



# Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE  
MEETING  
CITY COUNCIL CHAMBERS  
MONDAY, JUNE 11, 2007  
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM MAY 29, 2007, PUBLIC WORKS COMMITTEE MEETING

**PUBLIC HEARING**

6. REQUEST FOR APPROVAL OF A RESOLUTION ACKNOWLEDGING THE NAMES OF THE INDIVIDUALS FOR WHOM DESIGNATED SPACES AT THE MAIN LIBRARY SHALL BE NAMED; ACCEPTING THE NOMINATION OF MIKE J. MALOOF AS THE INDIVIDUAL FOR WHOM THE SOUTHSIDE LIBRARY SHALL BE NAMED; AND DIRECTING THAT THE \$1,000,000 DONATION FROM THE FAMILY OF MIKE J. MALOOF BE DEPOSITED INTO THE CITY OF SANTA FE LIBRARY SYSTEM ENDOWMENT FUND (**COUNCILOR CHAVEZ**) (**PAT HODAPP**)

**INFORMATIONAL AGENDA**

7. DISCUSSION AND REQUEST FOR DIRECTION ON THE REPORT ON THE ACQUISITION OF BLM LAND FOR THE PURPOSE OF CONSTRUCTING AN ALL TERRAIN (ATV)/OFF-HIGHWAY (OHV) TRAILS ADJACENT TO THE MRC (**MARTIN VALDEZ**)

**CONSENT AGENDA**

8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO ESTABLISH AN ENDOWMENT FUND FOR THE CITY OF SANTA FE PUBLIC LIBRARY SYSTEM (**COUNCILOR CHAVEZ, MAYOR COSS, COUNCILORS DOMINGUEZ, TRUJILLO, HELDMEYER, BUSHEE, AND CALVERT**) (**PAT HODAPP**)
9. SANTA FE MUNICIPAL AIRPORT
  - REQUEST FOR APPROVAL OF AMENDMENT #3 TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN THE CITY OF SANTA FE AND MOLZEN-CORBIN & ASSOCIATES, INC. IN THE AMOUNT OF \$189,239.72 INCLUSIVE OF NMGR (JIM MONTMAN)

10. REQUEST FOR APPROVAL OF A SOLE SOURCE PROFESSIONAL & CONSTRUCTION SERVICES AGREEMENT WITH THE VIRGINIAN-DESIGNER/BUILDER INC. FOR ROAD IMPROVEMENTS TO KACHINA RIDGE ROAD IN THE AMOUNT OF \$75,000 INCLUSIVE OF NMGR (ERIC MARTINEZ)
11. CIP PROJECT #810A – CERRILLOS ROAD/SAINT MICHAELS DRIVE/OSAGE AVENUE INTERSECTION PROJECTS
  - REQUEST FOR APPROVAL OF A COOPERATIVE AGREEMENT WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR CERRILLOS ROAD ASPHALT MILLING AND INLAY IN THE AMOUNT OF \$189,339.93 (100% STATE FUNDS)
  - REQUEST FOR APPROVAL OF CHANGE ORDER NO.1 FOR NEW ITEMS NOT PART OF ORIGINAL BID IN THE AMOUNT OF \$195,678.12 INCLUSIVE OF NMGR (ERIC MARTINEZ)
12. CIP PROJECT #842 – RODEO ROAD/RICHARDS AVENUE
  - REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 FOR NEW ITEMS NOT PART OF ORIGINAL BID FOR CIP #884 FIRE STATION #7 EMERGENCY ACCESS IN THE AMOUNT OF \$366,118.73 INCLUSIVE OF NMGR (PETER MANZANARES)
13. REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST TO REFUND WILES ENTERPRISES IN THE AMOUNT OF \$142,863 FOR PRIOR EXCESS CONTRIBUTIONS PERTAINING TO A PROPERTY AT THE CORNER OF VEGAS VERDES AND CERRILLOS ROAD, FORMERLY THE YUCCA DRIVE INN, IN THE AMOUNT OF \$142,863 (JOHN ROMERO)
14. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE NAMING OF FIELD #2 AT FRANKLIN E. MILES PARK IN HONOR OF CHARLIE “THE GREEK” GRIEGO (COUNCILORS TRUJILLO, BUSHEE, HELDMEYER AND ORTIZ) (FABIAN CHAVEZ)
15. REQUEST FOR APPROVAL OF REPLACEMENT OF VEHICLE DETECTOR LOOPS AND REPLACEMENT OF PAVEMENT MARKINGS, IN CONJUNCTION WITH THE 2007 PAVED STREET REHAB PROGRAM
  - REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #60-805-09-18645 TO 3M COMPANY IN THE AMOUNT OF \$119,953.24 TO REPLACE SIGNS AND REFLECTIVE MARKINGS;
  - REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #61-805-09-18528 TO JH SUPPLY COMPANY IN THE AMOUNT \$4,900 FOR TRAFFIC PAINT;
  - REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #40-805-09-18389 TO BIXBY ELECTRIC INC. IN THE AMOUNT OF \$37,097.48 FOR VEHICLE DETECTOR LOOPS (MICHAEL VARGAS)

#### **DISCUSSION AGENDA**

16. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 7-15 SFCC 1987 REQUIRING THE POSTING OF HOME ENERGY RATING SCORES FOR ALL NEW RESIDENTIAL UNITS (COUNCILOR CALVERT) (JACK HIATT)
17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-6.3(C)(2) SFCC 1987 REGARDING HOME OCCUPATIONS (COUNCILORS WURZBURGER AND TRUJILLO) (DAVID TAPIA)

18. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING TABLE 14-6.1-1 AND SECTIONS 14-6.2(D)(2) AND (3) SFCC 1987 REGARDING WHERE AND UNDER WHAT CONDITIONS INDIVIDUAL STORAGE AREAS AND MINI STORAGE ARE PERMITTED **(COUNCILOR DOMINGUEZ) (JEANNE PRICE)**
19. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING EIGHT (8) ARTS AND CRAFTS SHOWS AT CATHEDRAL PARK DURING THE 2007 CALENDAR YEAR BECAUSE OF THE LIMITED AVAILABILITY OF SPACE IN THE DOWNTOWN AREA DUE TO ON-GOING CONSTRUCTION **(COUNCILOR CHAVEZ) (SABRINA PRATT)**
20. MATTERS FROM STAFF
21. MATTERS FROM THE COMMITTEE
22. NEXT MEETING: JUNE 25, 2007
23. ADJOURN

An interpreter for the hearing impaired is available through the City Clerk's Office upon 5 days notice.

**INDEX OF  
CITY OF SANTA FE  
PUBLIC WORKS/CIP LAND USE COMMITTEE MEETING**

**June 11, 2007**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
1. CALL TO ORDER	Quorum	1
2. ROLL CALL	Quorum	1
3. APPROVAL OF AGENDA	Approved	1
4. APPROVAL OF CONSENT AGENDA	Approved	1
CONSENT AGENDA		1-2
8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO ESTABLISH AN ENDOWMENT FUND FOR THE CITY OF SANTA FE PUBLIC LIBRARY SYSTEM		
9. SANTA FE MUNICIPAL AIRPORT REQUEST FOR APPROVAL OF AMENDMENT #3 TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN THE CITY OF SANTA FE AND MOLZEN-CORBIN & ASSOCIATES, INC. IN THE AMOUNT OF \$189,239.72 INCLUSIVE OF NMGR		
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11. CIP PROJECT #810A – CERRILLOS ROAD/SAINT MICHAELS DRIVE/OSAGE AVENUE INTERSECTION PROJECTS REQUEST FOR APPROVAL OF A COOPERATIVE AGREEMENT WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) FOR CERRILLOS ROAD ASPHALT MILLING AND INLAY IN THE AMOUNT OF \$189,339.93 (100% STATE FUNDS) REQUEST FOR APPROVAL OF CHANGE ORDER NO.1 FOR NEW ITEMS NOT PART OF ORIGINAL BID IN THE AMOUNT OF \$195,678.12 INCLUSIVE OF NMGR		
12. CIP PROJECT #842 – RODEO ROAD/RICHARDS AVENUE REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 FOR NEW ITEMS NOT PART OF ORIGINAL BID FOR CIP #884 FIRE STATION #7 EMERGENCY ACCESS IN THE AMOUNT OF \$366,118.73 INCLUSIVE OF NMGR		
13. REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT REQUEST TO REFUND WILES ENTERPRISES IN THE AMOUNT OF \$142,863 FOR PRIOR EXCESS CONTRIBUTIONS PERTAINING TO A PROPERTY AT THE CORNER OF VEGAS VERDES AND CERRILLOS ROAD, FORMERLY THE YUCCA DRIVE INN, IN THE AMOUNT OF \$142,863		
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<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
15. REQUEST FOR APPROVAL OF REPLACEMENT OF VEHICLE DETECTOR LOOPS AND REPLACEMENT OF PAVEMENT MARKINGS, IN CONJUNCTION WITH THE 2007 PAVED STREET REHAB PROGRAM REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #60-805-09-18645 TO 3M COMPANY IN THE AMOUNT OF \$119,953.24 TO REPLACE SIGNS AND REFLECTIVE MARKINGS; REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #61-805-09-18528 TO JH SUPPLY COMPANY IN THE AMOUNT \$4,900 FOR TRAFFIC PAINT; REQUEST FOR APPROVAL OF STATE PRICE AGREEMENT #40-805-09-18389 TO BIXBY ELECTRIC INC. IN THE AMOUNT OF \$37,097.48 FOR VEHICLE DETECTOR LOOPS		
5. APPROVAL OF MINUTES FROM MAY 29, 2007, PUBLIC WORKS COMMITTEE MEETING	Approved	3
<b>PUBLIC HEARING</b>		
6. REQUEST FOR APPROVAL OF A RESOLUTION ACKNOWLEDGING THE NAMES OF THE INDIVIDUALS FOR WHOM DESIGNATED SPACES AT THE MAIN LIBRARY SHALL BE NAMED; ACCEPTING THE NOMINATION OF MIKE J. MALOOF AS THE INDIVIDUAL FOR WHOM THE SOUTHSIDE LIBRARY SHALL BE NAMED; AND DIRECTING THAT THE \$1,000,000 DONATION FROM THE FAMILY OF MIKE J. MALOOF BE DEPOSITED INTO THE CITY OF SANTA FE LIBRARY SYSTEM ENDOWMENT FUND		3-8
<b>INFORMATIONAL AGENDA</b>		
7. DISCUSSION AND REQUEST FOR DIRECTION ON THE REPORT ON THE ACQUISITION OF BLM LAND FOR THE PURPOSE OF CONSTRUCTING AN ALL TERRAIN (ATV)/OFF-HIGHWAY (OHV) TRAILS ADJACENT TO THE MRC		8
<b>DISCUSSION AGENDA</b>		
16. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 7-15 SFCC 1987 REQUIRING THE POSTING OF HOME ENERGY RATING SCORES FOR ALL NEW RESIDENTIAL UNITS	Approved	9
17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-6.3(C)(2) SFCC 1987 REGARDING HOME OCCUPATIONS	Postponed	9-11
18. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING TABLE 14-6.1-1 AND SECTIONS 14-6.2(D)(2) AND (3) SFCC 1987 REGARDING WHERE AND UNDER WHAT CONDITIONS INDIVIDUAL STORAGE AREAS AND MINI STORAGE ARE PERMITTED	Approved	11-12
19. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING EIGHT (8) ARTS AND CRAFTS SHOWS AT CATHEDRAL PARK DURING THE 2007 CALENDAR YEAR BECAUSE OF THE LIMITED AVAILABILITY OF SPACE IN THE DOWNTOWN AREA DUE TO ON-GOING CONSTRUCTION	Postponed	12
20. MATTERS FROM STAFF		12
21. MATTERS FROM THE COMMITTEE		13
22. NEXT MEETING: JUNE 25, 2007		13
23. ADJOURN		13

**MINUTES OF**  
**CITY OF SANTA FE**  
**PUBLIC WORKS/CIP & LAND USE COMMITTEE**

**Santa Fe, New Mexico**

**June 11, 2007**

**1. CALL TO ORDER**

A regular meeting of the City of Santa Fe Public Works Committee was called to order on this date at approximately 5:15 p.m. in the City Hall Council Chambers by Councilor Ortiz, Acting Chair.

**2. ROLL CALL**

Roll call indicated the presence of a quorum, as follows:

**Members Present:**

Councilor Matthew Ortiz, Acting Chair  
Councilor Christopher Calvert  
Councilor Carmichael Dominguez  
Councilor Ronald Trujillo

**Members Absent:**

Councilor Patti J. Bushee, Chair

**Staff Present:**

Mr. Robert Romero, Public Works Director  
Ms. Bobbi Mossman, Public Works Department  
Ms. Denise Cox, Stenographer

**3. APPROVAL OF AGENDA**

**Councilor Dominguez moved for approval of the agenda, Councilor Trujillo seconded the motion which passed by unanimous voice vote.**

**4. APPROVAL OF CONSENT AGENDA**

**Councilor Dominguez moved for approval of the consent agenda as presented, Councilor Trujillo seconded the motion which passed by unanimous voice vote.**

**CONSENT AGENDA**

- 8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO ESTABLISH AN ENDOWMENT FUND FOR THE CITY OF SANTA FE PUBLIC LIBRARY SYSTEM (COUNCILOR CHAVEZ, MAYOR COSS, COUNCILORS DOMINGUEZ, TRUJILLO, HELDMEYER, BUSHEE, AND CALVERT) (PAT HODAPP)**

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**5. APPROVAL OF MINUTES FROM MAY 29, 2007, PUBLIC WORKS COMMITTEE MEETING**

Councilor Trujillo moved for approval of the minutes from May 29, 2007 as presented, Councilor Dominguez seconded the motion which passed by unanimous voice vote.

**PUBLIC HEARING**

**6. REQUEST FOR APPROVAL OF A RESOLUTION ACKNOWLEDGING THE NAMES OF THE INDIVIDUALS FOR WHOM DESIGNATED SPACES AT THE MAIN LIBRARY SHALL BE NAMED; ACCEPTING THE NOMINATION OF MIKE J. MALOOF AS THE INDIVIDUAL FOR WHOM THE SOUTHSIDE LIBRARY SHALL BE NAMED; AND DIRECTING THAT THE \$1,000,000 DONATION FROM THE FAMILY OF MIKE J. MALOOF BE DEPOSITED INTO THE CITY OF SANTA FE LIBRARY SYSTEM ENDOWMENT FUND (COUNCILOR CHAVEZ) (PAT HODAPP)**

Councilor Dominguez informed the Committee and the public that he is proposing an amendment to the resolution to name the main library for Pedro Ortega Ribera. This amendment was passed out and is incorporated herewith to these minutes as Exhibit "1."

Pat Hodapp reported that per the naming policy of the City and the Library Board, the Library Board solicited names for the possible naming of the Southside Library. They received eight names and came forward with Mike J. Maloof for the Southside Library which did have a \$1 million donation with it. The Board also recommended naming the Children's Room of the Main Library after Esther Martinez and the Southwest Room of the Main Library after Pedro Ribera Ortega. The Maloof family approached the library after the Friends of the Library asked for donations. The Friends of the Library were charged with seeing how the library could raise O&M, provide books and computers, and programming. The Maloof family made the gift personally and it is not from their business which meets the policy guidelines. Councilor Dominguez has added an amendment naming the main library for Pedro Ribera Ortega which seems appropriate as this is where he did most of his research. She feels the Board will accept this favorably when she takes it back to them. This is an opportunity to support the library in perpetuity as the gift will go into an endowment and from the interest accrued this means that on the gift of \$1 million there will be \$50,000-60,000 a year that will go towards the operation and maintenance of the library.

Councilor Ortiz asked if the gift is contingent upon the naming.

Ms. Hodapp replied yes and noted that they have named many rooms for people who have been very generous with gifts which is in the policy for those being considered.

Councilor Ortiz asked what other considerations are on the gift as a gift is a gift made with no strings attached. He asked what other strings they should be aware of.

Ms. Hodapp knew of no other strings. She said in this case the name would be on the building just as the Oliver LaFarge branch. She noted that often gifts are given and a name is placed on a building.



Councilor Ortiz questioned since the amendment comes at the committee level, if the policy is for this amendment to be successful that it would have to go back through the Library Board.

Ms. Hodapp said the next step is Finance and the City Council.

Councilor Dominguez asked if the amendment has to go back to the Library Board.

Ms. Hodapp said she could check as this is somewhat unusual, but she feels the Library Board would be willing to meet and in her opinion would consider it favorably.

Councilor Dominguez explained that the reason he brought this forward was because Mr. Ortega was worthy of having his name on a building which is why he pursued this. He questioned that the Friends of the Library were tasked with bringing operational money to the Southside Library. He asked what they considered.

Ms. Hodapp said they were very creative placing change jars in the schools raising \$1500. They also received \$700,000 in funding thanks to Jim Trujillo to complete the library. They also approached individuals, foundations and corporate people. Dr. William Herrera donated \$.25 million. They tried to turn over every stone.

Councilor Dominguez clarified that this task was given as a result of a committee. He commented that the O&M for that facility is not an old issue and was discussed with the previous Council. He asked if this concept was one of the alternatives considered.

Ms. Hodapp reported that the Blue Ribbon Committee started in approximately 1999. They agreed that there should be a new library as there had not been a new branch for over 20 something years. The libraries were constrained by not having more space. The Blue Ribbon Committee presented how money could be raised and the main champion was former Councilor Carol Robertson Lopez who looked in other pots in the City for funding and was unsuccessful. In 2003, the Blue Ribbon Committee raised \$1.3 million from the legislature and this was matched from the City and they began to campaign to find money to complete the project.

Councilor Dominguez stated that he is under the impression that this challenge is something that other communities are faced with. He said all too often libraries are not looked at as a top priority so this is not a new concept. He asked if these concepts are used in other communities.

Ms. Hodapp said the concept is out there in other communities and buildings are named for many reasons.

Councilor Dominguez asked about the challenge they are faced with.

Ms. Hodapp said there is a challenge any time you are looking at raising operating and maintenance as she has not seen this at any other library in the country. Usually money is raised for special programs, but the Friends currently fund programs, books, furniture and have been supporting the Southside Library.

Councilor Ortiz recognized that it is only in the leadership of Representative Jim Trujillo that this library even came to existence. He thanked him and recognized him in the audience.

### **Public Hearing**

**Bob Martinez, associate Mayordomo.** He said Pedro Ortega was the Mayordomo for over 30 years. He did everything with humility and humbleness. The time he spent at the downtown library is very positive. He said if the amendment is allowed for the main library it would be appreciated and they are backing that.

**Rudy "Froggy" Fernandez, member of the Caballeros De Vargas,** supports the naming of the main library after Pedro Ribera Ortega. Pedro was a great friend of the Caballeros De Vargas. He was an educator, historian, writer and life member of Caballeros De Vargas. He was named one of Santa Fe's living treasures. He was given an award by the New Mexico Cultural Preservation League. He was the director of the Truchas Research Center. He was a humble man that was steadfast in preserving the culture and traditions. The Caballeros de Vargas support naming the main library after Pedro Ribera Ortega.

**Gilbert Romero, Caballeros De Vargas,** spoke in favor of the downtown main library being named after Pedro Ribera Ortega.

**Jan Dugan, co-president of Friends of the Library,** explained that there are two boards connected to the library. The Friends are private in supporting the library and then the Library Board members are appointed by the City. The Friends did work very hard on the fundraising and inherent in the process was the opportunity for naming rooms which is a typical fundraising procedure. Mike J. Maloof favored libraries in the community. She spoke in favor of amendment also.

**Paul J. Tapia, Caballeros De Vargas,** said that Pedro Ribera Ortega was a wonderful person that helped establish the Caballeros De Vargas. He thanked Councilor Dominguez for the amendment.

**Art Johnson, member of the Caballeros De Vargas,** voiced support for the main library being named for Pedro. Mr. Johnson served on the school board for 12 years and so he is very aware of the contribution to education. There would be no greater honor than naming the library in memory of Pedro Ribera Ortega.

**Samuel Delgado, board member of the Caballeros de Vargas and close friend of Pedro Ribera Ortega.** He was always with Pedro who was Mr. Library and Mr. Books himself. It is sad that the direction they are going in naming libraries and other institutions is money, but he finds it very consoling that the main library would be named after Pedro Ribera Ortega.

**Sergio Rodriguez, Mexican American,** commented that most of that neighborhood is Mexican people and the patrons come from Latin America which he does not see represented. He feels everything is in the hand of the Hispanos and they need good role models. He said as a citizen living in this country he would like to see the library named for someone from the Mexican community. He suggested Lázaro Cárdenas, ex-

President of Mexico and was the founder of modern Mexico, as he gave identity to the Mexican people.

**Juan Manchego, member of the Board of Directors for the Caballeros**, supported the naming of the main library for a great author, educator, researcher and community leader, Pedro Ribera Ortega.

**Grace Grill, Friends of the SF Library**, thinks this is the potential for a win-win situation. She said many attested to the achievements and connection of Pedro Ribera Ortega to the main library. She wanted to point out that there was no taint when the money became involved. She knows the Library Board did consider the civic contribution and achievements of Mr. Maloof. She feels they cannot lose sight of attaching a naming opportunity to a gift. There are many buildings where the names are in return for a financial contribution and she does not think the State of New Mexico is for sale or has sold its soul. This precedent has been set. The Council will have to decide if they feel comfortable with that. She said they can point to the achievements and legacy of service of Mr. Maloof so she thinks the Board did the right thing.

**Jim Trujillo, Representative**, stated that Pedro Ribera Ortega was not a stranger to him and he ran the bill honoring him in the legislature. He said all the fundraising that they did for the Southside library he did because he represents the Westside of Santa Fe where the schools are the lowest performing schools in the City. He feels part of this is because they did not have a library. He said they did question how they were going to operate it so he thinks this is a terrific opportunity with the endowment fund to provide a safe environment that is friendly. They can only operate the library with a good staff and money. The students need an environment to go educate themselves and Ms. Hodapp will coordinate all kinds of programs for this area and they will need money to do this. He said he is in the same business as Mr. Maloof and he knows that Mr. Maloof is a very honorable man who always donated whatever was needed. Mr. Maloof was really a cog in the business community setting the trends in northern New Mexico. He helped the immigrants as Tapia will probably be the distributor as the Maloofs are just like everyone else. He played a key role and helped this community in all he did do for the community. He agrees with naming the main library for Pedro Ribera Ortega as well and supports the amendment.

**Elena Tercero, Councilor Chavez's daughter**, currently resides in the southside. She thanked Councilor Dominguez for the amendment and she encourages the Council to vote for the endowment. She supports naming the downtown library after Pedro Ribera Ortega, as Fiesta Queen in 1997 she met him and was a part of the Caballeros reenactment. She knows the great work he has done for the community. She is happy the Maloof family is able to do this for the southside. She has two young children and it is a great opportunity to walk them down to the library where they can learn and checkout books.

**Angela Matzelle, Chair for fundraising campaign for the Friends of the Library**, thanked them for allowing them to speaking on behalf of the possible endowment. She understands the political activities that have to happen, but said they worked really hard to get the library open. Now, they have the opportunity to extrapolate this as she cannot imagine what one million dollars will bring in terms of programs, books and operations for the children. She said they are supplying something to these kids that they would not have otherwise.

**Nicole McDonald** spoke in support of the Maloof endowments and the proposed amendment. She feels this is a happy medium. She was distraught today to hear that the baby and books program was canceled due to lack of funding.

**The Public Hearing was closed**

**Councilor Dominguez moved to approve the resolution with the amendments, Councilor Calvert seconded the motion.**

Councilor Dominguez said he is not necessarily a big fan of naming public buildings after people, but he feels libraries are a different kind of institution. Libraries are one of the only institutions that promote equity as it does not matter where you come from or how you look or how much money you make or what kind of handicaps you have you are always welcome at a library. This is a difficult choice for him as he does not have a connection to Mr. Maloof and did not know who he was. He knows Mr. Maloof has done good things, but he has a connection to the southside and understands the positive impact this can have on the youth. He believes one of the reasons they have challenged student achievement on the southside is due to the lack of amenities such as libraries and parks. He feels the library is a valuable contribution. He had a personal connection to Pedro Ribera Ortega as a former De Vargas. He never hesitated to talk and learn from Mr. Ortega because he had a wealth of knowledge of the entire community. He said this is a difficult choice for him because he had a personal connection to Mr. Ortega, but he did not have that personal connection with Mr. Maloof. He said "this is not about me and what I want, this is about an opportunity to provide and improve the lives of the people of this community particularly in district 3 and the south and southwest side." He knows there will be lots of rebuttal regarding this issue, but he wanted to thank everyone that has worked hard for this.

Councilor Trujillo said he has never said anything bad about Mr. Maloof and his contribution to this community, but his livelihood has come into play. He has always believed that a building should be named after outstanding people and because a library is a place of learning this is very important. He thinks naming an industrial park after Mr. Maloof would be more appropriate. He said hearing everyone speak has made this decision difficult. He too was a personal friend of Pedro's being a past De Vargas. They will never get back that history from Pedro. He is sad that he did not spend more time with Pedro although he is thankful for the time he spent with him and will pass the history he learned onto his children. He agreed that the library is not about him and what he wants, but what is best for the community. He said he keeps going back to his scruples and asking is Santa Fe for sale. He does understand what the one million dollars will do for this community. He said due to the proposal which is a compromise he is making this decision based on what the money will do for the children and community. He still believes they need to look to the past so as not to forget those that made the community what it was. He will support the resolution due to the amendment and thanked Councilor Dominguez for the amendment. He asked Ms. Hodapp to please let the money do good for the southside. He thanked everyone for speaking and giving their opinions.

**There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.**

Councilor Ortiz thanked the Caballeros and the Fiesta Council. He said they are often asked why they give breaks to the Caballeros and Fiesta Council; he said they are the repository of the culture and history. He commended them for the work they do.

#### **INFORMATIONAL AGENDA**

#### **7. DISCUSSION AND REQUEST FOR DIRECTION ON THE REPORT ON THE ACQUISITION OF BLM LAND FOR THE PURPOSE OF CONSTRUCTING AN ALL TERRAIN (ATV)/OFF-HIGHWAY (OHV) TRAILS ADJACENT TO THE MRC (MARTIN VALDEZ)**

Mr. Martin Valdez reviewed the memorandum included in the packet.

Councilor Ortiz asked if they do not pursue this land for an ATV or off-road vehicle if they lose the state grant.

Mr. Valdez said that is correct.

Councilor Dominguez still thinks this is a good location and recalls asking for alternative locations. He thinks they discussed whether or not this money had to go to an ATV park or if it could be used for an equestrian park. He thinks this location is preferable over Tierra Contenta. He asked staff to follow through with the resolution to find alternative locations.

Mr. Romero said his understanding is that the Energy and Minerals Department has a lot of money for this type of facility. He said it is highly likely that they will be able to get money for a future location if this money reverts.

Councilor Calvert said wherever the site is it is essential there be some concessionaire to run this and house the ATV's. He said if they do not this will not accomplish the purpose intended mainly to get them off of other areas. He thought the County wanted to partner on this and now they support this but do not want to provide anything. He pointed out that the joint regional GRT is a matching fund that will have to go the RPA, so he suggests sending this to the RPA as that is appropriate.

Councilor Dominguez read from the minutes and said there was not specific direction.

Mr. Romero pointed out that the grant does not expire until 2009 so they could hold the grant until they find an alternate location rather than letting it go back. He said they could request the money be used at another location.

Councilor Dominguez wanted to keep the options open.

Councilor Calvert said sooner or later they will have to address the matching funds because if the RPA does not support this he does not know where the funding will come from. He does not think everyone will agree on the site as it needs to be close enough to the City to be convenient and far enough away that it does not bother anyone.

Councilor Ortiz requested staff to work on this and come back within three months to report on the progress.

## **DISCUSSION AGENDA**

### **16. REQUEST FOR APPROVAL OF AN ORDINANCE CREATING A NEW SECTION 7-15 SFCC 1987 REQUIRING THE POSTING OF HOME ENERGY RATING SCORES FOR ALL NEW RESIDENTIAL UNITS (COUNCILOR CALVERT) (JACK HIATT)**

Councilor Calvert said that Councilor Dominguez and Councilor Wurzbarger are co-sponsors. This will provide consumers with better information and enhance competition to improve energy efficiency. He added that they are working with the Community College to get a course going to start doing this.

**Councilor Calvert moved for approval of this request, Councilor Dominguez seconded the motion which passed by unanimous voice vote.**

### **17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 14-6.3(C)(2) SFCC 1987 REGARDING HOME OCCUPATIONS (COUNCILORS WURZBURGER AND TRUJILLO) (DAVID TAPIA)**

Mr. David Tapia reviewed the ordinance. This is an opportunity to complete the business license process without having inspections. The intent is to make it easier for people to complete the process. The City can go out any time there is a complaint. This will be helpful for those that work alone at home on their computers such as consultants, internet services, accountants, etc. Those businesses that do not have visitation, but simply work from a computer can be licensed immediately. He said currently some do not get licensed properly due to the lengthy process.

Councilor Ortiz clarified that currently any home occupation license has an inspection and asked under the proposed changes what the inspections would be for.

Mr. Tapia said if they have clientele or multiple employees or any disruption in the neighborhood, there would be an inspection.

Councilor Calvert asked what the exceptions are in b.

Mr. Tapia said the next section would apply to any business that falls under the criteria for inspections.

Georgia Urioste, Zoning Inspection Supervisor, reviewed the exclusions on page 8. She said they took this portion out because the City does not govern restrictive covenants. They are letting the applicants know that if there are restrictive covenants they must abide by them and be aware of them.

Councilor Ortiz said the reality is that by putting in the exclusion they are buttressing the covenants. He said if they take out the exclusion a neighbor could go through the Board of Adjustment process if they know of the covenants. He gave an example of a home occupation for gun sales.

Ms. Urioste said restrictive covenants are a private issue and a civil issue. The City does not enforce restrictive covenants or neighborhood association agreements.

Councilor Calvert said if they take out the exclusion then in his mind they are sanctioning the applicants to be in non-compliance with the private agreements. He said if they do not ask the question, he is not sure whether this is sanctioning or encouraging the applicants to violate the agreements they have with neighbors.

Ms. Urioste said they are trying to give the opportunity for individuals to go through the process without having to go through City Hall.

Councilor Calvert understands that part. He does not like that it is the responsibility of the neighborhood to catch this as the applicant can operate in violation of those covenants until it is discovered and taken through the process. He said this seems to be erring on the wrong side.

Councilor Dominguez knows that some councilors continually say the municipality is not responsible for enforcing the private covenants, so it normally happens on a complaint basis now. He said enforcement then checks to see if they are in compliance with City code. He said they will not be asking if the applicant is in compliance with covenants.

Ms. Urioste said the applicant is given the home occupation packet and a copy of the ordinance. She said if there are covenants they need to be aware of them and they are trying to get away from the enforcement of the covenants. When they have to go out on inspections they have to do notification to the neighborhood and association and property owners within 150 feet. There has been some feedback that the City makes it so difficult to have the opportunity to work from home.

Councilor Dominguez asked what eliminating the exclusion does.

Ms. Urioste said staff should not enforce the covenants. She said if somebody wants to run a business out of their home they will do so whether they are approved or not. She said many times the applicant cannot find the information so staff is trying to provide this for some covenants that are 100 pages long and 30 years old. She said the new subdivisions generally allow home occupations with low impact. The older covenants are more geared towards not rezoning.

Councilor Trujillo said they were trying to streamline the process. He said any neighborhood association will call if there are numerous cars and disruption.

Councilor Heldmeyer explained that you have never had to notice the neighbors if you are the single person running a business out of the home. You only have to provide notice if you have more than one employee not living on the premise or customers or clients coming in. The law was written with a large task force that felt the single individual wasn't going to have that much of an impact. It is a very open ended law that allows many different kinds of businesses. It was used as a model by other cities. She knows there have been some problems with the lack of enforcement, but what used to be done was that the inspector would call the neighborhood association and ask if they prohibit a business in such and such neighborhood.

**Councilor Trujillo moved for approval of this request, Councilor Dominguez seconded the motion.**

Councilor Calvert said the gun sale example might not have an extraordinary amount of traffic, but certain neighborhood associations would not want approval for this when they did not know about it. He does not think it is that hard to ask the neighborhood associations if they have restrictions.

Councilor Dominguez commented that they can change the restrictions monthly.

Councilor Calvert cannot imagine that it would be that hard and he does not think it is that simple to change the covenants. He thinks a list should be comprised.

Councilor Trujillo asked if Councilor Calvert wants this included.

Councilor Calvert thinks they need to have the information and should not be approving things that are in violation of the covenants or restrictions of where the person lives. He thinks giving a license gives the appearance that they are condoning this. He thinks the burden then falls on the City.

Councilor Trujillo asked Councilor Ortiz if this is a legal matter.

Councilor Ortiz thought that question should be posed to the City Attorney.

**Councilor Trujillo rescinded his motion so they can get Mr. Katz's opinion taking into consideration what Councilor Calvert said.**

**Councilor Trujillo made a motion to postpone this to the next meeting pending a legal opinion, Councilor Dominguez seconded the motion.**

Councilor Calvert stated that he is not asking the City to enforce restrictive covenants, but wants them to be aware before they issue a license.

Councilor Ortiz understood that the City should not enforce covenants nor allow for covenants to be broken.

**There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.**

**18. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING TABLE 14-6.1-1 AND SECTIONS 14-6.2(D)(2) AND (3) SFCC 1987 REGARDING WHERE AND UNDER WHAT CONDITIONS INDIVIDUAL STORAGE AREAS AND MINI STORAGE ARE PERMITTED (COUNCILOR DOMINGUEZ) (JEANNE PRICE)**

Councilor Dominguez explained that the intent is to better define indoor storage and outdoor storage so they can do more to protect those neighborhoods that abut outdoor storage where they are accepted as a special exception.

**Councilor Dominguez moved for approval of this request, Councilor Trujillo seconded the motion.**

Councilor Calvert wanted to understand the amendment by the Planning Commission taking out the one story restriction. He asked if this is part of the motion.



Councilor Dominguez clarified that the motion was not with the amendment because it may be appropriate to have two stories in some areas.

Councilor Calvert understood this to be in agreement with the amendment.

Councilor Ortiz said no as leaving it in would not allow for a second story.

Councilor Dominguez said he would like this to be considered on a case by case as a special exception. This was originally deleted them from C-2, but he thinks there may be locations where this would be acceptable.

Councilor Calvert said often the supervisor area is over one story.

Councilor Ortiz clarified that the motion to approve does not include the Planning Commission amendment.

**There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.**

**19. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING EIGHT (8) ARTS AND CRAFTS SHOWS AT CATHEDRAL PARK DURING THE 2007 CALENDAR YEAR BECAUSE OF THE LIMITED AVAILABILITY OF SPACE IN THE DOWNTOWN AREA DUE TO ON-GOING CONSTRUCTION (COUNCILOR CHAVEZ) (SABRINA PRATT)**

The sponsor and staff were not present so Ms. Price agreed to answer questions if she was able to respond.

Councilor Calvert asked if this is for local or traveling arts and craft shows.

Ms. Price said how they operate are up to the non-profit that organizes the event.

Councilor Calvert said he is aware of fundraisers but they are also traveling art shows, so there is a big component that are not local. He would like to know that before he votes on this.

Ms. Price said the shows on the Cathedral are slightly different than the ones on the Plaza.

Councilor Dominguez concurred that it is up to the non-profits to jury the products. He asked if this location is for an exclusive organization or if other groups could use this.

Ms. Price said she should have included the original arts and crafts resolution. There are two organizations she is aware of which are Gayle Carrs and Larry Olguin's. She said the same rules apply they are just adding more shows.

**Councilor Calvert moved to postpone this to the next meeting so they could get clarification on the issues raised, Councilor Dominguez seconded the motion which passed by unanimous voice vote.**

**20. MATTERS FROM STAFF - None**

## **21. MATTERS FROM THE COMMITTEE**

Councilor Trujillo asked when the benches inside the dugouts at Ragle will be ready.

Mr. Romero said they were ordered and he would check on them.

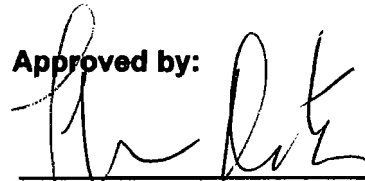
Councilor Ortiz said he would be raising this issue with Mr. Hiatt, but staff on their own initiative without any communication with Councilor Trujillo or himself apparently held an ENN meeting on the proposed General Plan Amendment on Governor Miles Road due to his resolution and they did not give out information about it. He understood this was due to things happening in the Rodeo Business Park. He did not authorize the ENN and is unsure why staff went ahead with this. He now knows what the long range planners do, but he is not pleased with what they are doing. He wanted a response and detail from Mr. Hiatt and Mr. Liming.

## **22. NEXT MEETING: JUNE 25, 2007**

## **23. ADJOURN**

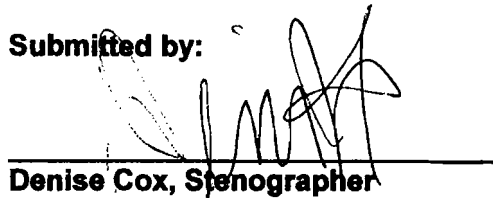
**Its business completed, the Public Works Committee adjourned the meeting at approximately 7:05 p.m.**

**Approved by:**



**Councilor Matthew Ortiz, Acting Chair**

**Submitted by:**



**Denise Cox, Stenographer**