



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 26, 2007
CITY COUNCIL CHAMBERS

AMENDED – Executive Session 10 b)

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9-24-07 TIME 1:30pm

SERVED BY _____

RECEIVED BY Jydominguez

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: Joint City Council/Santa Fe School Board
Study Session – June 21, 2007
Reg. City Council Meeting – September 11, 2007
8. PRESENTATIONS
 - a) Muchas Gracias – Jim Squires; Arroyo Chamisos Disc Golf Course.
(Councilor Ortiz and Liz Roybal) (5 minutes)
 - b) Introduction of Newly Hired Lateral Officers – Officer Craig Ernst and
Officer Rachel Meserve. (Chief Eric Johnson)
9. CONSENT CALENDAR
 - a) Bid No. 07/39/B – Pressure Reducing Valve (PRV) Scada System
Equipment for Water Division; Freeman Electric, Inc. (Brian Snyder)
 - b) Bid No. 07/40/B – Pressure Reducing Valve (PRV) Scada System
Installation for Water Division; MWI McDade Woodcock, Inc. (Brian
Snyder)
 - c) Bid No. 08/01/B – Transit Administration Building Expansion; ESA
Construction, Inc. (Mary MacDonald)
 - 1) Request for Approval of Budget Increase From CIP Reallocation
Fund – Project Fund.



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 - 1) Request for Approval of Budget Transfer – Capital Equipment Reserve Fund.
- e) Bid No. 08/05/B – Ft. Marcy/Mager's Field Renovation; Accent Landscape Contractors, Inc. (Ben Gurule)
- f) Request for Approval of Memorandum of Understanding – Green Waste Mulch for Wastewater Management Division; Santa Fe Solid Waste Management Agency. (Bryan Romero)
- g) Request for Conceptual Approval to Vacate a Portion of Right-of-Way on Calle de Leon; Linda Tigges Planning Consultants, Inc. (Bob Siqueiros)
- h) Request for Approval of Memorandum of Agreement – Two (2) Vehicles for Division of Senior Services; North Central Regional Transit District. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase from Grant Revenues – Grant Fund.
- i) Request for Approval of Sole Source Procurement – Voice and Data Telecommunications Services; Qwest Communications. (Thomas Williams)
- j) Request for Approval of Service Agreement – Maintenance and Repair of City's Land Mobile Radio System; Motorola. (Thomas Williams)
- k) Request for Approval of Sole Source Procurement – Mobile Data Browser Software for Fire Department; Sungard H.T.E., Inc. (Caryn Fiorina)
 - 1) Request for Approval of Budget Transfer – Fire Property Tax Fund.
- l) Request for Approval of Procurement Under State Price Agreement – Two (2) Alternative Fuel Trucks for Public Utilities Department; Bob Turner's Ford and Reliable Chevrolet. (Robert Rodarte)



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- n) Request for Approval of Sole Source Procurement – Two (2) Aeration Basin Submersible Mixers for Wastewater Division; JCH, Inc. (Robert Rodarte)
- o) Request for Approval of Sole Source Procurement – Brown Base Course Material for Streets Division; Santa Fe Classic Rock. (Robert Rodarte)
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- s) Request for Approval of Sole Source Procurement and Joint Funding Agreement – Stream Gaging and Water Level Monitoring for Water Division; U.S. Geological Survey U.S. Department of the Interior. (Claudia Borchert)
- t) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Calvert)
A Resolution Encouraging New Mexico's United States Senators to Support Legislation to Create a Community Building Code Administration Grant Program. (Jack Hiatt)
- u) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee)
A Resolution Directing Staff to Report to the Governing Body on the Recently Installed, Highly Visible Electrical Poles. (Robert Gallegos)



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- v) CONSIDERATION OF RESOLUTION NO. 2007-_____, (Councilor Heldmeyer)
A Resolution Directing Staff to Develop a Simple City-Wide Policy Regarding the Wise Use of Electricity. (Katherine Mortimer)
- w) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee)
A Resolution Directing Parking Division Staff to Develop a Plan for Dedicated On-Street and Off-Street Parking at No Cost or a Reduced Cost for Motor Driven Scooters and Cycles. (Bill Hon)
- x) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Trujillo, Mayor Coss, Councilor Ortiz, Councilor Heldmeyer, Councilor Bushee and Councilor Dominguez)
A Resolution Directing Staff to Take Immediate, Proactive and Effective Public Safety Measures for City Parks. (Chief Eric Johnson, Fabian Chavez, Frank Katz and Kathy McCormick)
- y) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez)
A Resolution Directing Staff to Initiate a Petition-Method Annexation for Rufina Street. (Katherine Mortimer)
- z) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Mayor Coss)
A Resolution Directing the Santa Fe River Commission, Staff and the Community of Santa Fe to Evaluate the Environmental Flow Needs of the Santa Fe River. (David Chapman)
- aa) Request for Approval of Grant Agreement – 2007 Severance Tax Bond Grant for Various Projects; State of New Mexico Department of Finance and Administration. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Funds.
- bb) Request for Approval of Construction Change Order No. 5 – Santa Fe Civic Center; Cameron Swinerton. (Martin Valdez)
- cc) Request for Approval of Agreement – Design Services at La Farge Branch Library; Victor Johnson Architect. (Chip Lilienthal)



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- dd) Request for Approval of Change Order No. 11 – City Wide ADA Curb Installation Project Improvements; H.O. Construction, Inc. (Peter Manzanares)
- ee) Request for Approval of Procurement Under State Price Agreement – Bridge Repairs at Rodeo Road Over St. Francis Drive; Qualcon, Inc. (Eric Martinez)
- ff) Request for Approval of Amendment No. 2 to Professional Services Agreement – Phase IIA Construction Plans and Bid Documents for Cerrillos Road Reconstruction Project; PB Americas, Inc. (Eric Martinez)
 - 1) Request for Approval of GRIP2 Cooperative Project Agreement – 2007 Legislative Appropriations for Cerrillos Road Reconstruction Project; New Mexico Department of Transportation.
 - 2) Request for Approval of Budget Increase from Impact Fees and Grant Revenues – Project Fund.
- gg) Request for Approval of Agreement – Four (4) Compressed Natural Gas (CNG) Honda GX Sedans Santa Fe Ride Program; State of New Mexico Energy and Minerals and Natural Resources Department. (Ken Smithson)
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- hh) Request for Approval of Amendment No. 6 to Restaurant Lease Agreement – Santa Fe Municipal Airport; Santa Fe Airport Grill. (Jim Montman)
- ii) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Dominguez and Councilor Chavez)
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. (Stan Holland)
 - 1) Request for Approval of Grant Agreement – Construction of Sewer Line to Serve a Portion of the 2400 Block of Agua Fria; New Mexico Environment Department.



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- jj) Request for Approval of Revision to City of Santa Fe Investment Policy – Collateralization to Include U.S. Agencies as Allowed by State Code. (Helene Hausman)
- kk) Request for Approval of Lease Agreement – Use Portion of City Owned Land; Eleanor Castro and Arquimedes Castro d/b/a The Burrito Company. (Jack Hiatt)
- ll) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee)
A Resolution Directing Staff to Promote and Accommodate Alternate Modes of Transportation at the Railyard. (Jon Bulthuis)
- mm) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer)
A Resolution Directing Staff to Commission Scientific Market Research on Transit Needs in Santa Fe. (Jon Bulthuis)
- nn) Request for Approval to Publish Notice of Public Hearing on October 29, 2007:
 - 1) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez)
A Resolution Adopting the Southwest Santa Fe Community Area Master Plan as an Amendment to the General Plan. (Reed Liming)
 - 2) Bill No. 2007-48 – An Ordinance Amending Sections 6-4.3; Various Sections of Chapter 14; Renaming Chapter XXVI; Creating a New Article 26-2 SFCC 1987 All Related to Affordable Housing, the Santa Fe Homes Program and Low Priced Dwelling Units. (Kathy McCormick)
 - a) CONSIDERATION OF RESOLUTION NO. 2007-_____.
A Resolution Amending the Administrative Procedures for Implementation of the Santa Fe Homes Program.



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10. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Restricting the Placement of Electric, Telecommunication, Cable and Gas Lines within City Parks, Open Space Trails or Other City Owned Land and How This Restriction Relates to the Franchise Agreement, Pursuant to §10-15-1 (H) (8) NMSA 1978.
- b) Discussion of Legal Implications to Various Short Term Rental Bills, Pursuant to §10-15-1 (H) (7) NMSA 1978.

11. Action Related to Restricting the Placement of Electric, Telecommunication, Cable and Gas Lines within City Parks, Open Space Trails or Other City Owned Land and How This Restriction Relates to the Franchise Agreement. (Frank Katz)

12. MATTERS FROM THE CITY CLERK

13. 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:



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- 1) Consideration of Proposed Amendments to the Municipal Charter. (Frank Katz and Yolanda Vigil)
- 2) CONSIDERATION OF BILL NO. 2007-43: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Bushee)
An Ordinance Establishing the Long Range Planning Subcommittee of the Planning Commission. (Jeanne Price)
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H. ADJOURN

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- F. APPOINTMENTS
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- 1) Consideration of Proposed Amendments to the Municipal Charter. (Frank Katz and Yolanda Vigil)



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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 26, 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 26, 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 Wurzburger

Others Attending

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

5. APPROVAL OF AGENDA

Yolanda Vigil, City Clerk said Councilor Bushee has asked to add a presentation to the Agenda, and it would be new Item 8(c).

Councilor Ortiz moved, seconded by Councilor Wurzburger, to approve the agenda as amended.

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

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

Absent: Councilor Bushee.

- a) **BID NO. 07/39/B – PRESSURE REDUCING VALVE (PRV) SCADA SYSTEM EQUIPMENT FOR WATER DIVISION; FREEMAN ELECTRIC, INC. (BRIAN SNYDER)**
- b) **BID NO. 07/40/B – PRESSURE REDUCING VALVE (PRV) SCADA SYSTEM INSTALLATION FOR WATER DIVISION; MWI McDADE WOODCOCK, INC. (BRIAN SNYDER)**
- c) **BID NO. 08/04/B – TRANSIT ADMINISTRATION BUILDING EXPANSION; ESA CONSTRUCTION, INC. (MARY MacDONALD)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM CIP REALLOCATION FUND – PROJECT FUND.**
- d) **BID NO. 08/04/B – PROCUREMENT OF TWO (2) BEDROOM MOBILE HOME FOR FIRE DEPARTMENT; AMERICAN SPIRIT HOMES, INC. (ROBERT RODARTE)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – CAPITAL EQUIPMENT RESERVE FUND.**
- e) **BID NO. 08/05/B – FT. MARCY/MAGER’S FIELD RENOVATION; ACCENT LANDSCAPE CONTRACTORS, INC. (BEN GURULE)**
- f) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – GREEN WASTE MULCH FOR WASTEWATER MANAGEMENT DIVISION; SANTA FE SOLID WASTE MANAGEMENT AGENCY. (BRYAN ROMERO)**
- g) **REQUEST FOR CONCEPTUAL APPROVAL TO VACATE A PORTION OF RIGHT-OF-WAY ON CALLE DE LEON; LINDA TIGGES PLANNING CONSULTANTS, INC. (BOB SIQUEIROS)**
- h) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – TWO (2) VEHICLES FOR DIVISION OF SENIOR SERVICES; NORTH CENTRAL REGIONAL TRANSIT DISTRICT. (RON VIALPANDO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUES – GRANT FUND.**
- i) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – VOICE AND DATA TELECOMMUNICATIONS SERVICES; QWEST COMMUNICATIONS. (THOMAS WILLIAMS)**
- j) **REQUEST FOR APPROVAL OF SERVICE AGREEMENT – MAINTENANCE**

**AND REPAIR OF CITY'S LAND MOBILE RADIO SYSTEM; MOTOROLA.
(THOMAS WILLIAMS)**

- k) [REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – MOBILE DATA BROWSER SOFTWARE FOR FIRE DEPARTMENT; SUNGARD H.T.E., INC., (CARYN FIORINA)
1) REQUEST FOR APPROVAL OF BUDGET TRANSFER – FIRE PROPERTY TAX FUND.**
- l) REQUEST FOR APPROVAL OF REQUEST FOR APPROVAL UNDER STATE PRICE AGREEMENT – TWO (2) ALTERNATIVE FUEL TRUCKS FOR PUBLIC UTILITIES DEPARTMENT; BOB TURNER'S FORD AND RELIABLE CHEVROLET. (ROBERT RODARTE)**
- m) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TEN (10) VANS FOR SENIOR SERVICES DIVISION; BOB TURNER'S FORD AND RELIABLE CHEVROLET. (ROBERT RODARTE)**
- n) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – TWO (2) AERATION BASIN SUBMERSIBLE MIXERS FOR WASTEWATER DIVISION; JCH, INC. (ROBERT RODARTE)**
- o) *[Removed for discussion by Councilor Trujillo]***
- p) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – REPAIR AND MAINTENANCE OF CITY OWNED VEHICLES; VARIOUS LOCAL VENDORS. (ROBERT RODARTE)**
- q) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) TRUCKS AND ONE PASSENGER VAN FOR FIRE DEPARTMENT; BOB TURNER'S FORD AND RELIABLE CHEVROLET. (ROBERT RODARTE)**
- r) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – REPAIR AND MAINTENANCE OF CITY OWNED HEAVY EQUIPMENT AND TRUCKS; VARIOUS VENDORS. (ROBERT RODARTE)**
- s) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND JOINT FUNDING AGREEMENT – STREAM GAGING AND WATER LEVEL MONITORING FOR WATER DIVISION; U.S. GEOLOGICAL SURVEY, U.S. DEPARTMENT OF THE INTERIOR. (CLAUDIA BORCHERT)**
- t) CONSIDERATION OF RESOLUTION NO. 2007- 83 (COUNCILOR CALVERT). A RESOLUTION ENCOURAGING NEW MEXICO'S UNITED STATES SENATORS TO SUPPORT LEGISLATION TO CREATE A COMMUNITY BUILDING CODE ADMINISTRATION GRANT PROGRAM. (JACK HIATT)**
- u) CONSIDERATION OF RESOLUTION NO. 2007-84 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO REPORT TO THE GOVERNING BODY**

**ON THE RECENTLY INSTALLED, HIGHLY VISIBLE ELECTRICAL POLES.
(ROBERT GALLEGOS)**

- v) CONSIDERATION OF RESOLUTION NO. 2007-85 (COUNCILOR HELDMEYER). A RESOLUTION DIRECTING STAFF TO DEVELOP A SIMPLE CITY-WIDE POLICY REGARDING THE WISE USE OF ELECTRICITY. (KATHERINE MORTIMER)**
- w) CONSIDERATION OV RESOLUTION NO. 2007- 86 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING PARKING DIVISION STAFF TO DEVELOP A PLAN FOR DEDICATED ON-STREET AND OFF-STREET PARKING AT NO COST OR A REDUCED COST FOR MOTOR DRIVEN SCOOTERS AND CYCLES. (BILL HON)**
- x) *[Removed for discussion by Councilor Trujillo]***
- y) CONSIDERATION OF RESOLUTION NO. 2007- 87. (COUNCILOR CHAVEZ). A RESOLUTION DIRECTING STAFF TO INITIATE A PETITION METHOD ANNEXATION FOR RUFINA STREET. (KATHERINE MORTIMER)**
- z) CONSIDERATION OF RESOLUTION NO. 2007- 88. (MAYOR COSS). A RESOLUTION DIRECTING THE SANTA FE RIVER COMMISSION, STAFF AND THE COMMUNITY OF SANTA FE TO EVALUATE THE ENVIRONMENTAL FLOW NEEDS OF THE SANTA FE RIVER. (DAVID CHAPMAN)**
- aa) REQUEST FOR APPROVAL OF GRANT AGREEMENT – 2007 SEVERANCE TAX BOND GRANT FOR VARIOUS PROJECTS; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUNDS.**
- bb) REQUEST FOR APPROVAL OF CONSTRUCTION CHANGE ORDER NO. 5 – SANTA FE CIVIC CENTER; CAMERON SWINERTON. (MARTIN VALDEZ)**
- cc) REQUEST FOR APPROVAL OF AGREEMENT – DESIGN SERVICES AT LA FARGE BRANCH LIBRARY; VICTOR JOHNSON ARCHITECT. (CHIP LILIENTHAL)**
- dd) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 11 – CITY WIDE ADA CURB INSTALLATION PROJECT IMPROVEMENTS; H.O. CONSTRUCTION, INC. (PETER MANZANARES)**
- ee) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – BRIDGE REPAIRS AT RODEO ROAD OVER ST. FRANCIS DRIVE; QUALCON, INC. (ERIC MARTINEZ)**
- ff) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL**

SERVICES AGREEMENT – PHASE IIA CONSTRUCTION PLANS AND BID DOCUMENTS FOR CERRILLOS ROAD RECONSTRUCTION PROJECT; PB AMERICAS, INC. (ERIC MARTINEZ)

- 1) **REQUEST FOR APPROVAL OF GRIP2 COOPERATIVE PROJECT AGREEMENT – 2007 LEGISLATIVE APPROPRIATIONS FOR CERRILLOS ROAD RECONSTRUCTION PROJECT; NEW MEXICO DEPARTMENT OF TRANSPORTATION.**
 - 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM IMPACT FEES AND GRANT REVENUES – PROJECT FUND.**
- gg) **REQUEST FOR APPROVAL OF AGREEMENT – FOUR (4) COMPRESSED NATURAL GAS (CNG) HONDA GX SEDANS SANTA FE RIDE PROGRAM; STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT. (KEN SMITHSON)**
- 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- hh) **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO RESTAURANT LEASE AGREEMENT – SANTA FE MUNICIPAL AIRPORT; SANTA FE AIRPORT GRILL. (JIM MONTMAN)**
- ii) **CONSIDERATION OF RESOLUTION NO. 2007- 89 (COUNCILOR DOMINGUEZ AND COUNCILOR CHAVEZ). 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. (STAN HOLLAND)**
- 1) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – CONSTRUCTION OF SEWER LINE TO SERVE A PORTION OF THE 2400 BLOCK OF AGUA FRIA; NEW MEXICO ENVIRONMENT DEPARTMENT.**
- jj) **REQUEST FOR APPROVAL OF REVISION TO CITY OF SANTA FE INVESTMENT POLICY – COLLATERALIZATION TO INCLUDE U.S. AGENCIES AS ALLOWED BY STATE CODE.**
- kk) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – USE PORTION OF CITY OWNED LAND; ELEANOR CASTRO AND ARQUIMEDES CASTRO D/B/A THE BURRITO COMPANY. (JACK HIATT)**
- ll) **CONSIDERATION OF RESOLUTION NO. 2007- 90 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO PROMOTE AND ACCOMMODATE ALTERNATE MODES OF TRANSPORTATION AT THE RAILYARD. (JON BULTHUIS)**
- mm) ***[Removed for discussion by Councilor Dominguez]***

nn) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 29, 2007:**

- 1) *[Removed for discussion by Councilor Chavez]*
- 2) **BILL NO. 2007-48 – AN ORDINANCE AMENDING SECTIONS 6-4.3; VARIOUS SECTIONS OF CHAPTER 14; RENAMING CHAPTER XXVI; CREATING A NEW ARTICLE 26-2 SFCC 1987, ALL RELATED TO AFFORDABLE HOUSING, THE SANTA FE HOMES PROGRAM AND LOW PRICED DWELLING UNITS. (KATHY McCORMICK)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2007- _____. A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR IMPLEMENTATION OF THE SANTA FE HOMES PROGRAM.**

**7. APPROVAL OF MINUTES: Joint City Council/Santa Fe School Board Study Session – June 21, 2007
Reg. City Council Meeting – September 11, 2007**

Councilor Chavez moved, seconded by Councilor Ortiz, to approve the minutes of the Joint City Council/Santa Fe School Board Study Session of June 21, 2007, as presented. The motion was approved on a voice vote, with Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz and Councilor Wurzbarger voting for the motion, none against, Councilor Wurzbarger and Councilor Trujillo abstaining and Councilor Bushee absent.

Councilor Chavez moved, seconded by Councilor Dominguez to approve the minutes of the Regular City Council Meeting of September 11, 2007, as presented. The motion was approved on a voice vote, with Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbarger voting for the motion, none against and Councilor Bushee absent.

8. PRESENTATIONS

- a) **MUCHAS GRACIAS – JIM SQUIRES; ARROYO CHAMISOS DISC GOLF COURSE. (COUNCILOR ORTIZ AND LIZ ROYBAL)**

Mayor Coss said he had the opportunity to visit the Disc Golf Course, which is a great facility, and wanted to recognize Mr. Jim Squires who was the point person in getting the Disc Golf Course established.

Mayor Coss, joined by Councilor Ortiz and Liz Roybal, presented a certificate to Jim Squires.

Councilor Ortiz said he just read President Clinton's new book about volunteering and making our community better. He said Mr. Squires and his whole family have been a complete improvement to an area which was just arroyo, trees and dead weeds, and now the area is green. He said Mr. Squires is really the true volunteer who is committed to his community, and he thanked him and his whole family.

Councilor Bushee arrived at the meeting

Mr. Squires thanked Councilor Ortiz and the City for giving him this opportunity and his wife for her assistance in this endeavor. This is a good course for visitors and residents alike. He gets a lot of good feedback on this. He said for those who don't know what disc golf is, it is frisbee golf. Mr. Squires distributed pictures of the golf course. He said the course didn't change much of the area, and it looks much the same as it did before. He thanked Liz Roybal, the Mayor and the Council, and Ben and Fabian for all of their support and assistance.

b) INTRODUCTION OF NEWLY HIRED LATERAL OFFICERS – OFFICER CRAIG ERNST AND OFFICER RACHEL MESERVE. (CHIEF ERIC JOHNSON).

Chief Johnson introduced the new officers and gave a brief resume on each.

Mayor welcomed the new officers to the force, noting the force is now at 10 vacancies. He commended Chief Johnson and the members of the recruitment team for bringing these officers to the force.

Chief Johnson said next month 17 people will be testing, including seven lateral officers.

Chief Johnson, responding to Councilor Bushee, said there are no retirements in process right now in the department.

c) Proclamation – October 6-8, 2007, as Antiquarian Book Show Weekend

Mayor Coss read a proclamation into the record proclaiming October 6-8, 2007, as Santa Fe Antiquarian Book /Show Weekend, and presented the proclamation to Shirley Jacobsen.

Councilor Bushee said the group needs a directive from the City Manager to work with Bill Hon in getting overflow parking from El Museo on Guadalupe, and she asked for a press release on the activity.

Mayor Coss said this is one of the activities that helps the City with its "shoulder" season.

Ms. Jacobsen thanked the Mayor and Council for their support in this endeavor.

CONSENT CALENDAR DISCUSSION

9(o) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – BROWN BASE COURSE MATERIAL FOR STREETS DIVISION; SANTA FE CLASSIC ROCK. (ROBERT RODARTE)

Councilor Trujillo said it was discussed at SWMA that there is a company which makes black base course, and asked if there was discussion about setting a price agreement with

them, observing he thought we might be able to get it at a cheaper price.

Mr. Rodarte said he spoke with Robert Romero. The reason for this request is that they put out a request to several of the local companies to try to match this particular blend because of a dust problem which was occurring. We received only one response from this company, and only received one last year.

Mr. Trujillo asked if the City contacted that company and discussed it with them, because he knows they are crushing and making the base course on site, and this was discussed at SWMA – trying to get a better price for both the City and the County.

Mr. Rodarte will speak with the people at SWMA and find out the name of the organization.

Councilor Trujillo said he doesn't want to stop this for this year, but asked that this be done next year.

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

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

Against: None.

9(x) CONSIDERATION OF RESOLUTION NO. 2007- 91 (COUNCILOR TRUJILLO, MAYOR COSS, COUNCILOR ORTIZ, COUNCILOR HELDMEYER, COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO TAKE IMMEDIATE, PROACTIVE AND EFFECTIVE PUBLIC SAFETY MEASURES FOR CITY PARKS. (CHIEF JOHNSON, FABIAN CHAVEZ, FRANK KATZ AND KATHY McCORMICK)

Councilor Trujillo said he pulled this item to let the public know, especially those in District 4, that the City is working on this issue. This Resolution would set up gates, and move toward tougher laws and tougher enforcement, noting the problems at Franklin Miles during the summer. He thanked the Mayor and Councilors who cosponsored the Resolution.

Councilor Trujillo said we are looking to put police in the parks, perhaps to get housing for them on site, and to make the parks a little safer.

Councilor Trujillo moved, seconded by Councilor Dominguez, to adopt Resolution No. 2007-91. The motion was approved on the following roll call vote:

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

Against: None.

9(mm) CONSIDERATION OF RESOLUTION NO. 2007- 92 (COUNCILOR HELDMEYER). A RESOLUTION DIRECTING STAFF TO COMMISSION SCIENTIFIC MARKET RESEARCH ON TRANSIT NEEDS IN SANTA FE. (JON BULTHUIS).

A copy of a proposed amendment to this Resolution, proposed by Councilor Dominguez, is incorporated herewith to these minutes as Exhibit "1."

Councilor Dominguez asked how long this will take.

Mr. Bulthuis said it will have to go through an RFP process which takes 6-8 weeks, and believes 3-4 months would be a reasonable project timeline to completion. He believes we would have some data about six months from now.

Councilor Dominguez noted his proposed amendment [Exhibit "1"].

Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Resolution No. 2007-92, as amended.

Discussion: Mayor Coss said it is a good idea to include the youth piece in the Resolution.

The motion was approved on the following roll call vote:

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

Against: None.

9(nn) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 29, 2007

- (1) CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR CHAVEZ). A RESOLUTION ADOPTING THE SOUTHWEST SANTA FE COMMUNITY AREA MASTER PLAN AS AN AMENDMENT TO THE GENERAL PLAN. (REED LIMING)**

Councilor Chavez would like to request that the Governing Body approve a hearing date

for the Southwest Area Master Plan, but on November 14, 2007, instead of October 29, 2007. This would ensure meeting the 15-day notification requirement for the October 2th public hearing, and allow the hearing date to be set ahead of time, so one notification can be sent advertising both a Planning Commission public hearing date on November 1, 2007, and a City Council public hearing date on November 14, 2007. This would save money and staff time.

Councilor Chavez moved, seconded by Councilor Calvert, to approve this request, with the changes he has suggested. 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.

10. MATTERS FROM THE CITY MANAGER

None.

40. 11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Discussion of restricting the placement of electric, telecommunication, cable and gas lines within City Parks, Open Space Trails or other City owned land and how this restriction relates to the Franchise Agreement, pursuant to §10-15-1(H)(8) NMSA 1978.**
- b) Discussion of Legal Implications to Various Short Term Rental Bills, Pursuant to §10-15-1(H)(7) NMSA 1978.**

Councilor Chavez moved, seconded by Councilor Trujillo, that the Council go into Executive Session for the purpose of the discussion of restricting the placement of electric, telecommunication, cable and gas lines within City Parks, Open Space Trails or other City owned land and how this restriction relates to the Franchise Agreement, pursuant to §10-15-1(H) (8), and discussion of legal implications to various short term rental bills, pursuant to §10-15-1(H)(7). The motion was approved on a Roll Call vote as follows:

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

Against: None.

The Council went into Executive Session at 5:42 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:13 p.m., Councilor Chavez moved, seconded by Councilor Heldmeyer, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

41.12. ACTION RELATED TO RESTRICTING THE PLACEMENT OF ELECTRIC, TELECOMMUNICATION, CABLE AND GAS LINES WITHIN CITY PARKS, OPEN SPACE TRAILS OR OTHER CITY OWNED LAND AND HOW THIS RESTRICTION RELATES TO THE FRANCHISE AGREEMENT. (FRANK KATZ)

No action was taken.

42.13. MATTERS FROM THE CITY CLERK

Ms. Vigil said she will be releasing Candidate packets, beginning Monday morning at 8:00 a.m., and the time period for gathering petition signatures runs from October 1, 2007, through November 30, 2007. She said anyone interested in obtaining a Candidate packet, can get one in her office beginning on Monday, October 1, 2007.

END OF AFTERNOON SESSION AT 7:14 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 7:15 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

There were no petitions from the floor.

F. APPOINTMENTS

Mayor's Youth Advisory Board

Mayor Coss appointed the following individual to the Mayor's Youth Advisory Board

Israel Tercero – to fill unexpired term ending 12/2007;
Alex Wirth – to fill unexpired term ending 12/2007; and
Laura Lopez – to fill unexpired term ending 12/2007.

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

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.

Parking Advisory Board

Mayor Coss appointed the following individuals to the Parking Advisory Board:

Lemoyne F. Blackshear (State General Services Dept.) – term ending 3/2011;
John G. Barker (Downtown Business Owner) – Reappointment – term ending 3/2011;
Darlene Griego (Staff) – Reappointment – term ending 3/2011;
Philippe Jacquot (At-Large) – term ending 3/2011;
Katherine Kagel (Downtown Property Owner) – Reappointment – term ending 3/2011;
Ish Lovato (County Staff) – Reappointment – term ending 3/2011;
Georgia Maryol (Guadalupe Area) – Reappointment – term ending 3/2011; and
Robert Werner, Chairman (Canyon Road Area) – Reappointment - term ending 3/2011.

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

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

Library Board

Mayor Coss appointed the following individuals to the Library Board:

Michelle Huff – Reappointment – term ending 7/2010;
Donn J. Hurd – Reappointment – term ending 7/2010;
Jennifer Jaramillo – Reappointment – term ending 7/2010; and
Christy Montoya – Reappointment – term ending 7/2010.

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

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

Planning Commission

Mayor Coss advised the Council that one of his recent appointments to the Commission, John Romero, had to resign due to a new position he has with the City of Albuquerque.

Mayor Coss appointed the following individuals to the Planning Commission:

Shayna Lewis – to fill unexpired term ending 6/2009; and
Gloria M. Lopez – to fill unexpired term ending 6/2009.

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

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

Ethics and Campaign Review Board

Mayor Coss appointed the following individuals to the Ethics and Campaign Review Board:

Nancy R. Long – Reappointment – term ending 01/2011;
Fred Rowe – Reappointment – term ending 01/2011; and
Ruth Kovnat – term ending 01/2011.

Councilor Wurzburger moved, seconded by Councilor Bushee, to approve the appointments.

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

Sister City Committee

Mayor Coss appointed the following individuals to the Sister City Committee:

Gilbert L. Delgado, Chairman – term ending 10/2010;
Roque Garcia – term ending 10/2008;
Nicholas Mang – term ending 10/2009;
Deacon Enrique Montoya – term ending 10/2010;
Bernard Rubenstein – term ending 10/2009; and
Sharon D. Maloof – term ending 10/2010.

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

Discussion: Councilor Heldmeyer asked who is staffing this Committee. Mr. Buller said Tom Maguire is staffing the Committee.

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

G. PUBLIC HEARINGS

1) CONSIDERATION OF PROPOSED AMENDMENTS TO THE MUNICIPAL CHARTER. (FRANK KATZ AND YOLANDA VIGIL)

Frank Katz, City Attorney said there is a Memorandum in the packet from him to the Finance Committee which explains the seven different matters which have been recommended by the Charter Review Commission, noting amendments were made by the Ethics and Rules Committee which are reflected in the Memorandum.

Jim Harrington, Chairman of the Charter Review Commission, said he is a little concerned, and would like to address some mistaken ideas, both dealing with the recommendations for public campaign financing, which seem to be taking a "public beating" lately. He said one was expressed in a news editorial today, which is the notion that public financing wouldn't work because publicly funded candidates are at a big disadvantage once they accept public money and agree to limit expenses, and the opposition can go "hog wild," in spending with no consequences. And it would cost money for the few who accept it and would be a waste of money because "it wouldn't eliminate money from elections." He said this is a valid criticism with respect only to the older public financing systems, those adopted 30 years ago, the Presidential system, Tucson, New York and others, which provide no provision for additional payments to participating candidates in case they are outspent by their opponent.

Mr. Harrington said all of the systems adopted in the last 15 years, including Maine, Arizona, Albuquerque, New Mexico PRC, and New Mexico judicial elections, provide that a participating candidate who is outspent by his opponent gets a payment to match the opponent's payment up to a limit which usually is set at a level higher than any candidate has ever raised, or is likely to raise. This has been shown to act as a deterrent in Arizona, for example, and that staying out of this system and trying to avoid it, ends up being futile.

Mr. Harrington said the other mistaken idea is that the voters of Santa Fe are so uniquely virtuous that they always recognize the big spender, and the big spender always loses. However, he just reviewed all existing records for Mayor, Council and Judge, and this isn't true – the big spenders won in a large majority of elections. He said the statistics are that the big spender usually wins, even in virtuous Santa Fe. He said if it's true that Santa Fe voters recognize and condemn the big spender, then public financing is likely to be very successful here, and staying out would be a black mark.

Mr. Harrington said the League of Women Voters, at the Finance Committee, presented a position which was problematic, which was that the Council should retain the current Charter language with a deadline. He thinks this is an unsound idea. He said the Charter is full of these requirements, including requiring a campaign code, an ethics code and a general plan within one year of the effective date, and the Council had no problem complying, and would have none complying with the public financing.

Mr. Harrington said he has heard from several Councilors that the reason there has been no serious action on public financing in the past ten years, is that the Council is looking for

an expression from the public on whether it wants this and is willing to spend money on it. He said the current charter provides the governing body has to consider it, and can reject that, but it wouldn't provide that guidance. He said the Commission's recommendation would provide that guidance if an amendment is passed requiring public financing.

Mr. Harrington said he brought a technical/legal problem he brought to the attention of the City Attorney and Councilor Ortiz about one of the suggestions for change made by the Ethics and Rules Committee in the ranked choice proposal.

Mayor Coss said this question can be answered by the City Attorney after the public hearing.

Mr. Harrington thanked the members of the Commission, noting four are in attendance this evening. He reminded the Governing Body that what is being decided tonight is whether to allow the voters to decide to adopt the proposed reforms, not whether or not to adopt the proposed reforms. He hopes you will trust the voters and put all this "stuff" to a vote.

Public Hearing

Sean Knight, 212 Tesuque, said he is representing himself, and he will also give the position of the Santa Fe County Green Party. He said "we" applaud the Charter Review process, and they monitored and participated in that process which they found to be very thorough with a good outcome which was well considered and ready to go to the voters for consideration. He said "we" wanted it to move faster through the committees, and they do support these things being put on the ballot at the earliest possible juncture, and they are ready to educate the public on the issues. They fully support the full Charter Commission recommendations being sent to the voters. Mr. Knight said some of the amendments, particularly to rank choice voting, added in Committee are administrative and inappropriate to be added in legislative language to the Charter. It places a negative spin on the question for the voter, giving them the idea that it may not comply with the law, or may not be technologically feasible. He said "we" feel neither of these are true, and the voters should have a clear chance to vote on it without prejudicial language.

Jody Larson, President, League of Women Voters of Santa Fe County, said the League has been following the Charter form of government since 1992, and supported the adoption of this charter in 1997. They believe these amendments bring the Charter closer to their position, and in some cases, in complete agreement. The League supports the substance of all of these amendments. She said, with regard to public financing, it doesn't contain anything the Council can't do now. With regard to petition signature requirements, the League position is for an average of the voters in the last two elections, but this is closer than the current language. The League believes the Mayor should vote on every issue before the Council to provide a clear record for the voters and believe the Municipal Judge should be a member of the New Mexico bar. She said the League position is in favor of runoff elections, but don't prescribe a method. The ranked choice balloting is one way to do this. She noted the

League of Women Voters is a nonpartisan organization which encourages participation in government and influences public policy through advocacy.

Fred Rowe, a member of the Charter Commission, thanked the Mayor for the appointments/reappointments to the Ethics and Campaign Review Board, hoping for three more appointments soon, so there is a full board to do its work. He commended the members of the Charter Commission, particularly the Chair, and Councilor Montaño for “rescuing” what was seeming to be a dying committee, and coming forward with excellent recommendations. ‘

Mr. Rowe said he would like to speak only to the recommendations with regard to powers of the Mayor and ranked choice voting. He said, with regard to the Mayor’s right to vote, the recommendations would expand those powers, but don’t go far enough. He recommended that the Mayors and chairs of boards and committees have the right to vote on all issues before that body. He said as a matter of good government, the Mayor should be empowered to vote.

Mr. Rowe said the so-called instant runoff is a great idea whose time has not yet come in Santa Fe. He said in theory, it is beautiful, and on election night, the computer will spit out everybody elected with 51% of the vote. He said in reality, it won’t work, because the software and experience are not there, the voters will be confused and in the end the “Florida hanging chads may be a song and dance compared to what will happen here.” He noted there were two weeks of recounts in the Madrid/Wilson Congressional race. It is a premature idea which may work in Norway and in Vermont, but he doesn’t think it will work in Santa Fe.

Frank Herdman, 1305 Villa Robles, a member of the Charter Commission, thanked the Governing Body for the opportunity to serve on the Commission, and to Frank Katz who spent many long hours listening to the discussions. He will be happy to answer any questions the Governing Body might have.

Karen Walker said when the original Charter was adopted, Councilor Bushee was on the Council. She said Councilor Chavez was quoted in this morning’s paper as saying, “Does anyone care about this,” which is a legitimate question. In September 1997, the Council approved the subjects to take before the voters, with three months to explain it to the public. It passed by a 4-1 margin in December 1997. At that time, the whole charter had to pass, or nothing passed. She said the brilliance of what this Council is doing is the individual vote on each issue, which is a huge, wonderful change. They were conservative in 1997 because they had to sell the entire Charter, and compromises were made to do that. She said we made it very difficult to bring referendum and initiative before the Council. She said the vote on preferential voting was deadlocked 4-4, she, as the Chair, voted against it to break the tie. She said although she thought it was a great idea, if there was one element that confused the public, the Charter would crash, and she wanted it to pass. She said Santa Fe was the last city of any size in New Mexico to adopt a Charter.

Lee Moore, Common Cause New Mexico, said she wanted to speak to the misunderstanding that somehow public financing of elections will cost huge amounts of money and do nothing to stop the escalating cost of campaigns. She said this isn't true of any public financing system adopted in the last 15 years. The reason is that these systems have provisions to spend additional money, so that a participating candidate can compete against an opponent who doesn't. She gave an example to demonstrate how this works. She said additional funds will be given to participating candidates so they can compete with their rich opponents. She said this is a recipe for less, not more, spending. The fund established for public financing acts as a deterrent. There is no incentive for the rich opponent to spend the additional funds because they know it will be matched. She said it is less likely that candidates will opt out of public financing, because they can get the money just like you do. If candidates are less likely to opt out of public financing, costs are much less likely to escalate, and you have a much more sensible system.

Beverly Bushing, 133 W. Berger Street, member of the Charter Review Commission, said this is her first time to address the Council, and appreciates the opportunity to serve on the Commission. She said the experience has educated her on how government works, and has made her care for Santa Fe and its citizens to a great extent. She said, with regard to the Municipal Judge, the City has become more large and complex over the past few years, yet the qualifications are based on a few days/weeks of training the State offered to these people. She believes it is tragic to put municipal law in the hands of someone who may be struggling to do the best they can, although wise and understanding people. She wants the Municipal Judge to have the legal training needed to do their job. She recounted her experience when a multiple offender DWI slammed through the wall in front of her house. She is concerned that many times these multiple offenders can't be prosecuted because previous offenses haven't been properly recorded or conducted. She urged approval of the provision requiring the Municipal Judge to be a member of the New Mexico bar. She noted her daughter lives in San Francisco where there is instant runoff, and it didn't keep people from voting and they have figured it out.

Rick Lass, Voting Matters, said Voting Matters' main focus is to increase voter participation and turnout and to restore confidence in our government at the local and state level. He said they support all recommendations because they do these things. He said this Commission worked hard to develop five proposals out of the 20 or more presented. These are good proposals, and he encourages the Governing Body to decide on all five issues. With regard to ranked choice, it works in Vermont and in San Francisco with more than 1 million voters with a ballot in three languages. There was an error of less than 1/2 of one percent in the last three elections. He said, with regard to public financing, it takes time for people to participate, but over time it will bring benefits, noting 50% of those elected in Arizona and Maine were elected using public money and owed no one but the public their election. This is the strength of public funding.

David Bacon urged the Governing Body to put these on the ballot. He ran for the PRC with public financing, and although it didn't help him to get votes, it was a very good process and needed only a little tweaking. He said public financing and ranked choice voting are two measures which will help the voting process over time. He said public financing is high on the voter's list of important things to do. Over time, ranked choice will become popular. He believes there are positive benefits to be gained from these two.

Ben Luce, 127 Kearney, said he is proud the Governing Body brought this issue forward, which is timely and important. He expressed support for the Commission's Charter proposals. He said it is extremely important to reduce the number of signatures needed for ballot initiatives, because those who bring these forward are small groups of citizens or non-profits. It takes a lot of effort to get 10,000 signatures, and these groups have much other work, and gathering signatures is only one small piece of what they are trying to do. He believes we will see a wider range of candidates, noting that currently the only people who can serve in the Legislature are retired, or wealthy or sacrificing a lot of their own time and money. He said public financing takes a big step to level the playing field.

John Otter, 2300 W. Alameda, urged the Governing Body to place these issues on the ballot for the voters' consideration. He said the major effect of ranked choice voting is to elect a candidate which has a majority of the vote, noting recently 40% of the elected officials in Santa Fe have not had a majority of the vote. He said it improves government, because there are more candidates and more voters. He said the current system discourages voting, as well as having a "spoiler effect of the vote being taken away of perhaps their other favorite candidate, so they have to decide between the 'lesser of two evils,' which discourages them from participation, and also sometimes their vote is split between two candidates of like philosophy so that a third candidate of a majority support with opposing views gets elected." He said at times the tenor of debate is somewhat negative and discourages people. The first will be eliminated by ranked choice voting, and the second is reduced because candidates will wish to have the second preference of voters who don't want to choose them for first, so debate might be more positive. Ranked choice voting has been used in San Francisco for four years, and he said that the acceptance and correct use have been across all aspects of society. The software needed for ballot scanners is expected to be available in a few years. The ordinance can be written now to initiate it when the software becomes available, and he believes that shouldn't be a bar to putting this before the voters. He said procedures for hand-counting are available now. He urged placing this on the ballot for consideration by our voters.

Virginia Miller, 125 Calle don Jose, urged the Governing Body to support these recommendations and place them on the March ballot. She believes this will strengthen the election process and the democratic process in Santa Fe at the local level, which is good, given the nature of elections across the nation at this time. She asked that these be put on the ballot so we can strengthen our election and democratic process right here.

The Public Hearing was closed

Councilor Bushee thanked the Commissioners for their hard work.

Ranked Choice Voting

Councilor Bushee moved, seconded by Councilor Chavez, to move forward to the voters the issue of ranked choice voting, as recommended by the Ethics and Rules Committee, as follows:

“4.06. Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes is available at a reasonable price, and at all subsequent elections, as allowed under state law, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system...”

Discussion: Councilor Heldmeyer said she has heard about incorrectly marked ballots and that there is a low number of those where there is technology to tell people to self-correct. She said the number for mail-in ballots is higher, because there is nobody to assist and direct them. She said sometimes 1-2-3 doesn't reflect what people think, so they put down what they think which may be two ones and a two. She said once there is technology to reject the ballot immediately when it is incorrectly marked, the percentage is considerably less. She is more worried about an election which might occur with a large number of rejected ballots, than she is about whether or not there is ranked choice voting.

Friendly amendment: Councilor Heldmeyer proposed an amendment to the motion as follows: “...equipment and software of tabulation of votes and automatic rejection of incorrectly marked ballots, is available...”

Discussion on the friendly amendment:

Councilor Bushee said doesn't want an incorrectly marked ballot to count.

Councilor Heldmeyer said one of the problems is people don't mark the ballot correctly the first 2-3 times the ranked choice voting is used because people get confused. This is seen in the higher level of rejected ballots in the mail-in ballots and those at the polling places. The amendment, however, wouldn't correct the problem with mail-in ballots.

Councilor Bushee said her concern is, if the voters approve this, we will have to pass some sort of ordinance under the election law, and she agrees that the language about “reasonable price,” is administrative, but it gave the Clerk and others a little more relief. This amendment adds the negative connotation that there will be incorrectly marked ballots.

Councilor Heldmeyer said she is going on empirical data.

The amendment was not friendly to the maker of the motion.

Councilor Heldmeyer moved, seconded by Councilor Chavez for purposes of discussion, to amend the motion to add language, as follows: "4.06. Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes and automatic rejection of incorrectly marked ballots is available at a reasonable price, and at all subsequent elections, as allowed under state law, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system..."...

Discussion on the proposed amendment: Councilor Chavez said he believes this is check and balance language and doesn't feel it is unreasonable at this juncture.

Responding to Councilor Wurzbarger, Councilor Heldmeyer said it happens with the current way we vote and the current software.

Councilor Calvert said he is speaking to the amendment which was added by Ethics and Rules, "as allowed under state law." He is unsure this is right and proper, because under a Charter the City has rules or privilege in excess of what is allowed under State law.

Mayor Coss asked Councilors to limit their remarks to Councilor Heldmeyer's motion.

Councilor Trujillo said then, for example, if the ballot happened to be marked on the wrong side, it would be rejected by the machine, and the person would be given another vote.

Councilor Calvert asked if we are deciding ballot language here.

Mayor Coss said yes, but we are voting on an amendment to the main motion.

The motion to amend was approved on the following roll call vote:

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

Against: Councilor Bushee and Councilor Calvert.

Continuation of discussion on the main motion, as amended: Councilor Calvert reiterated his issue with the language "as allowed by State law," and asked Mr. Katz to comment.

Mr. Katz said the problem is on one hand this language says we can't do anything, that's not allowed under State law, but the idea of a Charter City is that we can do anything which isn't forbidden by State law. This language creates an ambiguity: does it mean it has to be expressly allowed by state law, which usually isn't the case for a Charter city. He believes we would be better served in not creating this ambiguity. He said if something is against State law, we can't do it.

Friendly amendment: Councilor Calvert would like to amend the motion as follows:
"4.06. Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes and automatic rejection of incorrectly marked ballots is available at a reasonable price, and at all subsequent elections, ~~as allowed under state law~~, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system..." ...

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

Continuation of discussion on the main motion, as amended: Responding to Councilor Wurzbarger, Councilor Bushee said we are moving forward amendments to the Charter, so she presumes the whole Charter will be listed, or just the amendments, and read the motion, as amended for Councilor Wurzbarger.

Councilor Heldmeyer said just the amendments will be listed on the ballot.

Councilor Calvert said the rejection of incorrectly market ballots doesn't get to the notion of what you are trying to accomplish, which is the clarification Councilor Trujillo asked about, that you would "get to re-vote on those, and it sounds to me like if you mark it incorrectly, it is automatically rejected, and out of what. So, I don't think it is clear on that wording that it is actually going to happen."

Mayor Coss pointed out that the amendment was just approved.

Councilor Dominguez said he likes the language which spells out that we will do this when "equipment and software for tabulation of votes is available at a reasonable price with this other amendment." He asked if the software can do this, and if there are complications.

Yolanda Vigil, City Clerk, said currently, the software hasn't been developed, but she thinks this portion could be added during the development so that an incorrectly marked ballot will be rejected, reiterating that this is just her opinion.

Responding to Councilor Dominguez, Ms. Vigil said this isn't reinventing the wheel, but it is starting from ground zero.

Councilor Trujillo said then the amendment is, if the ballot is rejected, the person will not get to re-vote.

Mayor Coss said Councilor Bushee had said you create ambiguity every time you add language, but this means if you marked it wrong, they give you the opportunity to mark it right, so when you leave you know your vote will be counted.

Councilor Heldmeyer said if people are confused by the language, it could be changed to "the ability to re-mark incorrectly marked ballots."

Councilor Heldmeyer moved, seconded by Councilor Chavez to reconsider the previous vote to amend. 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.

Friendly amendment: Councilor Heldmeyer proposed the following amendment to the motion, as amended:

"4.06. Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes and automatic rejection of incorrectly marked ballots and the ability to allow correction of incorrectly marked ballots is available at a reasonable price, and at all subsequent elections, ~~as allowed under state law~~, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system..."

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

Continuation of discussion on the main motion as amended: Councilor Chavez said he believes the language clarification is good, but we have to send a very clear message to whoever is designing the software program that these are the elements we want to have built into the software. He believes this can be done.

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.

Public Financing

Councilor Chavez said some of the comments he made which were in the newspaper may have been a little misleading. He said the comments he made were in an attempt to be more cautious and informative to the voters now. He said we want to take this to the voters, and he understands this has been a work in progress. He said the first Charter review we passed didn't have the specifics as now, nor did it have a dollar amount attached to it. He said the more specifics you have, the harder it is for the general public to follow it. He wants us to be very clear at the front end what has been suggested. His concern is that the funding mechanism which has been suggested is property tax, and he personally isn't comfortable with that, knowing that we don't have the circuit breaker for seniors and those on a fixed income. He said we are taking \$20,000 from the General Fund to help low income families and individuals in our Homes Program who can't afford to purchase a house at the market price. He said property tax

doesn't seem to be the best revenue source for this. He said we have to let the voters know we don't have a funding formula on it, but will be working on it. He said Albuquerque is using its General Fund for this purpose. He wanted to state for the record that these are details which are yet to be worked out.

Councilor Chavez moved, seconded by Councilor Bushee to move forward to the voters the recommendation of the Ethics and Rules Committee, as follows:

1. **Adopt the proposed changes to 2.05. Campaign finance and campaign practices, as follows: ...The governing body shall ~~consider the issue of financing campaigns, including public financing~~ provide for meaningful public financing of campaigns.”; and**
2. **Add new “4.06. Public campaign financing. The governing body shall adopt an ordinance or ordinances to provide for meaningful public financing of campaigns for all municipal elected officials within 2 years after the effective date of the amendment to the Charter that includes this requirement. Prior to such adoption, the governing body shall take such action as is reasonable and necessary to provide for a well-informed consideration and review of the issuance of public campaign financing and to solicit public input on the substance that may be included in such an ordinance or ordinances, including, but not limited to the creation of a subcommittee, task force or similar body that will conduct public meetings, study alternative methods of public campaign financing and make recommendations to the governing body on a form of ordinance for consideration by the governing body.”**

Discussion: Councilor Bushee said if adopted, during this very transparent process, we will have to discuss the source of financing.

Councilor Heldmeyer said we are putting this before the voters, and we aren't necessarily expressing our personal opinion. This is a tricky issue to put on the ballot. If it is added as a general, philosophical concept, many people would be in favor. However, there are a lot of other people who will not want to vote for this because they don't know how much it will cost, if it really will help, if it will prevent some of the problems we have had with money. It is the decision of the Charter Commission to keep it general, and philosophic and the way it will be placed on the ballot. It will be interesting to see how the voters will “take” to this. She said there are a number of ways to do this, and some work better than others, and some may work better in Santa Fe. She said we have heard this evening that this really won't cost more money because these other things will happen. She said we need time limits on when the spending will occur. She is happy to put it on the ballot, but don't think this is the end of the discussion.

Clarification of her recommendation and second to the motion: Councilor Bushee said she misspoke, and when she seconded the motion, she was recommending the Ethics & Rules Committee recommendation which was not to add the language in 2.05 to provide for meaningful public financing of campaigns. She hopes this is the one she is recommending.

Councilor Chavez referred to page 13 of the City of Santa Fe Municipal Charter says 4.5 "Campaign finance and campaign practices." He sees conflicts between 4.05 and 4.06.

Councilor Wurzbarger sees a contradiction in saying that we will provide for "meaningful public financing," while 4.06 provides that we will adopt an ordinance, create a committee and decide what to do.

Councilor Bushee said this is the reason Ethics and Rules Committee recommended against including the language in 2.05 as recommended by the Charter Revision Commission.

Councilor Wurzbarger asked if we are going to provide for public financing, and that this will be the ballot language. She asked if we are going to say we're putting together a committee to do this and do you like this. She has a problem. We need to take a position whether or not we will do public financing.

Councilor Chavez said we are taking the position to do public financing, but we haven't determined the funding source.

Councilor Wurzbarger said what people are voting on is to give us permission to do a committee for two years to decide how we're going to do that.

Councilor Chavez said the current language in 4.05 is, "The governing body shall by ordinance adopt a campaign finance and practices code within one of the adoption of this Charter."

Mr. Katz said the current 4.05 probably should be removed from the Charter and the proposed new language should be renumbered 4.05. The rank choice section is numbered 4.06, but there are two 4.06 and believes this was meant to be 4.05.

Restatement of the motion: Councilor Chavez moved, seconded by Councilor Bushee to move forward to the voters the recommendation of the Ethics and Rules Committee, as follows:

Add new Section 4.05 ~~4.06~~, as follows: "~~4.06~~ 4.05. Public campaign financing. The governing body shall adopt an ordinance or ordinances to provide for meaningful public financing of campaigns for all municipal elected officials within 2 years after the effective date of the amendment to the Charter that includes this requirement. Prior to such adoption, the governing body shall take such action as is reasonable and necessary to provide for a well-informed consideration and review of the issuance of public campaign financing and to solicit public input on the substance that may be included in such an ordinance or ordinances, including, but not limited to the creation of a subcommittee, task force or similar body that will conduct public meetings, study alternative methods of public campaign financing and make recommendations to the governing body on a form of ordinance for consideration by the governing body."

Continuation of discussion on the main motion as restated: Councilor Calvert, referring to page 24 of the packet, said the language provides, "...for all municipal elected officials within 2 years after the effective date of the amendment to the Charter that includes this requirement." Mr. Katz's Memorandum, in discussing public financing, talks about how you accumulate the funds in anticipation of financing in the 2012 Council election. He is unclear, and feels these are contradictory statements, and asked if there will be a date specific where this will be in effect.

Mr. Katz said the proposed change to the Charter requires the Governing Body, within two years, to adopt an ordinance for public financing. It will be up to the Council to determine the effective date, noting some of it will depend on the financing. He said in the Memorandum he said if you begin in 2012 the City would have time to accumulate a greater bankroll for the financing.

Councilor Trujillo says he keeps hearing people say that public financing won't cost any more money. He said this is \$320,000 just for a Council election, which would come from taxpayer funds. He doesn't know where we will get this money, noting a lot could be done with these funds for the City, the parks, the children. He understands what we are doing, but when you add the Mayor to the election, the cost would be \$500,000. He said, however, he supports sending it to the voters to make this decision.

Councilor Ortiz said he isn't one of the Councilors who needs to hear from the public on what he thinks is in the best interests of the constituents or the City. He is not one of the Councilors who believe we need an affirmative statement from the voters before enacting something into the law right now.

Councilor Ortiz said two years ago, a proposal was brought forward with regard to a public financing scheme, based on the City of Tucson. That one has been challenged, upheld in Court and has worked for a long period of time. This model was deemed to be insufficient by some of the proponents for this language, and they want a more comprehensive proposal for public financing. He believes we can do this now under current law. He believes the issues in two years will be how to pay for it, and the source of the funding. The money will be coming from the taxpayers, but the question is how we're going to get it from the taxpayers.

Councilor Ortiz said if we have standards so any qualifying candidate would also qualify for public financing, we could have a situation like the one in 1998, when 13 people were running for Mayor. He said if all those qualified, the potential would be there to far outstrip the usage of this particular bill. He likes Tucson's model, and would like to introduce that now. He commented that he could run a Council race for \$15,000, and for Mayor for \$65,000 to \$70,000 the costs under the Tucson financing model. However, this group wants something more, which is a deluxe version of public financing, and this is his caution with this particular model. He believes we need this period of time for the appointed commission to look at the costs and develop a proposal. He doesn't believe we need this sort of public statement, and we could introduce an ordinance right now. This is one provision asks voters to tell us to adopt an ordinance within two years on public campaign financing. It is not a statement by the public that it is that good or bad, but it is a statement compelling the Governing Body to adopt an

ordinance. He said the question will be the cost and the source of funding for this. He believes the appointment of the commission is a good idea.

Councilor Heldmeyer said if the voters vote for this, it will be a comment on whether they think public campaign financing is a good or bad thing. She said there are no details, and frankly she thinks that might work to the detriment of this particular amendment – because no questions answered. This is an open question, and won't be decided until we determine how it can be achieved. All the real issues will come after that if this is approved by the voters. She said money is becoming more and more important in Santa Fe elections. As elections become more expensive, the question of whether public financing will make it more so, which could be the case if there are a large number of candidates who qualify, or whether it will be less expensive, is an open question. She doesn't think it will be determined until people look at specific ways that public campaign financing might be achieved. She said if people vote for this, it is a philosophical vote, and then all the issues will be determined during the two years following that.

Councilor Bushee said she doesn't know that we have to send this to the voters, but she believes the public wants some sort of campaign finance reform, but financing gets tricky. She believes Santa Fe is behind the times on this. She said she likes the language to provide for "meaningful financing of campaigns," and a process for the public to weigh in on that. She said we'll have to find a way to fund it if this is what the voters want.

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.

Referendum, Initiative and Recall and Nominating Petitions

Councilor Bushee moved, seconded by Councilor Chavez, to move forward to the voters the language changes recommended by the Charter Commission for Sections 3.01, 3.02 and 3.03, with the change recommended by the Ethics and Rules Committee which rejected the changes to Nominating Petitions in Section 4.03, and switched from a percentage of "registered" voters to a percentage of "actual" voters to be consistent with the method of determining signatures proposed for Referendum, Initiative and Recall.

Clarification: Councilor Wurzbarger asked, for the record, exactly what the numbers are, and what was required previously.

Ms. Vigil said on page 6, under Referendum, the existing is 20% or more of the registered voters, including not fewer than 10% of the registered voters from each Council

District as of the date of the last election, or the effective date of the most recent redistricting. The proposed is 20% or more of the actual voters at the last Mayoral election. She said the two different scenarios are listed on page 6 of the packet.

Councilor Wurzbarger said it is tied to the actual voters, but the percentage stays the same, and the base line is lowered.

Ms. Vigil, referring to page 6, said it would be 10,126 registered voters, and the proposed is 3,087 actual voters. She said the other proposed change is that currently we allow 60 days to gather the signatures and the recommendation by the Charter Commission is for 90 days.

Councilor Heldmeyer said the language is confusing in 3.01(E) where it says, "...at least ten percent the actual voters for mayor.." She believes this should be ten percent of the number of actual voters for Mayor, because that makes it sound like you had to vote in the mayoral election in order to sign the petition. She doesn't believe this is the intent because, for one thing, that would disenfranchise new voters.

Ms. Vigil said in her Memorandum she recommended language as follows, "The city clerk shall determine number of actual voters voting for Mayor at the last Mayoral election."

Councilor Heldmeyer said the way the language is phrased, it sounds like you had to have voted in the mayoral election in order to sign the petition, and that's not the intent.

Friendly amendment: Councilor Heldmeyer proposed a language change to 3.01(E) as follows: "...at least 10% of the actual voters for mayor, including at least ten percent of the actual number of voters for mayor in each council district..." **The amendment was friendly to the maker and second, and there were no objections by the other Councilors.**

Continuation of discussion on the main motion: Councilor Calvert referred to page 3 of Mr. Katz's Memorandum of August 28, 2007, which says, "The number of signatures required to initiate a Referendum, Initiative or Recall are reduced to one-third their previous amounts." He asked if the numbers are close to the 1/3.

Mr. Katz said on pages 6 and 7 of the packet, the City Clerk has clarified what the difference would be from the past numbers, which is quite close to 1/3.

Councilor Calvert asked if this is lowering the threshold too much, and wonders if a more reasonable compromise would be to lower it to 1/2 of the current requirement.

Mayor Coss said the problem would be the wording to get there, because the way it currently is worded, the fewer people that vote, the fewer signatures are needed for initiative, referendum or recall.

Councilor Bushee said she is just trying to move this forward. However, she said the biggest debate in the first and second versions of the Charter was over this issue – how accessible do we make it to the voters. She said she has seen very bad initiative, referendum

or recall efforts in other cities, where people came in who were well financed, well organized and slammed communities. She said this is a very tough debate, and this took the majority of the time for the work of the first Commission, so they erred on the side of trying to make it a little less accessible to the voters, and a safeguard for the City. Councilor Bushee said, personally, she thinks the numbers are too low, citing the numbers required in District 3. She said we haven't seen initiative, referendum or recall here because it is too difficult.

Councilor Calvert supports lowering the threshold, but he doesn't want to lower it so much that there would be frivolous petitions on every thing that comes along because it is too easy. This would be an expensive proposition for the Clerk and the budget as well.

Councilor Wurzbarger agreed, and said this is the only thing about which she is concerned, and she would be more comfortable with something in the middle, but she doesn't know how to do the language.

Mr. Katz said if it is changed to 33% it would be half of the current rule, because 33% of actual is $\frac{1}{2}$ of 20% of the registered voters.

Councilor Heldmeyer said she believes it was deliberately set too high, but the question from the Council is what is too low. She said perhaps the right thing to do to adjust the numbers, would be to make a motion to postpone this section for two weeks, and work on the numbers in the interim to see what would be our level of comfort.

Councilor Ortiz said if we want a compromise, we could substitute whatever the number is for the percent for the ten which is being offered, and multiply that by three. He has different opinions on all three of these particular issues. He said he doesn't know if a serious ballot initiative has come forward, perhaps because of the high number. He said in looking at the recall numbers on pages 6, 7 and 8 of the packet, and given his experience with the public efforts, it is easier to kill something or to be against something than it is to propose something. He said many people who come to the Council are here to oppose things, not to propose anything.

Councilor Ortiz believes if this had been in place previously, more than likely we would have an election on things this Council has passed – the living wage bill, the water bill, the first iteration of the affordable housing bill. He said because of the small number of people participating in elections, by going with the actual voters and not the registered voters, we are in some way rewarding particular groups which are inclined, well organized and/or well funded to try to kill an initiative. He is interested in seeing the numbers go higher for referendum, but not necessarily for initiative. He said it is interesting that the Charter Commission took two different approaches with referendum and initiative and a different percentage for recall. He can see the reason for having initiative at another amount, and why a referendum should be higher. He believes the recall provisions are okay.

Councilor Ortiz said if we were to propose 30% on referendum, it would get us halfway to what was being proposed and what was recommended.

Councilor Heldmeyer pointed out that for both referendum and initiative, the numbers are not the only obstacles to getting these on the ballot. There are a huge number of things for which referendum and initiative are not allowed which has not changed under the charter amendments. She said this changes one of the obstacles, but doesn't believe this is the time or the place to play with the numbers. If people want to do this, she believes it should be delayed for two weeks and come back with something specific.

Councilor Bushee said in fairness, we could look at keeping it at 20% of the "registered" voters instead of "actual" voters, whatever brings it down enough.

Councilor Bushee would like to hear from the members of the Charter Commission in this regard.

Jim Harrington said they wanted to lower it substantially, but they didn't look at a number of different figures, but believes it should be more difficult to recall, than for the voters to do a referendum or initiative. He said they felt too much time would be wasted on frivolous recall elections, and the Commission did set that higher. He said the Commission didn't consider other numbers. He said he would be comfortable with 30%, and perhaps raise the recall to 35%.

Mayor Coss asked if there is a reason the Commission chose the 20%.

Mr. Harrington said the percentage remained the same, but they changed "registered" voters to "actual" voters. He said there were reasons for doing this, independent of the numbers. The registered voter rolls are purged at intervals because it contains people who have moved or have died, and it isn't a realistic number. This is the reason for going to "actual" voters, and to reduce it substantially, while leaving it at 20%.

Frank Herdman said the Commission was in accordance with what he is hearing from the Council. We didn't want to turn this into California or to make it too easy. He said a considerable debate could be had about the correct number to make it not too easy, but not too difficult. He has no objection about what is being proposed, and it is attainable and not impossible.

Responding to Councilor Bushee, Mr. Herdman said there was a considerable discussion by the Commission about how hard it is to get a certain number of petitions within a certain period of time, and if you look at our report, the number 3,000 is in it. The Commission concluded that this would make it difficult, even with the additional period of time. However, he would defer to the experience of the Governing Body with regard to the time it takes to gather petition signatures.

Councilor Bushee asked how the 33 1/3 was determined for recall.

Mr. Herdman said it was intended to be higher for the reasons explained by Mr. Harrington, and there was no specific mathematic formula, but they came to this number so the number still would be rather difficult to obtain.

Councilor Bushee said Albuquerque is putting this to its voters in this election, and would like to know what other communities in New Mexico are doing on any of these.

Mr. Herdman said he doesn't have that information.

Mayor Coss said he is hearing some consensus among the Councilors that they may be comfortable in changing them all to 33 1/3, or Councilor Heldmeyer's suggestion to postpone for two weeks to consider changing the numbers.

Friendly amendment: Councilor Calvert proposed to amend the motion to change all percentages to 33 1/3, with no changes to nominating petitions. **The amendment was friendly to the maker and second.**

Clarification: Ms. Vigil clarified that the proposed friendly amendment is that the nominating petitions will stay as is, as recommended by Ethics and Rules Committee, and there are no changes proposed to nominating petitions.

Friendly amendment: Ms. Vigil asked to add language as follows to 3.01(E) as follows: "...The city clerk shall determine the number of actual voters voting for mayor at the last mayoral election..." and to add this language in all Sections where appropriate. She there will always be a difference between mayoral voters and council voters, and this will give her a method of calculating. **The amendment was friendly to the maker and second.**

Councilor Wurzburger asked if all of this language is going to be on the ballot.

Councilor Bushee said only the amended portions of the Charter will be on the ballot.

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.

Powers and duties of the Mayor

Councilor Bushee moved, seconded by Councilor Wurzburger, to move Section 5.01 forward to the voters as recommended by the Charter Review Commission in Section 501(B) as follows: "vote only in the case of a tie or when his or her vote will provide the necessary number of votes required by law for taking action on an issue before the governing body."

The motion was approved on the following Roll Call vote:

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

Against: None

Absent: Councilor Dominguez.

Eligibility of Candidates for Municipal Judge

Councilor Chavez moved, seconded by Councilor Bushee, to move forward to the voters the recommendation of the Charter Review Commission in Section 7.03 and 7.05 as follows:

“7.03. Eligibility. Licensed members of the New Mexico Bar who reside in the city shall be eligible to run for the office of municipal judge.

“7.05. Vacancy in office. The office of a municipal judge shall become vacant upon the judge’s death, resignation, termination of residency in the city or membership in the New Mexico Bar, or removal from office....”

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.

Mayor Coss thanked the Charter Review Commission for its work on this, and the Ethics and Rules Committee, the Finance Committee, the City Attorney and the City Clerk for their work as well. He said although he couldn't vote on the ballot issues, for the record, he supports all of the amendments going on the ballot.

- 2) CONSIDERATION OF BILL NO. 2007-43, ADOPTION OF ORDINANCE NO. 2007- 37 (COUNCILOR BUSHEE). AN ORDINANCE ESTABLISHING THE LONG RANGE PLANNING SUBCOMMITTEE OF THE PLANNING COMMISSION. (JEANNE PRICE)**
 - a) CONSIDERATION OF RESOLUTION NO. 2007- 93 (COUNCILOR BUSHEE, COUNCILOR ORTIZ AND MAYOR COSS). A RESOLUTION REPEALING RESOLUTION NO. 2004-20, REGARDING THE CITY PLANNING POLICY COMMISSION. (JEANNE PRICE)**

Public Hearing

There was no one speaking to this issue

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Heldmeyer, to adopt Ordinance No. 2007-37.

Discussion: Councilor Heldmeyer proposed adding the following language on page 2, line 24, as follows: "Meetings of these Ad Hoc Subcommittees shall be open public meetings."

Discussion on the friendly amendment: Responding to Councilor Bushee, Councilor Heldmeyer said the City Attorney has ruled that ad hoc subcommittees do not have to be open public meetings, but if we put it into the law, then they do.

The amendment was friendly to the maker.

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

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

Against: None.

Councilor Ortiz moved, seconded by Councilor Bushee, to adopt Resolution No. 2007- 93. 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.

43.14. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Wurzbarger

Councilor Wurzbarger introduced an ordinance, cosponsored by Councilors Chavez, Calvert and Heldmeyer, creating Article 18-19 of SFCC, imposing a Real Estate Transfer Tax, and they are asking for this Ordinance to be heard at the Council meeting of October 29, 2007.

Responding to Councilor Wurzbarger, Ms. Vigil said the ordinance will be brought forward at the Council meeting of October 10, 2007, as a request to publish, with the actual public hearing on October 29, 2007.

Councilor Wurzbarger said this will be going directly to the Council, without going through Committees, noting that given the time frame, this is the only choice.

Councilor Bushee asked if this is something which will be sent to the voters.

Councilor Wurzbarger said yes.

Councilor Trujillo

Councilor Trujillo had no communications.

Councilor Ortiz

Councilor Ortiz introduced a Resolution, cosponsored by Councilor Heldmeyer, rescinding Resolution 2003-70, supporting the Commuter Railrunner project, and requiring the State of New Mexico to answer, address and mitigate certain impacts involving the Railrunner Commuter Rail Project. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Ortiz said there are certain issues regarding noise, traffic, intersections, safety, environmental impacts and such, which have been addressed or introduced or dealt with by the State. This Resolution, in addition to the Resolution which he and Commissioner Sullivan are introducing at the MPO, is meant to get the State DOT to address how they will answer these questions, and how this Railrunner Project will affect the City. He said before the DOT can pull the train into the station, they must have a plan which will be met with some sort of approval, and it has to be vetted in the public. He said the Resolution should go to Public Works and Finance and in an expeditious fashion.

Councilor Bushee

Councilor Bushee introduced a resolution supporting a partnership between the City and the U.S. EPA, on a watersense program. She asked that it go to the Water Conservation Committee, Public Works, Committee and the Sustainable Santa Fe Commission. A copy of the resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Bushee asked about the house on Roybal, noting it is time to go to the next level.

Councilor Bushee said given that we have another City Attorney who is willing to say that he is 90% sure of something in writing, she would like clarification in writing about whether or not someone can attend a meeting on an issue which has something to do with something that has been appealed to the Council. She said, for example, she set up a neighborhood

meeting to deal with issues on Juanita, and it turns out that one of those has been appealed by some of the neighbors. She got a call from Planning Staff telling her that "I would not recommend that you attend this second meeting," which she wanted to attend to get the information they didn't have for the first meeting. She said it was more on a building that has been appealed. She didn't attend that meeting. Councilor Bushee said she thought she could go to the meeting and take information, as long as she didn't speak to an issue, without violating *ex parte*. She wants clarification in writing as to how to treat these issues, which she believes has a chilling effect on Councilors working with their constituents or the community.

Councilor Heldmeyer

Councilor Heldmeyer introduced the following:

- ② A Resolution requesting the County Commission to adopt an ordinance benefitting low income property tax payers through a property tax rebate, cosponsored by Councilors Chavez, Ortiz, Dominguez, Trujillo and Bushee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
- ② A Resolution directing staff to make recommendations regarding an incentive program to use state of the art conservation technology in the car wash industry, cosponsored by Councilors Chavez, Calvert and Bushee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5"
- ② An ordinance change amending the Uniform Traffic Code, cosponsored by Councilor Bushee. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."
- ② An ordinance changing a little of the ordinance regard street standards to bring those up to date to address issues with the ADA standards, cosponsored by Councilor Wurzbarger.

Councilor Heldmeyer will speak with Ms. Vigil after the meeting about Committees for these.

Councilor Chavez

Councilor Chavez said he has a Resolution for introduction, but it is not in proper format. The Resolution would be in support of other states which are dealing with the crisis in the home mortgage industry and the sub-prime lending situation. Governor Richardson has appointed a task force, chaired by Mike Lofton, to deal with the mortgage crisis and to ensure there is a safety net. The Resolution would support other initiatives in the country and Governor Richardson's efforts. He will work with Ms. Price on the language of the resolution. He asked that it go to Finance and Business and Quality of Life Committees.

Councilor Calvert

Councilor Calvert introduced the following:

- ② An Ordinance amendment, cosponsored by Councilor Wurzbarger, adopting the 2006 International Bldg. Code, adopting 2006 Uniform Mechanical Code, 2006 Uniform Plumbing Code, and the 2008 National Electric Code, and other related codes submitted by the State of New Mexico and the City of Santa Fe, to be effective January 1, 2008. He asked that it go to Finance, Public Works and Business & Quality of life Committees. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "7."
- ② A Resolution readopting fee schedules for building permits, electrical permits, mechanical/gas/plumbing permits, sewer and sign permits, to make them coincide with the ordinance which we make. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "8."
- ② A Resolution to study high density zoning in existing neighborhoods and the cumulative impacts of the changes in the City's land use laws, prepare a report and recommendation for the Governing Body's consideration. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Heldmeyer noted she is cosponsoring this Resolution, and Ms. Price has done a lot of work on this in the previous two efforts to change some of these laws.

Councilor Dominguez

Councilor Dominguez had no communications.

Mayor Coss

Mayor Coss introduced a proposed Ordinance amending various sections of the Santa Fe City Code to reflect the recently adopted reorganization of City Departments at the last budget. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "10."

H. ADJOURN

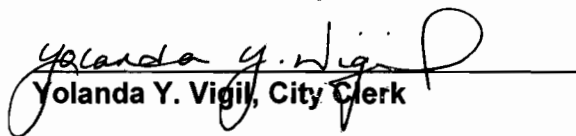
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:25 p.m.

Approved by:



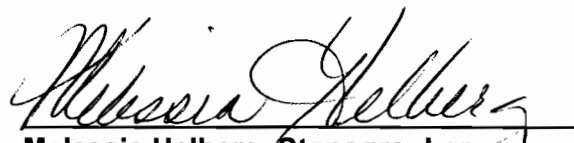
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer