR APPROVAL OF NOMINATING PETITION TIMELINE FOR MARCH 4, 2008, REGULAR MUNICIPAL ELECTION	Approved	17

ITEM	ACTION	PAGE #
<p>REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 10, 2007: BILL NO. 2007-47: AN ORDINANCE AMENDING SECTIONS 9-1.2, 9-1.3 AND 9-1.4.1 SFCC 1987, REGARDING THE ELECTION CODE</p>	Approved	17-18
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	19
PETITIONS FROM THE FLOOR	Presentations	10-21
APPOINTMENTS	None	22
PUBLIC HEARINGS		
<p>CONSIDERATION OF BILL NO. 2007-41; ADOPTION OF ORDINANCE NO. 2007- 34. AN ORDINANCE AMENDING SECTION 1-3.2 SFCC 1987, TO INCLUDE A SUBSTANCE ABUSE FEE AND A MUNICIPAL COURT BENCH WARRANT FEE; AND AMENDING SECTION 1-3.3 SFCC, TO BE CONSISTENT WITH THE CURRENT PRACTICE OF THE MUNICIPAL COURT</p>	Approved	22-23
<p>CONSIDERATION OF BILL NO. 2007-42: ADOPTION OF ORDINANCE NO. 2007- 35. 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"), AND THE CITY OF SANTA FE, NEW MEXICO (THE "BORROWER/GRANTEE") IN THE AMOUNT OF \$2,000,000.00, ETC.</p>	Approved	23-27
<p>CONSIDERATION OF BILL NO. 2007-40; ADOPTION OF ORDINANCE NO. 2007- 36. AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO RESTRICT TRUCK, TRUCK TRAILER AND OTHER LARGE VEHICLE TRAFFIC ON LA CIENEGUITA, CALLE SOTERO, CALLE ADELINA AND GONZALES ROAD, BETWEEN EAST ALAMEDA AND HYDE PARK ROAD</p>	Approved	27-28
COMMUNICATIONS FROM THE GOVERNING BODY	Information/Discussion	28-31

ITEM	ACTION	PAGE #
------	--------	--------

ADJOURN		31
---------	--	----

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 11, 2007**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on September 11, 2007, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Others Attending

Galen Buller, City Attorney
Maureen Reed, Acting City Attorney
Yolanda Vigil, City Clerk
Melessia Helberg, City Stenographer

5. APPROVAL OF AGENDA

Mr. Buller said Item S(1) wasn't moved out of Committee.

Councilor Calvert said it was approved by Finance, and moved out of Public Works to Business & Quality of Life which will be hearing it on September 25, 2007.

Mr. Buller said he meant that it wasn't moved out of Committee to come to the Council tonight.

Councilor Calvert believes that it can be considered tonight, because the Business & Quality of Life Committee will be meeting before this is to be heard, and the Mayor and other Councilors agreed.

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

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

6. APPROVAL OF CONSENT CALENDAR

Councilor Wurzburger added to be added to item 9(v) as a sponsor.

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

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

Against: None.

Absent: Councilor Ortiz.

- a) **REQUEST FOR APPROVAL OF JOINT POWERS AGREEMENT – NEW MEXICO CORRECTIONS DEPARTMENT INMATE PROGRAM FOR BEAUTIFICATION OF CITY’S RIGHT-OF-WAYS, ARROYOS AND OTHER CITY PROPERTIES; NEW MEXICO CORRECTIONS DEPARTMENT. (FABIAN CHAVEZ)**
- b) **REQUEST FOR APPROVAL OF GRANT AWARDS – SANTA FE TRAILS TRANSIT DIVISION; FEDERAL TRANSIT ADMINISTRATION. (DONALD MARTINEZ)**
- c) **REQUEST FOR APPROVAL OF GRANT AWARD – FURNITURE, EQUIPMENT AND IMPROVEMENTS, PARKING, SECURITY IMPROVEMENTS FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JIM MONTMAN)**
- d) **REQUEST FOR APPROVAL FOR ROSS AVIATION AND ITS SUBSIDIARY SANTA FE AIR CENTER (SANTA FE JET CENTER), A SUCCESSOR IN INTEREST TO POST AVIATION SERVICES COMPANY TO SUBLEASE A HANGER AND RELATED FACILITIES TO SANTA FE AERO SERVICES, LLC. (JIM MONTMAN)**
- e) **CONSIDERATION OF RESOLUTION O. 2007- 80 (COUNCILOR HELDMEYER, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION ESTABLISHING A CITY COOPERATIVE PROGRAM WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION.**
 - 1) **REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – DON GASPAR AVENUE MILL AND OVERLAY PROJECT; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (MICHAEL VARGAS)**

- a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

- f) **REQUEST FOR APPROVAL OF COMPLYING WITH PRE-CONDITIONS ASSOCIATED WITH INAUGURATION OF AMERICAN EAGLE AIRLINES REGIONAL JET SERVICE BETWEEN SANTA FE AND DALLAS-FORT WORTH TEXAS, AND BETWEEN SANTA FE AND LOS ANGELES, CALIFORNIA, PROVIDED THAT: (JIM MONTMAN)**
 - 1) **THE CITY RETAINS TITLE TO THE LETTER OF INTENT REQUIRED GROUND SUPPORT EQUIPMENT; AND**
 - 2) *[Removed for discussion by Councilor Bushee]*
 - 3) **REQUEST FOR APPROVAL OF DELTA AIRLINES REQUEST FOR EQUAL TREATMENT REGARDING PRE-CONDITIONS FOR AMERICAN EAGLE SERVICE AS AMENDED ABOVE.**

- g) **REQUEST FOR APPROVAL OF COOPERATIVE MARKETING GRANT AGREEMENT; ADVERTISING FOR SANTA FE DESIGN WEEK 2007; STATE OF NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT. (MELISA COLLETT)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – ECONOMIC DEVELOPMENT FUND.**

- h) **REQUEST FOR APPROVAL OF GRANT AGREEMENT AND AWARD – ADVERTISING FOR SANTA FE DESIGN WEEK 2007; STATE OF NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT. (MELISA COLLETT)**

- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISING CAMPAIGN TO PROMOTE FIESTA DE SANTA FE; SANTA FE FIESTA COUNCIL, INC. (KEITH TOLER)**

- j) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – EMPLOYEE BENEFITS CONSULTANT FOR CITY OF SANTA FE (RFP #07/36/P); AON CONSULTING, INC. (KRISTINE KUEBLI)**

- k) *[Removed for discussion by Councilor Bushee]*

- l) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO CONSTRUCTION AGREEMENT – CITY WIDE SEWER LINE SPOT REPAIR; TRIMAN CONSTRUCTION INDUSTRIES, INC. (LISA SANDOVAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER ENTERPRISE FUND.**

- m) *[Removed for discussion by Councilor Bushee]*

- n) *[Removed for discussion by Councilor Bushee]*

- o) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – STAFF SUPPORT FOR LAND USE AND PUBLIC WORKS DEPARTMENTS; REYES ARAGON. (JACK HIATT)**
- p) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AND LICENSE AGREEMENTS – VOICE PERMITS INTEGRATED VOICE RESPONSE SOFTWARE FOR PLANNING DEPARTMENT; SELECTRON TECHNOLOGIES, INC. (CARYN FIORINA)**
- q) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – STOCKING OF RIO GRANDE CUTTHROAT TROUT IN SANTA FE MUNICIPAL RESERVOIRS FOR WATER DIVISION; STATE OF NEW MEXICO, DEPARTMENT OF GAME AND FISH. (ALAN HOOK)**
- r) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – INITIATE A “BUY LOCAL” CAMPAIGN; SANTA FE ALLIANCE. (KATHY McCORMICK)**
- s) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 10, 2007:**
 - 1) **BILL NO. 2007-45: AN ORDINANCE CREATING A NEW SECTION 7-15 SFCC 1987, REQUIRING THE POSTING OF HOME ENERGY RATING SCORES FOR ALL NEW RESIDENTIAL UNIT. (COUNCILOR CALVERT, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). (JACK HIATT)**
 - 2) ***[Removed for discussion by Councilor Bushee]***
- t) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – TREE RING STUDY TO UNDERSTAND FIRE HISTORY IN THE UPPER WATERSHED AND RECONSTRUCT A LONGER STREAM FLOW RECORD; UNIVERSITY OF ARIZONA. (CLAUDIA BORCHERT)**
- u) ***[Removed for discussion by Councilor Bushee]***
- v) **CONSIDERATION OF RESOLUTION NO. 2007- 81 (COUNCILOR ORTIZ). A RESOLUTION ESTABLISHING A TASK FORCE TO INVESTIGATE, RESEARCH, PROPOSE AND RECOMMEND TO THE GOVERNING BODY, STEPS TOWARD ACHIEVING HEALTHY LIFESTYLES FOR CHILDREN AND ADOLESCENTS. (LYNN HATHAWAY)**

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

Councilor Bushee moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of August 27, 2007, as presented. The motion was

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

8. PRESENTATIONS

a) EMPLOYEE OF THE MONTH FOR SEPTEMBER 2007 – PAUL TAPIA, SWIM INSTRUCTOR AT FORT MARCY POOL.

Mayor Coss read the nomination into the record, and presented Mr. Tapia with a plaque and a check for \$200 from the Employee Fund.

Mr. Tapia thanked David Soveranez for nominating him, his coworkers and those who selected him. He thanked his father and mother, his family and co-workers.

Councilor Chavez thanked him for his hard work, and said without employees such as Mr. Tapia, the Council wouldn't be able to do its work, and said he transcends his service as Don Diego de Vargas in his service to the public.

Councilors Bushee and Trujillo spoke about his commitment and dedicated service to the public.

Councilor Dominguez thanked him for all of his service and his connection to the culture and heritage in Santa Fe.

b) IMMIGRATION COMMITTEE ANNUAL REPORT.

Betty Jean Shinas, the Vice-Chair reviewed the information in the Council packet. Please see this report which is in the Council packets for specifics of this presentation. Ms. Shinas said the Chair couldn't be here this evening. She thanked Captain Gary Johnson who has attended the Committee meetings for the last three years, and for his assistance in the work of the Committee. She extended an invitation to the Governing Body to attend the meetings on the first Tuesday of every month.

Mayor Coss thanked the Immigration Committee for its hard work and its dedication on behalf of the immigration community, and said its work becomes more and more important, especially in view of the failure of Congress to help communities address this issue in a more rational and humane way.

CONSENT CALENDAR DISCUSSION

9(f) REQUEST FOR APPROVAL OF COMPLYING WITH PRE-CONDITIONS ASSOCIATED WITH INAUGURATION OF AMERICAN EAGLE AIRLINES REGIONAL JET SERVICE BETWEEN SANTA FE AND DALLAS-FORT WORTH TEXAS, AND BETWEEN SANTA FE AND LOS ANGELES,

CALIFORNIA, PROVIDED THAT:

- 2) THE CITY FUNDED GROUND SUPPORT EQUIPMENT TO BE MADE AVAILABLE TO ANY CARRIER REQUIRING ITS USE ON A NON-INTERFERENCE BASIS. ANY POLITICAL USE CONFLICTS WOULD BE RESOLVED IN COORDINATION WITH THE AFFECTED CARRIER(S) AND AT THE DISCRETION OF THE AIRPORT MANAGER, WHOSE DECISION WOULD BE FINAL; AND**

Councilor Bushee said she pulled this item so she can vote against it. She believes it has improved with time and Mr. Montman's work. She likes F(1), but she isn't interested in setting the precedent of subsidizing the major airlines to come to Santa Fe.

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

Discussion: Councilor Heldmeyer said she is still not entirely comfortable with it, but it's better. She said Mr. Montman has obtained funding from the State and the feds which will assist, and more importantly we retain title to the equipment which means equal treatment among the airlines. She would prefer not to spend any of our own money, but it is enough of a compromise that she is willing to support it this at this point.

Councilor Chavez asked the timeline for the portion subsidized by the City.

Mr. Montman they are asking for incentives for a one year period. Most of the money will be used for start-up costs related to ground equipment and ITT computer, but there is no requirement to go further than that. He said both airlines expect to occupy their office space and have the ITT functions up and running by December 1, 2007. The flights will begin on December 10 and December 13, 2007, depending on the airline. He said he is talking with the airlines on a daily basis as things progress. He said a lot of things are still "up in the air," but his purpose in bringing this forward was to nail down any financial issues which might arise.

Councilor Chavez said then the airlines have a separate lease to run their business, and a separate agreement for use of the facilities and the improvements which will be installed.

Mr. Montman said he wants to build all of these things into the lease agreements, and bring those back to the Council for approval, noting all he is seeking right now is the financial piece.

Councilor Chavez said then all of the facilities and amenities will be incorporated into the individual leases.

Mr. Montman said he will establish ground rules with regard to the equipment to which the City is retaining title, and it will be in accordance with the provisions in this item this evening.

Councilor Chavez said, then at the front end the City is allocating start-up funds, and in the future the airlines will pay for all of those amenities and improvements as a part of the lease arrangement.

Mr. Montman said there will be no revenues from the leases until after the first year. However, there will be immediate revenues from other passenger related activities – car rentals, fuel surcharges and such, which will be direct revenues to the Airport. He said it is estimated that the rental car revenues will triple, noting this is the single highest revenue, and these should help to offset the costs right away.

Councilor Chavez said then after one year, we will be generating revenue from all the activities at the Airport.

Mr. Montman said this is correct, noting additional fees will come from increased landing fees. He expects to recover all of the fees within nine months of the second year after the agreement is signed.

Councilor Chavez said he did have calls from residents asking about how the City will be subsidizing these airlines. He said this isn't a bad investment. He said as the word gets out, there may be more requests. If this works, and it is part of our economic development, there may be a place for it, but it has been a tight fit in the community.

Councilor Calvert said we will be getting a loan, and repaying it from the revenue generated by this enterprise. He said this is like an investment for any business venture, and it is necessary to spend money up front to realize the profits in the future.

Mr. Montman said this is correct.

Mayor Coss said Mr. Montman has done a good job with this, pointing out that we are following our Airport Master Plan, and this is exciting economic news for Santa Fe.

The motion was approved on the following roll call vote:

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

Against: Councilor Bushee

Absent: Councilor Ortiz.

9(k) REQUEST FOR APPROVAL OF AMENDMENT TO ADMINISTRATIVE SERVICES AGREEMENT – RENEWAL OF THIRD PARTY ADMINISTRATOR FOR MEDICAL INSURANCE PROGRAM; FISERV HEALTH, FORMERLY KNOWN AS WAUSAU BENEFITS, INC. (KRISTINE KUEBLI)

Councilor Bushee said she removed this item by mistake.

Councilor Bushee moved, seconded by Councilor Calvert, to approve this request. The motion was approved on the following roll call vote:

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

Dominguez, Councilor Heldmeyer, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Ortiz.

- 9(m) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – DESIGN SERVICES FOR SANTA FE RIVER CORRIDOR FROM CAMINO ALIRE TO SILER ROAD CROSSING; RESOURCE TECHNOLOGY, INC. (JANINE JOHNSTON)**
1) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.

Councilor Bushee said she removed this to remand it to Public Works, because it hasn't been to that Committee. She noted there are no minutes in the packet, and nobody on the Committee remembers this having been heard.

Ms. Johnston said it was on the consent agenda at the last meeting.

Councilor Bushee said in the future she wants the minutes in the Council packet for items from Public Works.

Councilor Bushee moved, seconded by Councilor Calvert, to approve this request. The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Ortiz.

- 9(n) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DESIGN IMPLEMENTATION OF COMPREHENSIVE WAYFINDING PROJECT FOR ARTS COMMISSION; VAUGHN WEDEEN CREATIVE, INC. (TOM MAGUIRE)**

Councilor Bushee asked if we have started to see some of these signs yet, and if this is an extension of that contract.

Mr. Maguire said we have not seen any of these signs at this point.

Councilor Bushee asked if the location of the signs will go through the Mayor's Committee on Concerns of the Handicapped. She said the reason for these is to improve pedestrian and vehicle circulation in the area, and wants to be sure we don't ruin that.

Mr. Maguire said we are following the manual for traffic control devices, and following completely those guidelines which dictate exactly the placement.

Councilor Bushee asked if there is uniformity to the signs.

Mr. Maguire said there is absolute uniformity in the signs.

Councilor Bushee asked if these need to go through the H-Board for design purposes.

Mr. Maguire said the H-Board will be looking at the pedestrian signs which will reflect downtown. The goal of the program is to get people out of their cars in the downtown area and walking. He will be working with the H-Board on the pedestrian signs to ensure the signs are within their guidelines and placement. He commented that the sign for the Georgia O'Keeffe Museum encourages people to cross and stand on the street divider, and it should have been behind the crosswalk.

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

Discussion: Councilor Heldmeyer this has been a long time coming. She noted that we have a contract which was allowed to expire and asked why.

Mr. Maguire said he doesn't know, that was before he had control of the contract. He discovered it when he was moving forward with the contract when he was the interim director of the CVB.

Councilor Heldmeyer said then we are going back to the original contract amount for the oversight, and asked how much we will have to manufacture the signs.

Mr. Maguire said that has not changed, and it is \$209,000. The original contract was for \$223,454, and that left about \$209,000 which hasn't changed.

Councilor Heldmeyer asked if we will be able to get the signs for the extent of the project as originally discussed, or is there a geographical limitation on where the signs will end.

Mr. Maguire said that will prove itself within the RFP process for the fabrication. He said they are going for the entire design area, and the full number of signs which have been designated. He believes the budget will be sufficient to cover the entire design area. He said they will begin in the interior – the Paseo loop and go out from there to the extent the budget will allow. It has been felt from the beginning that by taking so many signs down and putting up a limited number, we would be within budget of \$209,000 to complete that project.

Councilor Heldmeyer asked if there is a possibility when the RFP is issued, that what you'll come back with a request for more money, so we can get it all done at the same time.

Mr. Maguire reiterated that he believes this can be done within the existing budget.

Councilor Chavez asked if thought has been given to doing any of these in-house in our sign shop.

Mr. Maguire said from the beginning that has been a premise. He said because this is a joint City/State project, we will be looking at using the State's sign shop as well. He said this will be in the area of poles and installation, rather than the signs. He said because the signs are unique, most can't be fabricated in-house. However, the poles and installation could be done within the two sign shops.

Responding to Councilor Chavez, Mr. Maguire said we are using the highest quality of signs for the longest life span of signs.

Councilor Chavez said these signs will be very important in moving people from the Railyard and the Civic Center.

The motion was approved on the following roll call vote:

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

Against: None.

Absent: Councilor Ortiz.

- 9(s) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 10, 2007**
(2) BILL NO. 2007-46: AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE, IMPOSING A REAL ESTATE TRANSFER TAX.

An Amendment to proposed Bill No. 2007-46, which was distributed to the Committee, is incorporated herewith to these minutes as Exhibit "1."

Councilor Bushee said she removed this item because she introduced this bill, and the bill has been tabled at Public Works because it isn't ready to go. She said she doesn't believe that we are organized enough to put it on the ballot. She believes in the ability to enact this tax, but we need a lot more work on the concept. She has begun to work with members from the real estate community and the Chamber of Commerce, to look for an alternative solution to fund the affordable housing trust fund. She would like the opportunity to pursue this. As sponsor, she is asking to withdraw this bill.

Councilor Wurzbarger said more than two years ago, she and Councilor Robertson Lopez introduced this legislation. From the beginning, she has expressed her interest in co-sponsoring, this legislation. It has been stuck in the Public Works Committee for months. She said the work she and Councilor Heldmeyer have done makes her comfortable in moving this forward for publication and public discussion. Councilor Wurzbarger said she would be opposed to any withdrawal.

Mayor Coss said he and Councilor Bushee sponsored this bill, but are withdrawing that sponsorship. It went to the Finance Committee, and it is here with a recommendation from the Finance Committee.

Councilor Bushee moved, seconded by Councilor Trujillo, to deny the request to publish this bill.

Discussion: Councilor Heldmeyer said she signed on as a sponsor of this bill this week, because she believes this is a perfectly rational tax used in most of the Country. The only changes she's seen recently, is a narrowing of what it could be used for, within the context of the previous broader perspective. She thinks it is something which should go to the voters, and let them decide.

Councilor Heldmeyer said she has received a lot of response on this in the past two weeks, noting most of which was canned response. She said they are telling her they can't figure out whether it is a tax they want. She finds that incredible, because she believes the voters are smart and capable. She said given the correct information, the voters might or might not like it.

Councilor Heldmeyer believes it is very important that the voters have a chance to vote on this, noting it has been around for two years waiting for legal opinions, or whether the Legislature was going to act on it. She believes it should be published, because the voters have the right to say whether they are interested in this particular tax.

Councilor Chavez said even though the concept might play out well in other communities, he doesn't know how it would do here. He said we know there have been fluctuations in the market and the market is cyclical. He said it isn't clear exactly what the impact would be on either side. He said, as with impact fees and other agreements with development, these costs are passed on. He said the median price of homes in Santa Fe is inflated, and in many cases it is inflated artificially. He said, depending on whom you talk to, the homes in our homes program are not part of the Multiple Listing Service [MLS], and aren't factored into the equation for the median price of a home. He doesn't know the median price of a home. Councilor Chavez said the Council has invested a lot of time and some funds to address the affordable housing crisis, but doesn't know that this will move us further in that direction. He said 50% of the City work force is living outside the City limits, and but he doesn't believe this will help to address this problem. At this time, he doesn't think he can support this.

Councilor Calvert said it is important to put this before the voters because of the reasons just mentioned – we have so many workers living outside the City. He said the amendment to the ordinance [Exhibit "1"] points out that there will be two very specific purposes for the proceeds: 1) fund affordable housing for employees who provide critical and emergency services in the City of Santa Fe; and 2) to assist the transfer of property to family members in order to maintain traditional family home ownership in the community. It is limited to those applications in the amendment to the ordinance which would enable this.

Councilor Calvert said another reason we should put this on the ballot is because the Northwest Quadrant has run into serious problems, and could be delayed. It is important to raise funds for affordable housing now in light of this development. He believes it is important

to let the people decide on this. He asked Ms. McCormick the estimated revenue which would be generated by this tax.

Ms. McCormick said it would be \$4 million.

Councilor Calvert said it won't be a set amount, such as property tax or a G.O. bond, but this is a best estimate.

Ms. McCormick said the ordinance is drafted in such a way that dollars are allocated after the funds are received.

Councilor Chavez appreciates the amendments and the intent, however, this is the same intent as in 1992 when we purchased Tierra Contenta from the Bellamah Corporation which was in receivership. He said the idea of addressing the needs of our police, fire and parks personnel is nothing new. However, to do this with a RETT and to depend on the Northwest Quadrant to make that happen, is to overlook the southwest sector which is the fastest growing part of the City. He said the Northwest Quadrant is 5-6 years in the future, but the southwest sector is now and where he wants to spend his time and energy.

Councilor Heldmeyer said Councilor Calvert's reference to the Northwest Quadrant indicates he knows it isn't going to be done anytime soon. She said these funds would be available for housing for the people delineated here, which is a subset of those in the original bill.

Councilor Heldmeyer said this bill says very specifically who will benefit, and they will benefit right away, long before the Northwest Quadrant comes on board. The delineated employees will get help in renting or purchasing homes right away. She noted this Council adopted a Resolution which says we want to give help to people who want to keep their traditional family homes in the family. We haven't done much, because we didn't have a funding source. This would help those people as well. These are two groups which the Council has already said it wants to give help for housing. This is the reason she signed on as a sponsor – it was very specific money going to very specific people, and she believes that is a better way to do things.

Councilor Wurzbarger said, for the public record, she doesn't know how one could support the objectives that we have and not support this tax. She asked Ms. McCormick the amount of the tax on a \$600,000 home.

Ms. McCormick said it would be about \$1,000, on a \$600,000 home, and it would be \$5,000 on a \$1 million home.

Councilor Wurzbarger said in her District there is a significant number of \$1 million homes that turn over, and over and over at the high level. She said we are discussing funding a major need in this community. She said there is primary resistance from the real estate community. Personally, she does not believe that \$1,000 or \$5,000 would prevent something from being sold. She doesn't understand the arguments, other than the real estate interest, that people wouldn't purchase the \$600,000 or \$1 million homes because of the additional \$1,000 to \$5,000.

Councilor Wurzbarger said Councilor Lopez removed the bill because of information she was receiving from people who wouldn't support her if she did that, and she [Wurzbarger] was opposed to that, commenting it is the same group of people. She said during the three years it was proposed at \$350,000, but over time we have raised the amount to have less impact on people who actually live in Santa Fe and would be concerned with the \$1,000. She asked that the Council support giving the voters the opportunity to express their opinion as to whether they would be doing this, to support what many, many people in all of the Districts see as a priority. She is curious as to what Councilor Bushee is working on, because she hasn't heard of any good options for this funding. She encouraged the Council to move forward and give the citizens a chance to vote on this as one of our priorities.

Councilor Trujillo said the districts of Councilors Calvert, Heldmeyer, Bushee and Wurzbarger do have the \$1 million homes. He hasn't seen \$500,000 homes in his District until recently. He understands what the RETT will do – it will provide money for affordable housing. He said the south side has been the most affordable part of Santa Fe in the past. However, it seems like District #4 is turning into Districts #1 and #2, and he is seeing \$500,000 homes. Ten years ago he purchased a house for \$123,500, and it is now valued at \$380,000, commenting it is sad this is happening. He doesn't think it will help people living in Los Alamos and Albuquerque, and although some of those people do want to come back to Santa Fe, a lot of those people are happy in Albuquerque and Los Alamos with the schools and other things in the community. He said a lot of work needs to be done. He said this was part of the campaign – finding ways to get affordability for the people, the locals, who want to live here.

Councilor Trujillo believes we need to look at this some more, stressing that he understands the concept. However, he is shocked at the prices of houses in District #3 and #4. He said everybody has always known that District #1 and District #2 are the most expensive places to live in Santa Fe, while District #3 and #4 in the past have always been affordable. He wants to see what Councilor Bushee is developing. He doesn't believe it is the right time to do this. He commented that there are already a lot of items on the ballot and we don't know what will pass or fail.

Councilor Bushee said the debate shouldn't be about the merits of a transfer tax. She still believes in the possibility of this. One of the things she has suggested to the real estate community is that we will fight any preemption of our ability to do this. She doesn't believe the time is right or that this bill is right or ready. There are lots of potential initiatives on the March ballot. There hasn't been a lot of groundwork done on this bill with regard to those who will advocate for it.

Councilor Bushee said although we won't need to use this tax as a tool, she wants to reserve the right to look at it, and she wants it to be successful, but she doesn't believe this one will be successful.

Councilor Bushee said tonight's debate is about publishing this tax for the upcoming election and reiterated that she doesn't believe this is the time to do this tax. She said previously, we requested the Legislature to enact enabling legislation. This is something we should explore, and an option which municipalities should have in their tool kit. However, she wants to try some other possibilities first. She said no one is denying the need, but she wants it to be a successful initiative. She doesn't believe we would get the amount of dollars which Ms. McCormick is projecting, and we couldn't even decide where to begin assessing the tax. She

said it stayed in Public Works because one Councilor wanted to use it for things other than affordable housing. She said there wasn't a united force behind it on the Council.

Councilor Bushee would rather go to the voters to increase property tax, only if it involves hiring more public safety officers or potentially more parks workers, if we don't get the open space bond passed.

Councilor Heldmeyer said there seems to be some confusion about timing. This decision is not a request to publish it on the ballot, but it is a request to publish it for the Council meeting of October 10, 2007, where it would be for a public hearing. The action sheet said it goes back to the Public Works and Finance Committees in the interim for future discussion.

Mayor Coss said he agrees with Councilors Bushee and Chavez. He said he has no philosophical or programmatic problem with this tax at all, and he has told the realtors that many times. He said until recently, we didn't think we had the ability to levy this tax without new legislation, until the City Attorney advised us that we could do so. He said there will be a crowded ballot with public financing, and instant runoff on it.

Councilor Heldmeyer said this hasn't been decided yet.

Mayor Coss said then we may have public financing, instant runoff, a bond issue and such on the ballot, commenting that we have a lot of things to decide. He said if we put this on the ballot, "there is a force sitting back there that can afford to do this, and this will be the discussion for the next two months. This will be the discussion going into the March elections. This will be the million-dollar tax that ate the rest of the City's priorities just like short term rentals is doing right now, because of that lobby, and there's not a lobby here that I see this evening, nobody except Kathy who I'll put in the advocate category. Not a single public housing, affordable housing advocate has ever contacted me and said, we really want to see the transfer tax. We will have a battle with the Legislature over this. Maybe we will anyway. Maybe it will be better to have it going on the ballot as a thing to tell the Legislature, 'Hey, let the people decide.'"

Mayor Coss believes by the end of October 2007, we will have to decide six or seven controversial issues for that ballot, and if this is the one going forward, it is the one that will take all of the attention. He believes we need to be putting attention on our General Fund, our infrastructure, our public safety, and on the work of the Charter Commission as well. He reiterated that he has no political, programmatic or philosophical problems with the transfer tax, but he can tell that it will be a battle, and asked when we want to engage in that, commenting that he doesn't believe now is the right time.

Councilor Chavez said when we do have that discussion, we need to have the discussion about being able to use impact fees for schools and libraries. He said he doesn't know the impact of the RETT, and although we have numbers, there are always unintended consequences. He said the industry doesn't like impact fees either, but we have more control with those.

Councilor Bushee said she wants to be clear that she has met with some of the people in the room. She said the effort needs to be a positive, proactive effort, in concert with the Council, to try to find a way to have a private/public manner to fill this fund.

Councilor Bushee said, "If we deny this tonight, and we buy you some more time, the effort better not be to go out and proactively work on preemption at the Legislature. Because, if that's the case, we will be, step for step, fighting one another, and I will be right back here trying to make sure there is a real estate transfer tax. Albuquerque will join that fight. Municipalities need to have that option in existence. I would rather have us work together and find a way to fill this fund, and I think there are more possibilities out there, but I have yet to hear back from folks that that's the next step."

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

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

Against: Councilor Wurzbarger, Councilor Calvert and Councilor Heldmeyer.

Absent: Councilor Ortiz.

Explaining her vote: Councilor Heldmeyer said of course they're going to go to the Legislature and try to get preemption. She referred to the ads the previous time the Council looked at this issue. She said some battles are worth fighting, and this battle is worth fighting, and she is sorry this Council isn't going to do it.

9(u) CONSIDERATION OF RESOLUTION NO. 2007- 82 (MAYOR COSS AND COUNCILOR BUSHEE). A RESOLUTION ENDORSING THE ISSUANCE OF A 25 MILLION DOLLAR GENERAL OBLIGATION BOND BY THE SANTA FE COMMUNITY COLLEGE FOR THE PURPOSES OUTLINED BY THE GOVERNING BOARD OF THE SANTA FE COMMUNITY COLLEGE. (SCOTT BECKMAN)

Councilor Bushee said she removed this item to make a motion in favor of this, and to remind the voters about the election on this G.O. Bond on September 18, 2007.

Councilor Bushee moved, seconded by Councilor Trujillo, to adopt Resolution No. 2007-82. The motion was approved on the following Roll Call vote:

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

Against: None.

Absent: Councilor Ortiz.

Abstain: Councilor Heldmeyer.

Explaining her vote: Councilor Heldmeyer said she has always taken the stand that she doesn't tell people how to vote, and therefore she abstains.

10. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **Discussion of Amendment to Contract to Purchase Water Rights, pursuant to §10-15-1(H)(8) NMSA 1978.**

Councilor Calvert moved, seconded by Councilor Chavez, that the Council go into Executive Session for the purpose of the discussion of the amendment to the contract to purchase water rights, pursuant to §10-15-1(H) (8). The motion was passed on a Roll Call vote as follows:

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

Against: None.

Absent: Councilor Ortiz.

The Council went into Executive Session at 6:25 p.m.

Councilor Ortiz arrived at the meeting during the Executive Session

MOTION TO COME OUT OF EXECUTIVE SESSION

At 6:45 p.m., Councilor Heldmeyer moved, seconded by Councilor Chavez, that the City Council come out of Executive Session and stated that the only item which was discussed in executive session was the amendment to contract to purchase water rights.

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

12. ACTION REGARDING THE AMENDMENT TO CONTRACT TO PURCHASE WATER RIGHTS. (MARCOS MARTINEZ)

Councilor Chavez moved, seconded by Councilor Wurzbarger, to proceed with this contract for the purchase of water rights as was discussed in Executive Session.

The motion was approved on the following Roll Call vote:

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

Against: None

Absent: Councilor Bushee

13. MATTERS FROM THE CITY CLERK

a) REQUEST FOR APPROVAL OF NOMINATING PETITION TIMELINE FOR MARCH 4, 2008, REGULAR MUNICIPAL ELECTION.

A copy of the proposed "Nominating Petition Timeline, March 4, 2008 Municipal Election," is incorporated herewith to these minutes as Exhibit "2."

Yolanda Vigil, City Clerk, presented information regarding this matter to the Governing Body.

Councilor Wurzburger moved, seconded by Councilor Chavez, to approve the Nominating Petition timeline for the March 4, 2008, regular municipal election as presented.

The motion was approved on the following Roll Call vote:

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

Against: None

Absent: Councilor Bushee

b) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 10, 2007: BILL NO. 2007-47: AN ORDINANCE AMENDING SECTIONS 9-1.2, 9-1.3 AND 9-1.4.1 SFCC 1987, REGARDING THE ELECTION CODE.

A copy of the draft map, "Voter Districts & Precincts," is incorporated herewith to these minutes as Exhibit "3."

Ms. Vigil said the map will include annexations which have been approved by the Governing Body and recorded with the County Clerk. She said Precincts #12, #64 and #80 are being added. This bill would authorize publication for a public hearing to include these Precincts which are all in District #3, and would be included as part of the Election Resolution in November 2007.

Councilor Heldmeyer said, as this comes forward, she would like to know how many people this will add to District #3.

Ms. Vigil said she spoke with the County and it is only a few. She said there is only one resident in the precincts at the Airport and Wastewater, and there are a few in Precinct #64. She will provide the total number.

Councilor Ortiz said, with regard to precincts added to District #4, there is a chunk added to Precinct #56 which is the Homewise addition which isn't included, and it doesn't include the recent Beatty annexation.

Ms. Vigil said there are a number of annexations which are not included because they have not been filed with her office, nor with the County Clerk. She understands these won't be built out by the March election. However, those will be on the next map for the next election.

Councilor Chavez would like this information disseminated early to lessen some of the confusion in voting.

Ms. Vigil said the County is working on updating its maps as well, so voters will be receiving notice after this is adopted in October. She said she can work to get information on the Public TV Station, noting it also will be included as a part of the Election Resolution.

Councilor Bushee said Ms. Vigil needs to change "adpoted" to "adopted" on the legend,

Ms. Vigil said she will make this change.

Councilor Chavez moved, seconded by Councilor Calvert, to approve this request. The motion was approved on the following Roll Call vote:

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

Against: None.

END OF AFTERNOON SESSION AT 6:59 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 7:00 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 Wurzbarger

Others Attending

Galen Buller, City Attorney
Maureen Reed, Acting City Attorney
Yolanda Vigil, City Clerk
Melessia Helberg, City Stenographer

E. PETITIONS FROM THE FLOOR

Tony Herrera said he is in attendance representing the Juanita Street neighborhood. He said someone is going to build a structure in the neighborhood which will be three stories, or 33 feet tall, on a 50 ft. x 150 ft. lot. This will be a three-unit building. The first will be three stories, and two units next to it also will be 3 stories with decks on each. He said most homes in the neighborhood are 8 ft. high with 10 ft. garages. The building will be taller than the church at Juanita and West Alameda. He sees problems with this. He lives on the north side of the parking lot, and in the wintertime when it snows, the sun won't melt the snow during the day. He said there is a 7 ft. wall on the driveway and a callejon in the driveway and when it snows, the sun won't hit it, and it will turn into ice. He said the building will cast a shadow on his yard which will prevent snow from melting. His mother also lives there and he is concerned she might fall on something like that and break a hip. He said he has two bad legs, and he also is afraid that he might fall and break a hip or a leg.

Mr. Herrera said he has tried to imagine how it will look, and the only thing he can think of is a drive-in movie screen. He said everyone loves Santa Fe, and they aren't trying to keep anyone from building, but in this particular area, this building will be out of character with the neighborhood. He said the size of the lot will cause problems with the quality of life for the neighbors as well as for the people buying condos. He said this would be the largest structure in the neighborhood, although there are a few two-story structures on the outside corners of the block. He said the neighbors are all in agreement about this.

Mayor Coss asked the City Manager to get with Planning and Land Use and advise Mr. Herrera where he can review the permit, make appeals and provide this information to the City Councilors.

Councilor Bushee wants to know the Permit number, the zoning, saying it is near St. Francis, and "we might be in trouble" there.

Mr. Herrera said on the west side of Juanita, there is a buffer zone which was created when St. Francis Drive was built to protect the neighborhood on the east side of Juanita Street. However, he doesn't know if anything has changed since then

Fred Flatt, 950 Vuelta del Sur, said he is here to talk about the Ethics Board. He said currently there are only four members on the Ethics Board, and they don't have a quorum to meet. He said five of the Councilors need to submit names to the Mayor for appointment to the Board. He said we are moving into the election season where people will be announcing to run, and this is like having a game without the referees.

Mayor Coss said he will make sufficient appointments to this Committee in September so there will be a quorum, and there are referrals for appointments to this Board.

Stephanie Beninato, 604 Galisteo Street, said she is here again about 610 Galisteo. She met with the City Manager and Mr. Hiatt on Monday.

Ms. Beninato said, "Mr. Hiatt admitted to me that even though I had an appeal to the Board of Adjustment he had not certified to the Board that the project should continue on. This is a violation of City Code, and should have required him to stop the project now, but he wants to have me suggest ways of dealing with it without red tagging it, without stopping this project. This project now... your City staff has watched 80% of the main house go down and 70% of the Casita go down. In addition, the addition on the Casita is within the five-foot setback. It's actually a ten-foot setback, but I agreed to a 5-foot setback. There is a Code that says that a survey can be ordered or required by the City when there is dispute as to where the lot line, or where the improvement, is on the lot."

Ms. Beninato said, "My suggestions are that #1, Mr. Hiatt send a letter out to the applicant, telling him that his non-conforming status and his contributing status are being questioned. I keep getting characterized as being THE neighbor who comes in to complain, but, in fact, I work in the historic preservation field. I, as a person of color, had to comply with the historic ordinances. The Hispanic/owner/builder down the block had to comply with the Historic ordinances, but this Anglo/owner/builder, who doesn't even live there, doesn't have to comply. And we're wondering why the City is refusing, why the staff is refusing, to take it back to the H-Board, and let the H-Board decide on whether, when 80% of the building goes down, whether that should be considered a contributing building."

Ms. Beninato continued, saying, "In addition, I was denied due process, not only because Mr. Hiatt failed to follow the law, but also one of the staff forgot to call me to let me know that I needed to come down to get a poster so that I could go to the Board of Adjustment on the 18th of September. There were only two projects at that meeting, one of them was mine.

I now can't go to that meeting, I have to wait another month. I think because of the City's failure to follow the ordinances, and oh, oh yes, when it serves the City not to listen to the 28 people in our neighborhood who have signed the petition, then they rely on, oh, but you're just giving us a petition, and it's only the staff or the owner who can actually ask for a review of the status, then they rely on the ordinances, but when it doesn't serve them, when they want to have this project go forward, suddenly they forget about every law that ever existed on the books. And what it says is that 'any alteration,' and that means any change to these historic buildings, have to be approved by the H-Board.

Ms. Beninato continued, saying, "And I asked Mr. Hiatt to actually send me a letter telling me what he was going to do after our meeting, and he said he was going to try. I would ask that you at least direct Mr. Hiatt to give me a letter as to what he's going to do. And I, again, would ask your staff to take this back to the H-Board, so that we can have a public hearing on what happened to this building, and that they actually require a survey of mine, of the north property line, of the west. Because, also on the west side of this building, this owner has now fenced off property that belongs to the people at 1407 and 1409 Paseo de Peralta. They are lower income. The man in the front house is disabled, and he can't climb up onto the shed roof to even see that his property has been fenced off. It's pretty outrageous when somebody decides to just take over other peoples' property, as has been done, both with my property and with the property on the west side."

Ms. Beninato continued, saying, "Again, it's nice to say watch the building, but watching the building has resulted in its destruction, and it's time to really direct staff more specifically, I think, than just saying I'll let the staff look at it. So, your Honor, I'd like to know what you can do about this today, and again, I would at least like a letter from Mr. Hiatt telling me what's he's doing since he failed to comply with the law, and since the staff person also failed to give me notice so that my due process and equal protection rights have been violated, and I actually highly regard the fourteenth amendment, and article 2, section 18 of the State Constitution. Thank you."

Ms. Beninato asked the Mayor to ask Mr. Hiatt to put in writing, "because telling me he's going to try..that...you know, I went to a Councilor once and he goes there's no such thing as trying, either you lift up your leg or you don't. So, is Mr. Hiatt going to put something in writing to me or not.

Mayor Coss said, "I will ask him that. I just have to make it clear again, I don't direct Mr. Hiatt, none of us up here do, but Galen does, so we we'll keep getting the information.

Councilor Heldmeyer moved, seconded by Councilor Wurzburger, to move item G(3) to be heard as the first item under Public Hearings.

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

F. APPOINTMENTS

There were no appointments.

G. PUBLIC HEARINGS

- 3) **CONSIDERATION OF BILL NO. 2007-41; ADOPTION OF ORDINANCE NO. 2007- 34 (COUNCILOR HELDMEYER). AN ORDINANCE AMENDING SECTION 1-3.2 SFCC 1987, TO INCLUDE A SUBSTANCE ABUSE FEE AND A MUNICIPAL COURT BENCH WARRANT FEE; AND AMENDING SECTION 1-3.3 SFCC, TO BE CONSISTENT WITH THE CURRENT PRACTICE OF THE MUNICIPAL COURT. (JUDGE ANN YALMAN)**

Judge Yalman said the Substance Abuse Fee should have been in the ordinances long ago, noting State Statute requires the City to include it in its ordinances. She said the City is just a pass-through of the fee to the State. The Bench Warrant Fee is a new fee. She said both Metro and Magistrate Courts, statutorily are required to collect a Bench Warrant Fee of \$100 on the issuance of a Bench Warrant, and she is asking to do the same thing. The funds from this fee, if adopted, would stay in the City coffers. She said they issue lots of bench warrants for people who fail to appear in Court or fail to comply with Court orders. It takes time from the Municipal Court and the Police Department, and the reason she is recommending this fee.

Councilor Chavez said some fees are set by statute, and asked if there is a provision to update and revise those fees to keep those current.

Judge Yalman said State Statutes stay the same until revised, and when revised, this is usually when the City revises its fees, commenting she believes this one sort of fell through the cracks – the Substance Abuse Fee. The City is not required to have this fee by Statute, although it is required of Metro and Magistrate Court, but it is something she thought would be a good idea.

Councilor Chavez said this is a revenue stream which needs to be identified in order to be more effective in providing services.

Judge Yalman said it will have two effects: (1) to bring in some money, and (2) to act as a deterrent.

Councilor Chavez asked Judge Yalman if she feels the \$100 is sufficient to cover staff time now, and if that will be the case in the future.

Judge Yalman said she just used the same figures as Metro and Magistrate Courts, and didn't do any kind of financial analysis.

Councilor Chavez suggested that perhaps we draft language which would keep the fees current, or have a provision for review and update of the ordinance.

Councilor Heldmeyer asked the Acting City Attorney if this is something which we could include.

Maureen Reed, Acting City Attorney said it is probable, and she can work with Ms. Price in this regard.

Councilor Chavez asked if a one-year review provision would be sufficient.

Councilor Heldmeyer said there should be more specific language providing that when these fees are increased in State Statute, that these fees automatically would be increased in the City ordinance. With regard to the fee on the Bench Warrant, language could provide that fees will be increased when those of Metro and Magistrate Courts are increased.

Ms. Price said there is a provision in the City Code which requires department directors to review their fees every year when they are preparing the budgets, and that would capture this intent, and further language would be unnecessary.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Heldmeyer moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2007- 34.

The motion was approved on the following Roll Call Vote:

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

Against: None.

Councilor Dominguez left the meeting at this time

- 1) CONSIDERATION OF BILL NO. 2007-42: ADOPTION OF ORDINANCE NO. 2007- 35. 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"), AND THE CITY OF**

SANTA FE, NEW MEXICO (THE "BORROWER/GRANTEE") 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 THE COSTS OF DESIGN AND ENGINEERING 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; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, WILL BE 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) (Postponed at the August 27, 2007 City Council Meeting)

Rick Carpenter presented information regarding this matter to the Council.

Dwayne Brown, Modrall Sperling firm, said over the last six weeks they have been in negotiations with the New Mexico Finance Authority and its attorneys, to carefully define and describe the portion of the project for which these funds will be used. The initial drafts contemplated something more than where the BDD Board, the City and the County are with respect to completing this project. He was able to convince them that we need to devote this portion of the financing package to the planning and design part of the transaction, and to modify the loan agreement and the ordinance so that it is a City responsibility as opposed to a complete BDD Board responsibility. These changes are reflected in the ordinance before the Council this evening.

Public Hearing

Frank Coppler, representing Mortgage Finance Authority, said his firm represents the Mortgage Finance Authority and they asked him to attend, and answer any questions.

Jonie Arends, Concerned Citizens for Nuclear Safety said she is here to bring the LANL contaminants to the table, noting they have written a number of reports over the last nine months about the LANL contaminants and have furnished copies to the Governing Body. She said she wants to talk about the plutonium 238 which the City reported in its water report in June. She LANL is saying that, because the plutonium 238 was not found with the tritium, it is a false positive, and they disagree with that. In August 2006, DOE released a draft Site Wide Environmental Impact Statement where it reported both plutonium 238 and tritium in the

Buckman Well Field for 2001 through 2004. She said tritium has been reported in the past at the Buckman.

Ms. Arends said DOE is self-regulating for the radio nuclides, so nobody has regulatory power over those. She said there has been talk about the problems with the wells in Los Alamos in that they aren't capable of delivering reliable and representative samples of the groundwater there. She said the fact the LANL contaminants are found in the Buckman crosses the line for CCNS. It is one thing as long as the contaminants were at LANL, but it is a whole different thing now that they are in the Buckman. She noted they have begun a public education campaign about that.

Ms. Arends said because of the concerns they raised, the DOE called in the National Academy of Science to look at LANL's plans and practices for groundwater protection at LANL. She quoted from page 79 of the report, "Many, if not all of the wells drilled in the regional aquifer, under their hydro geologic work plan [which she said was ordered to be created by the NMED because in the early 1990's LANL requested the groundwater waiver for monitoring up there), the 33 wells that they've drilled appear to be compromised in their ability to produce water samples that are representative of the ambient ground water for the purposes of monitoring. "

Ms. Arends said, for these reasons, "we" have been discussing increasing the amount of funding available for cleanup at the lab, and support by the City for more funding for cleanup will be really important. Today, she said they met with congressional staff from Senator Bingaman, Senator Domenici and Congressman Udall, and proposed for FY 09, that they replace those wells, and drill wells with air rotary casing advance method, instead of this method which is cheaper and faster and uses bentonite clay. She said bentonite clay and other organic drilling fluids mask the detection of the contaminants.

Ms. Arends said when the City is looking at the planning and design of this project, it really needs to look at the filtration system, because right now we're talking about membrane filtration for microns. She said the thing about radio nuclides is that they travel on particles which are smaller than nanos. She said, "While microns are ten to the minus six, nanos are ten to the minus nine or smaller." She said we need to talk about how to make the filtration system even more robust if this project is going forward. She said the City will be hearing more from them about these things, because this will affect a lot of the different economic issues in the City. She said the City can rely on them, and they are available to give briefings on these issues. She said Robert H. Gilkenson, a registered geologist, at one time the lead consultant for LANL's well drilling program in the late 1990's, is now a "whistle blower," and is available to give briefings.

Kay Matthews, co-editor of La Jicarita News, an Acequia Commissioner and a protestant to the "top of the world" water transfer by the County of Santa Fe, to transfer water from Taos County to help settle the Aamodt, Indian Water Rights Claim. Ms. Matthews said she wants to address water quantity issues. She said they have been following a lot of the issues as it relates to acequias across the State, and are seeing agricultural water

increasingly being transferred to meet urban and industrial needs. She said it is a big concern. She said the majority of the water to which the City has a contract under the San Juan-Chama will be used for the direct diversion. She said Santa Fe County has a very small amount of San Juan-Chama contract water, and is in the process of transferring water which includes acequia water from the Middle Rio Grande and other areas to meet its Buckman diversion allotment. This is a big concern for the acequia community. She realizes the City is relying on the San Juan Chama water, but it is in this with the County.

Ms. Matthews said the San Juan-Chama water is also vulnerable for several reasons. One, the obvious, is drought. In 2002, only 6,000 afy of water came through the tunnel into the Continental Divide, and the current amount of water under the contract is 100,000 afy, which supplies all the different contractors from Albuquerque, Espanola, Santa Fe. The amount of water coming to the Buckman is vulnerable. It is also vulnerable to the Indian water rights claims, which include the Navajo Nation, San Juan settlement, the Ute settlement in Southern Colorado, the Aamodt and the Abeyta settlements in Northern New Mexico. She said all four have negotiated settlements, but haven't been approved by Congress and are still controversial. The federal government hasn't "coughed up" the enormous amount of money which has to be spent to put these settlements into effect. We are still vulnerable to Indian rights claims on the San Juan and Rio Grande Rivers from the Indian water rights claims.

Ms. Matthews said in discussing water quality, you have to lump this with water quantity. If we don't have enough water, we will be talking about more potential for contaminants. She wants the City to be aware of these concerns by a lot of the people trying to protect agricultural and rural water rights. She wants the City to have conjunctive water management with the groundwater and surface water.

The Public Hearing was closed

Councilor Wurzbarger said she and Mayor Coss met today with Secretary Ron Curry on this issue as to how to deal with LANL and how to ensure things are as safe as they should be, which will involve some changes on their part. As part of that discussion, they were briefed by staff with regard to meetings they held previously. She very much appreciates the input on this project.

Councilor Wurzbarger moved, seconded by Councilor Bushee, to adopt Ordinance No. 2007-35.

Discussion: Councilor Bushee thanked the Concerned Citizens for Nuclear Safety for watch-dogging this issue. She would like, whatever more robust filtration is pursued, some funding for that from LANL and the federal government. She believes any additional efforts we need to do, need to be considered in the funding source. She is interested in the other method of well drilling and would like further information. She would like presentations on these issues at PUC.

Mayor Coss thanked Joanie and CCNS for their assistance on this project. He ensured them that the City is not using LANL as our technical source on the contaminant issues. He

said we are planning, through Secretary Curry, to stay very close, working under the consent decree that the Environment Department has with LANL, looking at issues of monitoring and getting our permits set up properly. He said the City of Santa Fe is firmly in the camp calling for LANL to clean up and monitor sufficiently, so they know what they need to clean up, because it is impacting the City.

Councilor Bushee said she hears Ms. Matthews' concerns, and agrees that our rights are subject to drought. She said over the years, the City has had a strong commitment to not pursuing acequia rights. She is glad Ms. Matthews is monitoring her interests.

The motion was passed on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Dominguez.

- 2) **CONSIDERATION OF BILL NO. 2007-40; ADOPTION OF ORDINANCE NO. 2007- 36 (COUNCILOR CHAVEZ, COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987, TO RESTRICT TRUCK, TRUCK TRAILER AND OTHER LARGE VEHICLE TRAFFIC ON LA CIENEGUITA, CALLE SOTERO, CALLE ADELINA AND GONZALES ROAD, BETWEEN EAST ALAMEDA AND HYDE PARK ROAD. (RICK DEVINE)**

Jeanne Price presented information regarding this ordinance to the Governing Body.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Chavez moved, seconded by Councilor Calvert, to adopt Ordinance No. 2007-36.

Discussion: Councilor Bushee thanked Ms. Price for her dedication and work product.

The motion was passed on the following Roll Call Vote:

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

Against: None.

Absent: Councilor Dominguez.

14. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Calvert

Councilor Calvert introduced a Joint Resolution directing City staff to work with the schools to develop a recycling program for the School District. He asked that it go to the PUC and Finance Committees. A copy of the proposed Joint Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Trujillo

Councilor Trujillo introduced an ordinance amendment, to restrict truck, truck trailer and other large vehicle traffic on Richards Avenue between James Avenue and Siringo Road. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo wished a very happy birthday to his mother.

Councilor Trujillo said during Fiestas, at some of the booths he saw gag lighters, fake cigarettes and cigars, and on the lighters he saw images of marijuana. He doesn't believe our children should be subjected to these kinds of things. He spoke with Mr. Buller, and he would like to have dialogue with the Fiesta Council for next year, and doesn't want these things sold during Fiesta. He believes these things send a bad message to our children.

Councilor Wurzbarger

Councilor Wurzbarger said she has asked Mr. Buller to have staff prepare a report for the Finance Committee, regarding the services, costs and income to the City for the special events on the Plaza, but she hasn't received that, and would like to have that report. She would like this on an upcoming Finance Committee agenda, because she believes there is inconsistency in what we do across these events.

Councilor Heldmeyer said the Committee has requested this information, and were told it might be better to wait until Fiesta is over and we had an accounting, so it will be on the Finance Committee agenda, if not next week, then the next meeting after that.

Councilor Bushee

Councilor Bushee said she has no new resolutions. She does have a letter from Mr.

Pete Tapia on the ongoing issues at the end of Mesa Verde Street – obstructions of traffic. She said we need some action now before someone is really hurt.

Councilor Ortiz

Councilor Ortiz said he sent an email on September 4, 2007, in response to an MPO hearing. He is looking at the letter which Mr. Buller sent to the Department of Transportation regarding the Railrunner. He asked that another letter be sent, so he doesn't have to do a resolution. Councilor Ortiz read a proposed letter into the record as follows:

To the Department of Transportation and To All:

I want a reconsideration of the Railrunner alignment on the MPO agenda. I have read the environmental impact study and am concerned that the State has understated and/or ignored traffic and noise impacts. Rail stations and the discussion thereon are given scant review. I was given clear and unequivocal assurance by Department of Transportation staff that these concerns would be addressed, and that the impacts would be mitigated. I've seen no evidence that the State is honoring its commitments. In fact, I am hearing that the ethos of the Railrunner project is that "it is easier to ask for forgiveness after the fact, than to seek permission beforehand." That is unacceptable from the State (although there is some evidence that this project has dealt in this manner with the Albuquerque neighborhoods). This will not be allowed here in Santa Fe. I want to see concrete plans for mitigating the effect of the Railrunner project. I want to see said plans before any approval or any authority is given. I want to see what improvements are going to be made on intersections and for neighborhoods. I do have requests from three neighborhood associations adjacent to the Railrunner project for more information from the State.

I look forward to the State's response. Until more information is given, I want to have hearings on the Railrunner project at the MPO and I don't want to see any approvals given for the projects within the City limits.

He said this project is going forward without regard for promises it made for input from the MPO and from the City. There are major intersections in his District and in District 2 which need to be addressed, in particular, coming into the City, the intersection at Rodeo Road and Galisteo and where the railroad crosses at Zia Road, and at Siringo Road. He knows they will have "tons" of problems on Pacheco Street where it goes through. He said all of the discussion on these issues, and the selection of the train station depots, have not been done. There seems to be a push just to get it done and to get service done, really to pay a political promise which was made. This isn't our concern. He wants to ensure that the DOT recognizes this.

Councilor Ortiz said if Mr. Buller needs to send another letter, he wants him to send this one.

Mr. Buller asked if he would email the draft.

Councilor Ortiz said he tried, but was unable.

Mr. Buller asked for a hard copy of the letter for input.

Councilor Bushee said she is going to take the hard copy and substitute "Northwest Quadrant."

Councilor Heldmeyer said she attended the public meeting on this, and one of the things which really concerned her was that the DOT said there was a finite period of time for public comment, and any public comment which was made before that, including neighborhood meetings they had attended, weren't going to count, and that wasn't public comment because it didn't occur during the public comment period. She asked Mr. Buller to send a letter from the City, summarizing the comments we had heard. She also sent a more strongly worded letter than Mr. Buller's on all of the issues, with the exception of air quality which she didn't have in mind, and about the concerns of the people in her District and also in Councilor Ortiz's District.

Councilor Heldmeyer said she received a response yesterday, and the response to most of those points was, "Gee, we'd really like to do something about it, but we probably won't be able to. Or, gee, this really isn't a problem, and if people think it's a problem, they really didn't understand what we were trying to say. Or, gee, we're following Federal law, so it doesn't matter what the law really is, because since we average it over a 24-hour period, and over a 24-hour period it's not bad."

Councilor Heldmeyer said the responses were not good. However, Mr. Bluett offered, in his letter to her, a meeting. She suggested that if we have a meeting that it be a meeting which involves all of the people that are going to be affected by this, and not just with her, the Mayor and the City Manager. She said people were just "blown away" at the public meeting where the DOT said, "Yes, stations are important, but we haven't decided where any of them are yet, we will let you know, and it may not even be until the train's coming down the track. And that seemed really inappropriate."

Councilor Calvert asked, in light of the fact that we're now hearing that they are going to rebid the main stop, where this puts the City in terms of planning, and in terms of our own transit system trying to interface with that. It adds to the whole argument that we need to have more information, and we need to be included in the process, so we can make it work in our City.

Councilor Chavez

Councilor Chavez introduced a resolution authorizing and approving submission of an executed agreement for financial assistance to the New Mexico Environment Department, Construction Programs Bureau, for the planning, design, engineering and construction of a sewer line for the 2400 block of Agua Fria. He asked that it go to the Public Utilities, Public Works and Finance Committees. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Heldmeyer

Councilor Heldmeyer said she has been trying to get movement on things which have

been asked about, or handed out, in the past. She said it would be nice to get some of these things back. She said the Constituent Services people work hard, but they do not get the response and cooperation they need from the other departments. The other departments feel they can "blow them off." By extension, they're "blowing us off," and by extension, our constituents. She said Mr. Buller has said he is going to address one of the issues at senior staff, but she wishes he would take up the whole thing at senior staff. One issue in particular is that peoples' neighborhoods are being ripped apart. Some of it is due to bad zoning which she would like to change. However, she doesn't think this will happen.

Councilor Heldmeyer said she introduced a Neighborhood Conservation District Ordinance. She has been told, repeatedly, during this administration, that she was going to get what she requested for this, which is four public meetings, one in each district for public discussion and to tell us what they want, and to say what the place where we live will be. She said while we delay, neighborhoods such as Pacheco Street, Juanita Street, get ripped apart because of inappropriate zoning, inattentive staff, and such. However, the bottom line is we're losing these neighborhoods. The neighborhoods surrounding the Railrunner, in particular the Kaune neighborhood, are terrified of what is going to happen. We have to offer them some protection, otherwise we won't have any neighborhoods where real people live. She said she would like a fairly quick response as to how we are going to set up the four public meetings. There is a draft ordinance, and she is interested in getting public comment on it. And, when a version of the ordinance comes out of the public meetings, we can start going through the Committee process. We need to have this public dialogue.

Councilor Bushee said the position of Neighborhood Planner hasn't been filled. She said the Juanita Street situation is more extensive than just one perhaps monstrous development. There are traffic issues, fire lane issues, public safety issues and such. She would like that to be an extensive meeting for what is left of that neighborhood. She agrees with Councilor Heldmeyer on the conservation issues. She said not filling this position, indicates that it isn't much of a priority to the City.

Mayor Coss

Mayor Coss, with Councilor Chavez, introduced an amendment to the draft short term rental ordinance, which would substitute grandfathering for the hearing process, and keeps the rest of the ordinance as it was developed and went through the Planning Commission. A copy of the proposed ordinance amendment is incorporated herewith to these minutes as Exhibit "7."

Mayor Coss introduced a Joint Resolution with the County, to establish food policy. A copy of the proposed Joint Resolution is incorporated herewith to these minutes as Exhibit "8."

H. ADJOURN

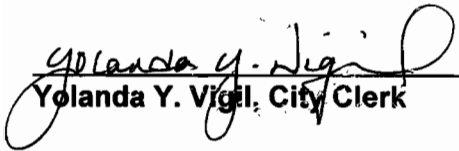
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:00 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer