



Agenda REGULAR MEETING OF THE GOVERNING BODY MARCH 26, 2008 CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3-21-08 TIME 8:30 am

SERVED BY _____

RECEIVED BY Indomughez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – March 12, 2008
8. PRESENTATIONS
 - a) Muchas Gracias – Police Officer Craig Ernst. (5 minutes)
 - b) Muchas Gracias – Tecolote Café. (5 minutes)
 - c) Proclamation – April 2008 Sexual Assault Awareness Month. (Barbara Goldman) (5 minutes)
 - d) North Central Regional Transit District Tax Initiative. (Councilor Chavez, Josette Lucero and Jack Valencia) (5 minutes)
 - e) Update on National League of Cities Priorities and Initiatives for 2008. (Terrie Rodriguez and Kathy McCormick) (15 minutes)
9. CONSENT CALENDAR
 - a) Request for Approval of Professional Services Agreement – Design, Fabrication and Installation of Artwork at Civic Center Lobby (RFP #08/08/P); Roxanne Swentzell. (Debra Garcia y Griego)
 - b) Request for Approval of Procurement Under State Price Agreement – Ft. Marcy Filtration System and Maintenance; Pool Pro. (Terrie Rodriguez)



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- c) Request for Approval of Amendment No. 1 to Memorandum of Understanding – Provide Senior Services to County Residents; Santa Fe County. (Terrie Rodriguez)
 - 1) Request for Approval of Budget Increase – County Seniors Fund.
- d) Request for Approval of Sole Source Procurement – Well Site Control Boxes with Panels and Transformers for Water Division; Miox Corporation. (Mike Gonzales)
- e) Request for Approval of Grant Application – FY 2008/2009 Law Enforcement Protection Fund for Police Department; State of New Mexico Department of Finance, Local Government. (Chief Eric Johnson)
- f) Request for Approval of Change Order No. 1 – Taxilane Construction Project Final Quantity Adjustment at Santa Fe Municipal Airport; Mountain States Constructors. (Jim Montman)
- g) Request for Approval of Change Order No. 1 – Runway 15-33 Reconstruction Project Final Quantity Adjustment at Santa Fe Municipal Airport; Mountain States Constructors. (Jim Montman)
- h) Request for Approval of Legal Services Agreement – Affordable Housing; John C. Bienvenu, Rothstein Donatelli Hughes Dahlstrom Schoenburg & Bienvenu, LLP. (Frank Katz)
- i) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert, Councilor Bushee, Mayor Coss and Councilor Chavez)
A Resolution Declaring “Bike To Work Week” as an Annual City-Sponsored Event in Conjunction With the Santa Fe Metropolitan Planning Organization and The New Mexico Bicycle Coalition (Laura Banish)
- j) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss, Councilor Calvert and Councilor Bushee)
A Resolution Supporting the Application and Response to the Request for Proposals Issued by The North Central New Mexico Economic Development District, Non-Metro New Mexico Area Agency on Aging for Continuation of Services for Senior Citizens of The City and County of Santa Fe. (Terrie Rodriguez)



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- k) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Calvert and Councilor Wurzburger)
A Resolution Directing Staff to Study the Concept of a "Solar Energy Loan Program" for Homeowners in the City of Santa Fe. (Nick Schiavo)
- l) Request for Approval of Sole Source Procurement and Professional Services Agreement – Shared Cooperative Digital Aerial Orthophotography Project With U.S. Geological Survey, Santa Fe County and City of Espanola, Bohannon Houston, Inc. (Denise Vigil)
- m) Request for Approval of Professional Services Agreement – Rewrite Chapter 14 Land Development Code (RFP #08/13/P); The Graeser Law Firm Group. (Jack Hiatt)
- n) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss and Councilor Dominguez)
A Resolution Authorizing the City's Convention and Visitors Bureau to Establish Rates for the Convention Center and to Negotiate Such Rates as May be Necessary to Maximize Revenues; Respond to Market Conditions; be Competitive with Local, State or National Facilities; and Accommodate Community Needs. (Keith Toler)
- o) Request for Approval to Publish Notice of Public Hearing on April 30, 2008:
- 1) Bill No. 2008-21 – An Ordinance Amending Article 23-5.2 SFCC 1987 to Require Vendors Participating in the Major Commercial Events on the Plaza to Provide CRS Tax Returns to the City Indicating Income Received During the Event (Councilor Wurzburger) (Fabian Trujillo)
 - 2) Bill No. 2008-22 – An Ordinance Amending Section 14-6.2 (A) (6) (A) (ii) A., SFCC 1987 in Order to Clarify the Minimum Rental Period for Short Term Rental Units. (Councilor Wurzburger) (Jeanne Price)
- p) Request for Approval of Professional Services Agreement – Upgrade of Oracle Enterprise 1 Software Computer System (RFP #08/11/P); Leverage Consulting, LLC. (Kathryn Raveling)



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- q) Request for Approval of Real Estate Purchase Agreement with Nava Ade Limited Company. (Jack Hiatt)
 - 1) Request for Approval of Budget Increase – CIP Reallocation Fund.
- r) Request for Approval of Lease Agreements: (Postponed at February 27, 2008 City Council Meeting) (**Request to Postpone to April 30, 2008 City Council Meeting**)
 - 1) Airline Terminal Building Office; Counter and Floor Space at Santa Fe Municipal Airport; American Eagle Airlines. (Jim Montman)
 - 2) Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Delta Air Lines. (Jim Montman)
- 10. MATTERS FROM THE CITY MANAGER
- 11. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION
- a) Consideration of Purchase of Real Property in the Siler Road Area; Pursuant to §10-15-1 (H) (8) NMSA 1978.
- b) Discussion of Settlement Agreement with Santa Fe County on Annexations; Pursuant; Pursuant to §10-15-1 (H) (7) NMSA 1978
- 12. Action Regarding Settlement Agreement with Santa Fe County on Annexations. (Frank Katz)
- 13. MATTERS FROM THE CITY CLERK
- 14. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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



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C. INVOCATION

D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2008-17: ADOPTION OF ORDINANCE NO. 2008-_____.

An Ordinance Authorizing the Execution and Delivery of a Drinking Water State Revolving Loan Fund Loan Agreement by and Between The City of Santa Fe, New Mexico (the "City") and The New Mexico Finance Authority, Evidencing the Special Limited Obligation of The City to Pay a Principal Amount of No More Than \$15,150,000, Together With Interest and Administrative Fees Thereon, for the Purpose of Financing the Costs of a Necessary Drinking Water Project, Being Design, Engineering, Pre-Construction and Construction of the Buckman Direct Surface Diversion Project, Including But Not Necessarily Limited to Engineering and Pre-Construction Work on the Water Treatment Plant; Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under The Loan Agreement Solely From The Net Revenues of The City's Water and Wastewater Utility System and Revenues Generated by The Capital Outlay Gross Receipts Tax; Approving the Form of and Other Details Concerning The Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan Agreement. (Rick Carpenter)

- 2) CONSIDERATION OF BILL NO. 2008-7: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Calvert and Councilor Bushee)

An Ordinance Amending Table 14-7.1-1 and Section 14-7.1(B) SFCC 1987 Regarding the Calculation of Allowable Dwelling Units and Maximum Number of Dwelling Units. (Jeanne Price)



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- 3) CONSIDERATION OF BILL NO. 2008-8: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Heldmeyer, Councilor Calvert and Mayor Coss)
An Ordinance Amending Table 14 -7.1-1 SFCC 1987 so that the Maximum Lot Coverage for RM Districts is Fifty Percent (50%) if Private Open Space is Provided. (Jeanne Price)
- 4) CONSIDERATION OF BILL NO. 2008-12: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Heldmeyer and Councilor Chavez)
An Ordinance Creating a New Section 14-5.10 SFCC 1987 Regarding Neighborhood Conservation Overlay Districts; and Making Such Other Changes as are Necessary. (Jeanne Price) **(Postponed at February 27, 2008 City Council Meeting)**
- 5) CONSIDERATION OF BILL NO. 2008-18 ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger and Councilor Trujillo)
An Ordinance Amending Articles 6-17 and 11-11 SFCC 1987 Combining the Duties of the Business and Quality of Life Advisory Committee and the Economic Development Review Committee. (Kathy McCormick)
- 6) **Case # H-07-148.** Appeal of the Historic Design Review Board's Decision on December 19, 2007 Concerning Property Located at 824-B Dunlap Street in the Westside-Guadalupe Historic District. Bill Roth, Agent for Kary Myers, Owner, Requests that the Governing Body Rescind the Denial to Construct a 200 Square Foot Carport. (David Rasch)
(Postponed at March 12, 2008 City Council Meeting)
- 7) **Case #ZA 2007-11. First Mesa Rezoning from R-1 to RM-LD/PUD.**
James W. Siebert Agent for First Mesa LLC, Requests Rezoning of 2.88± Acres of Land From R-1 (Residential – 1 Dwelling Unit Per Acre) to RM-LD/PUD (Multiple Family Residential, 12 Dwelling Units Per Acre, Planned Unit Development Overlay District). The Application Includes a Preliminary Development Plan Submittal for 20 Lots. The Property is Located to the South of Cerrillos Road, West of Kachina Ridge, Phase II, and North of the Arroyo de Los Chamisos. (Donna Wynant)



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- 8) **Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment.** Derrick Archuleta, Agent for Evangeline Herrera, Requests Approval of a General Plan Future Land Use Map Amendment to Change The Designation of 0.306± Acres of Land From Low Density (3-7 Dwelling Units Per Acre) to Office. The Area is Located Between Agua Fria Street and Hickox Street. (Lou Baker) (Postponed at March 12, 2008 City Council Agenda) **(Request by Staff to Postpone to April 30, 2008 City Council Meeting)**
- 9) **Case #ZA 2007-13. 1312 Agua Fria Street Rezoning.** Derrick Archuleta, Agent for Evangeline Herrera, Requests Rezoning of 0.306± Acres of Land From R-5 (Residential, Five Dwelling Units Per Acre) to C-1 (Office and Related Commercial). The Property is Located Between Agua Fria Street and Hickox Street. (Lou Baker) (Postponed at March 26, 2008 City Council Agenda) **(Request by Staff to Postpone to April 30, 2008 City Council Meeting)**
- 10) CONSIDERATION OF BILL NO. 2008-16: ADOPTION OF ORDINANCE NO. 2008-_____.
An Ordinance Approving and Ratifying an Ordinance of the Santa Fe Solid Waste Management Agency Which Authorizes Execution and Delivery of (1) a Loan Agreement by and Between the Agency and the New Mexico Environment Department in the Amount of \$2,000,000 and (2) A Loan Agreement by and Between the Agency and the New Mexico Finance Authority in the Amount of \$1,000,000, Each for the Purpose of Acquiring, Constructing, Extending, Enlarging, Bettering, Repairing or Otherwise Improving or Maintaining Solid Waste Disposal Equipment, Equipment for Operation and Maintenance of Sanitary Landfills, Solid Waste Facilities or and Combination of the Foregoing; and Ratifying Action Previously Taken in Connection Therewith. (Randall Kippenbrock) **(Request to Postpone to April 9, 2008 City Council Meeting)**

H. ADJOURN

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



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

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

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SANTA FE CITY COUNCIL MEETING
March 26, 2008**

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REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON APRIL 30, 2008 BILL NO. 2008-22 – AN ORDINANCE AMENDING SECTION 14-6.2(A)(6)(A)(ii) A SFCC 1987 IN ORDER TO CLARIFY THE MINIMUM RENTAL PERIOD FOR SHORT TERM RENTAL UNITS	Approved [amended]	9-11

END OF CONSENT CALENDAR DISCUSSION		

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CONSIDERATION OF BILL NO. 2008-17; ADOPTION OF ORDINANCE NO. 2008- ____ . AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "CITY") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$15,150,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, ETC.	Postponed to 04/09/08	15-17
CONSIDERATION OF BILL NO. 2008-7; ADOPTION OF ORDINANCE NO. 2008- 15 . AN ORDINANCE AMENDING TABLE 14-7.1-1 AND SECTION 14-7.1(B) SFCC 1987, REGARDING THE CALCULATION OF ALLOWABLE DWELLING UNITS AND MAXIMUM NUMBER OF DWELLING UNITS	Approved [amended]	17-19

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CONSIDERATION OF BILL NO. 2008-8;
ADOPTION OF ORDINANCE NO. 2008- ____ .
AN ORDINANCE AMENDING TABLE 14-7.1-1
SFCC 1987, SO THAT THE MAXIMUM LOT
COVERAGE FOR RM DISTRICTS IS FIFTY
PERCENT (50%) IF PRIVATE OPEN SPACE
IS PROVIDED

Postponed to 04/09/08

19-24

CONSIDERATION OF BILL NO. 2008-12; ADOPTION
OF ORDINANCE NO. 2008- ____ . AN ORDINANCE
CREATING A NEW SECTION 14-5.10 SFCC 1987,
REGARDING NEIGHBORHOOD CONSERVATION
OVERLAY DISTRICTS; AND MAKING SUCH
CHANGES AS ARE NECESSARY

Vote postponed to 04/09/08

24-30

CONSIDERATION OF BILL NO. 2008-18; ADOPTION
OF ORDINANCE NO. 2008-16. AN ORDINANCE
AMENDING ARTICLES 6-17 AND 1-11 SFCC 1987,
COMBINING THE DUTIES OF THE BUSINESS AND
QUALITY OF LIFE ADVISORY COMMITTEE AND THE
ECONOMIC DEVELOPMENT REVIEW COMMITTEE

Approved [amended]

30-33

CASE #H-07-148. APPEAL OF THE HISTORIC DESIGN
REVIEW BOARD'S DECISION ON DECEMBER 19, 2007,
CONCERNING PROPERTY LOCATED AT 824-B
DUNLAP STREET, IN THE WESTSIDE-GUADALUPE
HISTORIC DISTRICT. BILL ROTH, AGENT FOR KARY
MYERS, OWNER, REQUESTS THAT THE GOVERNING
BODY RESCIND THE DENIAL TO CONSTRUCT A 200
SQUARE FOOT CARPORT

Appeal withdrawn

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ORDINANCE NO. 2008-17. CASE #ZA 2007-11. FIRST
MESA REZONING FROM R-1 TO RM-LD/PUD. JAMES
W. SIEBERT, AGENT FOR FIRST MESA, LLC,
REQUESTS REZONING OF ± 2.88 ACRES OF LAND
FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER
ACRE) TO RM-LD/PUD (MULTIPLE FAMILY
RESIDENTIAL, 12 DWELLING UNITS PER ACRE,
PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT).
THE APPLICATION INCLUDES A PRELIMINARY
DEVELOPMENT PLAN SUBMITTAL FOR 20 LOTS.
THE PROPERTY IS LOCATED TO THE SOUTH OF
CERRILLOS ROAD, WEST OF KACHINA RIDGE,
PHASE II, AND NORTH OF THE ARROYO DE LOS
CHAMISOS

Approved [amended]

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CASE #M 2007-36. 1312 AGUA FRIA STREET GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE AREA IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET

Postponed to 04/30/08

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CASE #ZA 2007-13. 1312 AGUA FRIA STREET REZONING. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET

Postponed to 04/30/08

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CONSIDERATION OF BILL NO. 2008-16; ADOPTION OF ORDINANCE NO. 2008- _____. AN ORDINANCE APPROVING AND RATIFYING AN ORDINANCE OF THE SANTA FE SOLID WASTE MANAGEMENT AGENCY WHICH AUTHORIZES EXECUTION AND DELIVERY OF (1) A LOAN AGREEMENT BY AND BETWEEN THE AGENCY AND THE NEW MEXICO ENVIRONMENT DEPARTMENT IN THE AMOUNT OF \$2,000,000, AND (2) A LOAN AGREEMENT BY AND BETWEEN THE AGENCY AND THE NEW MEXICO FINANCE AUTHORITY IN THE AMOUNT OF \$1,000,000, EACH FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EXTENDING, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING OR MAINTAINING SOLID WASTE DISPOSAL EQUIPMENT, EQUIPMENT FOR OPERATION AND MAINTENANCE OF SANITARY LANDFILLS, SOLID WASTE FACILITIES OR ANY COMBINATION OF THE FOREGOING; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH

Postponed to 04/09/08

37-38

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 26, 2008**

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 March 26, 2008, 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 Rebecca Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Matthew E. Ortiz

Others Attending

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

5. APPROVAL OF AGENDA

Councilor Trujillo moved, seconded by Councilor Dominguez, to approve the agenda as presented, with an amendment to hold the public hearing on Item #G(4) on the Evening Agenda, and to postpone the vote on this item to the Council meeting of April 9, 2008, when there will be a full Council in attendance.

Friendly amendment: Mr. Buller said staff has requested to postpone Item 9(q) on the Consent Agenda to the next Council meeting, noting there is still some negotiation on this item. He said the Appellant in Item G(6) in the Evening Session has sent an email asking to rescind the appeal which he believes is to withdraw the appeal. **The amendment was friendly to the maker and second.**

The motion was approved on a voice vote with Councilors Calvert, Dominguez, Romero, Trujillo and Wurzbürger voting for the motion and none against [Absent: Councilors Bushee and Chavez].

6. APPROVAL OF CONSENT CALENDAR

Councilor Calvert 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 Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbürger.

Against: None.

Absent: Councilor Bushee and Councilor Chavez.

- a) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DESIGN, FABRICATION AND INSTALLATION OF ARTWORK AT CIVIC CENTER LOBBY (RFP #08/08/P); ROXANNE SWENTZELL. (DEBRA GARCIA Y GRIEGO)**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FT. MARCY FILTRATION SYSTEM AND MAINTENANCE; POOL PRO. (TERRIE RODRIGUEZ)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING – PROVIDE SENIOR SERVICES TO COUNTY RESIDENTS; SANTA FE COUNTY. (TERRIE RODRIGUEZ)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – COUNTY SENIORS FUND.**
- d) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – WELL SITE CONTROL BOXES WITH PANELS AND TRANSFORMERS FOR WATER DIVISION; MIOX CORPORATION. (MIKE GONZALES)**
- e) **REQUEST FOR APPROVAL OF GRANT APPLICATION – FY 2008/2009 LAW ENFORCEMENT PROTECTION FUND FOR POLICE DEPARTMENT; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE, LOCAL GOVERNMENT. (CHIEF ERIC JOHNSON)**
- f) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – TAXILANE CONSTRUCTION PROJECT FINAL QUANTITY ADJUSTMENT AT SANTA FE MUNICIPAL AIRPORT; MOUNTAIN STATES CONSTRUCTORS. (JIM MONTMAN)**

- g) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – RUNWAY 15-33 RECONSTRUCTION PROJECT FINAL QUANTITY ADJUSTMENT AT SANTA FE MUNICIPAL AIRPORT; MOUNTAIN STATES CONSTRUCTORS. (JIM MONTMAN)**
- h) **REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT – AFFORDABLE HOUSING; JOHN C. BIENVENU, ROTHSTEIN, DONATELLI HUGHES, DAHLSTROM, SCHOENBURG & BIENVENU, LLP. (FRANK KATZ)**
- i) **CONSIDERATION OF RESOLUTION NO. 2008- 28 (COUNCILOR CALVERT, COUNCILOR BUSHEE, MAYOR COSS AND COUNCILOR CHAVEZ). A RESOLUTION DECLARING “BIKE TO WORK WEEK” AS AN ANNUAL CITY-SPONSORED EVENT IN CONJUNCTION WITH THE SANTA FE METROPOLITAN PLANNING ORGANIZATION AND THE NEW MEXICO BICYCLE COALITION. (LAURA BANISH)**
- j) **CONSIDERATION OF RESOLUTION NO. 2008- 29 (MAYOR COSS, COUNCILOR CALVERT AND COUNCILOR BUSHEE). A RESOLUTION SUPPORTING THE APPLICATION AND RESPONSE TO THE REQUEST FOR PROPOSALS ISSUED BY THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT, NON-METRO NEW MEXICO AREA AGENCY ON AGING FOR CONTINUATION OF SERVICES FOR SENIOR CITIZENS OF THE CITY AND COUNTY OF SANTA FE. (TERRIE RODRIGUEZ)**
- k) **CONSIDERATION OF RESOLUTION NO. 2008- 30 (COUNCILOR CALVERT AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO STUDY THE CONCEPT OF A “SOLAR ENERGY LOAN PROGRAM” FOR HOMEOWNERS IN THE CITY OF SANTA FE. (NICK SCHIAVO)**
- l) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SHARED COOPERATIVE DIGITAL AERIAL ORTHOPHOTOGRAPHY PROJECT WITH U.S. GEOLOGICAL SURVEY, SANTA FE COUNTY AND CITY OF ESPANOLA, BOHANNAN HOUSTON, INC. (DENISE VIGIL)**
- m) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – REWRITE CHAPTER 14 LAND DEVELOPMENT CODE (RFP #08/13/P); THE GRAESER LAW FIRM GROUP. (JACK HIATT)**
- n) **CONSIDERATION OF RESOLUTION NO. 2008- 31 (MAYOR COSS AND COUNCILOR DOMINGUEZ). A RESOLUTION AUTHORIZING THE CITY’S CONVENTION AND VISITORS BUREAU TO ESTABLISH RATES FOR THE CONVENTION CENTER AND TO NEGOTIATE SUCH RATES AS MAY BE NECESSARY TO MAXIMIZE REVENUES; RESPOND TO MARKET CONDITIONS; BE COMPETITIVE WITH LOCAL, STATE OR NATIONAL FACILITIES; AND ACCOMMODATE COMMUNITY NEEDS. (KEITH TOLER)**

- o) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON APRIL 30, 2008:**
 - 1) **BILL NO. 2008-21 – AN ORDINANCE AMENDING ARTICLE 23-5.2 SFCC 1987, TO REQUIRE VENDORS PARTICIPATING IN THE MAJOR COMMERCIAL EVENTS ON THE PLAZA TO PROVIDE CRS TAX RETURNS TO THE CITY INDICATING INCOME RECEIVED DURING THE EVENT (COUNCILOR WURZBURGER). (FABIAN TRUJILLO)**
 - 2) ***[Removed for discussion by Councilor Wurzburger]***
- p) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – UPGRADE OF ORACLE ENTERPRISE 1 SOFTWARE COMPUTER SYSTEM (RFP #08/11/P); LEVERAGE CONSULTING, LLC. (KATHRYN RAVELING)**
- q) **REQUEST FOR APPROVAL OF REAL ESTATE PURCHASE AGREEMENT WITH NAVA ADE LIMITED COMPANY. (JACK HIATT)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – CIP REALLOCATION FUND.**

[This item was postponed to the Council meeting of April 9, 2008]
- r) **REQUEST FOR APPROVAL OF LEASE AGREEMENTS; (POSTPONED AT FEBRUARY 27, 2008 CITY COUNCIL MEETING). (REQUEST TO POSTPONE TO APRIL 30, 2008 CITY COUNCIL MEETING)**
 - 1) **AIRLINE TERMINAL BUILDING OFFICE; COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; AMERICAN EAGLE AIRLINES. (JIM MONTMAN)**
 - 2) **AIRLINE TERMINAL BUILDING COUNTER AND FLOOR SPACE AT SANTA FE MUNICIPAL AIRPORT; DELTA AIR LINES. (JIM MONTMAN)**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – March 12, 2008.

Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council Meeting of March 12, 2008, as presented. The motion was approved on a voice vote, with Councilors Calvert, Dominguez, Romero, Trujillo and Wurzburger voting for the motion and none against [Absent: Councilors Bushee and Chavez].

8. PRESENTATIONS

- a) **MUCHAS GRACIAS – POLICE OFFICER CRAIG ERNST.**

Mayor Coss presented Police Officer Craig Ernst with a Muchas Gracias certificate for his heroics in saving a woman's life by pulling her from a burning car. Mayor Coss said what Officer Ernst did was most heroic, although Officer Ernst has said he was just doing his job.

Officer Ernest thanked the Mayor and Council for this honor, saying he is glad everything went well.

Chief Johnson thanked Officer Ernest for a job well done, noting that Officer Ernst was a lateral transfer to the SFPD from the Santa Fe County Sheriff's Office. He expressed appreciation for Officer Ernst's work with the Department and for his heroic effort to save a life.

Councilor Chavez arrived at the meeting at this time

Chief Johnson said Officer Ernst's sister is also a Santa Police Officer and does a great job for the Department as well.

b) MUCHAS GRACIAS – TECOLOTE CAFÉ.

Mayor Coss read a Proclamation into the record declaring March 24, 2008, as Tecolote Café Day in Santa Fe, and presented the Proclamation to Mr. and Jennison, the owners, and the employees who were in attendance.

Mr. Jennison said the Tecolote Café was featured in Diners, Drive-Ins and Dives on cable television. He thanked Mayor and Council for the honor they bestowed on him.

Councilor Chavez congratulated Mr. Jennison, and said the Tecolote continues to have the best breakfast in town. He commented that he saw the segment on television which was very complimentary, and said it put Santa Fe on the map and our best foot forward.

**c) PROCLAMATION – APRIL 2008 SEXUAL ASSAULT AWARENESS MONTH.
(BARBARA GOLDMAN)**

Mayor Coss read a Proclamation into the record declaring April 2008 as Sexual Assault Awareness Month in Santa Fe, and presented a copy of the Proclamation to Barbara Goldman, Executive Director of the Rape Crisis Center and Carol Horowitz her assistant.

Ms. Goldman thanked Mayor Coss for the Proclamation, commenting that Mayor Coss is a long time advocate for the prevention of sexual and domestic violence, which was a major theme during his campaign for Mayor. She said this is the kind of commitment which is needed to make real progress. [*Stenographer's note: The majority of Ms. Goldman's remarks were inaudible because she did not use the microphone.*]

**d) NORTH CENTRAL REGIONAL TRANSIT DISTRICT TAX INITIATIVE.
(COUNCILOR CHAVEZ, JOSETTE LUCERO AND JACK VALENCIA)**

A copy of a handout "RTD – Santa Fe City Council Meeting, March 26, 2008," entered for the record by Jack Valencia, is incorporated herewith to these minutes as Exhibit "1."

Josette Lucero gave a brief overview of the proposed GRT increment to fund the North Central Regional Transit District, noting Councilor Chavez, a member of the Board, asked that she provide a briefing on this matter to the Governing Body.

Jack Valencia highlighted the information in Exhibit "1." Mr. Valencia read the proposed ballot question into the record as follows:

" Shall there be imposed a County Regional Transit Gross Receipts Tax at the rate of three-sixteenths of one percent, to finance the administrative and operation cost and capital expenditures of public transit services in the North Central Regional Transit District."

Councilor Wurzburger asked if there is a budget for the \$6 million which will be paid by our Santa Fe citizens.

Ms. Lucero said the subcommittee will be meeting next Friday and will determine the budget. She said currently, the service need is close to \$20 million, so it will be necessary to establish priorities in the service in all four counties.

Councilor Wurzburger said then there is no current budget, but you are working on that, and Ms. Lucero said this is correct.

Councilor Wurzburger asked if the tax proceeds from Santa Fe County residents will be applied only to Santa Fe County projects.

Ms. Lucero said it will be "close, close to it." She said there will be associated capital costs, administrative costs, but the majority of the funds will be used for operating. She said each of the Counties wants to know, "if we generate so much, how much are we going to get back."

Councilor Wurzburger asked, at what point, will this Council know the budget for Santa Fe County.

Ms. Lucero said in May 2008, at the latest.

Councilor Chavez said it is important to keep the current level of service, and without the GRTs, they will continue to struggle to provide the services, noting the current services are listed under Tab D [Exhibit "1"]. He said much will depend on the voters, and the work of the members of the North Central RTD to sell this in their respective communities. He congratulated the RTD for its work, saying he enjoys being a member of that group, commenting that this is a unique opportunity.

Councilor Calvert how it was decided to go for a 3/16% tax.

Ms. Lucero said working with the consultants at Fleming who developed a service plan of \$20 million. However, she believes with prioritizing we can run a good regional transit service on the proceeds of the 3/16% which would generate \$12 million.

Councilor Calvert asked, since there is no budget, how the 3/16% was decided.

Ms. Lucero said they first looked at 1/8% which would generate \$8 million, which wasn't enough, so it was bumped up to the next level. She said there were concerns from the counties in adding more than that.

Councilor Calvert believes there will be great concern in Santa Fe County, because we are at the nexus of this District and perhaps a Rail Runner District, so the residents will be tapped twice. He said there should be a very detailed plan about how this will benefit the community, commenting this will be a hard sell because of the Road Runner factor.

Ms. Lucero said she agrees, and once there is a firm budget, she will present that information to this Governing Body. She said this information was presented to the County yesterday, and the County asked them to come here and make a presentation to the City. She said the County was concerned about how the City would feel about it. Santa Fe County also asked them to talk to the DOT to see if the Rail Runner RTD would be at a special election, and DOT has indicated it won't be at this time.

Councilor Calvert noted that the City just passed a general obligation bond issue which placed an added property tax burden on the citizens, but there was a very detailed plan as to how it is to be applied. He wants to see that kind of detail for this proposed tax.

Ms. Lucero said there is a detailed plan on the service at \$20 million, but the subcommittee will prioritize that so it is within the budget, and she will bring that information back to the Council.

Councilor Wurzbarger said she agrees with Councilor Calvert. She said her constituents in District 2 have expressed concern that there has been a shift in what we were told with respect to the proposed cost of the Rail Runner. She said this subcommittee needs to give some kind of rationale now that the cities are going to be expected to pay for this. She said there was a clear expectation by many constituents that this wasn't going to happen. There needs to be an answer to this question before moving forward.

Councilor Chavez noted that the budget for the parks issue mushroomed from \$20 to \$30 million over two weeks, recalling this was because trails improvement were wanted as well. He noted the public survey was based on \$20 million. He said this a question between surface and rail public transportation, which are two different components of public transportation and moving people around.

Councilor Calvert noted he wasn't the only Councilor who voted in favor of that plan, and that the citizens voted overwhelmingly for it.

Councilor Chavez said we are talking about the North Central Regional Transportation District whose charge is surface transportation, not rail, and we don't need to have these two components competing. He said we can discuss double taxation, but he believes people in Albuquerque want to come to Santa Fe for work and other business, and we might generate gross receipts tax, fill hotel rooms and such if this works well. There are other benefits to this in the future. He agrees that it will be an additional tax in addition to the general obligation bond just approved, but he believes this is something in which we need to invest.

Mayor Coss said we really need to see the budget and see what other sources of

revenue there will be in addition to the tax to flesh out the budget. He supported the tax for the Rail Runner which died in the Legislature. He still believes there is an open question as to how this Regional Transit District or Santa Fe Trails will serve the Rail Runner when it gets into Santa Fe. He said it is more significant to him than bus service to Edgewood, when you consider the potential numbers of people which may be riding the Rail Runner to Santa Fe daily, and how we serve them with public transportation daily. He understands Councilor Wurzbarger's constituent's concerns that this remains unaddressed now that the Rail Runner is coming into Santa Fe and service has started. He doesn't believe the North Central Transit District is necessarily addressing this, and he wants that addressed.

Mayor Coss said people voted overwhelmingly for the property tax which is a more progressive tax than the GRT. He is concerned that if we add 3/16% and the State asks us to add 1/8% for the Railrunner the City will have a GRT in excess of 8%, which will have serious repercussions for economic development, low income families, and other things. He believes New Mexico relies too heavily on the GRT as a revenue source. He said this has to be done carefully, and Santa Fe County will have the majority of voters, so we are, in a sense imposing a tax on Rio Arriba and Los Alamos Counties.

Mayor Coss believes we need to carefully weigh at what point we will go over 8% GRT in Santa Fe, and if this is good for economic activity in Santa Fe.

Mr. Valencia said they have been in communications with the Middle Rio Grande Council of Governments (MR COG) to develop routes from the various stations currently designated. These will be contracted from their funds which operate the Rail Runner and not from the funds which the RTD would acquire if it is successful with the Regional Transit GRT.

Mr. Valencia said secondly, there are concerns about the level of the GRTs in each of the communities. He said because of the special taxing authority which was provided, this tax does not impact the caps of counties or municipalities.

Mayor Coss said although it doesn't impact the cap, it does impact the reality.

Mr. Valencia said the RTD will be holding public hearings, and making public presentations throughout the summer and fall to educate the community of the benefit and the associated costs.

Responding to Mayor Coss, Mr. Valencia said May 28, 2008, is the last day for the four counties to have acted on the GRT.

Councilor Calvert said he understood funds would be forthcoming from MR COG to operate shuttles, and asked the source of that funding.

Mr. Valencia said currently they receive funds from the DOT, which could be the State Road Fund. He said Senator Bingaman's staff advised him two weeks ago in Washington, D.C., that the State had received \$10 million in congestion mitigation monies for Phase 2 for the Bernalillo to Santa Fe segment. Additionally they received a renewal of Phase 1, Belen to Bernalillo, for an additional \$10 million. So, they have \$20 million to assist in this operational component. He said he understands there is an operational need of \$24 million per year.

Councilor Bushee arrived at the meeting at this time

Councilor Calvert said the reason the bill was introduced in the Legislature is because the State will be unable to fund operational costs after construction. He said until we see there are additional funds, he won't count on DOT to fund anything on an ongoing operational basis.

Councilor Chavez said for most public projects the operation and maintenance isn't a part of the funding formula. He asked the current budget for the RTD.

Ms. Lucero said the current budget is \$2.8 million – \$1.1 from the Federal Transit Administration, and the balance comes from Los Alamos County and local matches from the entities.

e) UPDATE ON NATIONAL LEAGUE OF CITIES PRIORITIES AND INITIATIVES FOR 2008. (TERRIE RODRIGUEZ AND KATHY McCORMICK)

A copy of the power point presentation for this agenda item, "National League of Cities Priorities for 2008, Existing City Program Comparison," is incorporated herewith to these minutes as Exhibit "2."

Terrie Rodriguez and Kathy McCormick presented information from the Memorandum of March 17, 2008, which is in the Council packets and via power point.

Councilor Chavez thanked Mayor Coss for giving staff the time to make this presentation. This is part of what he wanted to do after being elected to the NLC Board of Directors. He said the list of priorities which was highlighted by staff really is a short list of the priorities established by the National League of Cities for the 2008 Congress. He said they worked on a short list to identify areas which would dovetail best with some of the work the City has been doing on its own, as well as to highlight work which the City has done in conjunction with the NLC over the past 15-20 years. He said we can benefit from the funding sources, and lobbying together for this funding. He said there is a wealth of experience to be gleaned from other cities. He said it is critical for our staff to interface and work closely with NLC staff in each of these categories. He said the City is doing more in some areas than the NLC has identified. He said moving forward if the other Councilors and staff are interested in participating in the NLC, there is travel and expense involved, but he believes we can benefit from this participation.

Councilor Chavez thanked staff for their work and presentation.

Mayor Coss added his thanks for the presentation, and said he encourages participation in the National League of Cities.

CONSENT CALENDAR DISCUSSION

9(o) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON APRIL 30, 2008.

2) **BILL NO. 2008-22 – AN ORDINANCE AMENDING SECTION 14-6.2(A)(6)(A)(ii) A SFCC 1987 IN ORDER TO CLARIFY THE MINIMUM RENTAL PERIOD FOR SHORT TERM RENTAL UNITS (COUNCILOR WURZBURGER). (JEANNE PRICE)**

A copy of “Substitute for 03/26/08 CC meeting,” introduced by Councilor Wurzburger, is incorporated herewith to these minutes as Exhibit “3.”

Councilor Wurzburger said she proposes to amend line 20 on page 2, to provide that no more than one rental is permitted with within a seven consecutive day period. She said that was the discussion we had throughout the year long debate, but somehow it was changed during all of the iterations. She asked Frank Katz to explain the other amendment which has to do with the issue of how we go about grandfathering.

Frank Katz, City Attorney said the change being proposed involves grandfathering. The grandfathering currently allows short term rental units in existence when the ordinance went into effect to continue until January 2013. He says language was added, “or until ownership of the unit changes whichever is later,” and just below that “change of ownership” was defined. He said it is proposed to delete the language about change of ownership. He said the City has been sued, and this has been raised as one of the issues, that this was put in the ordinance to benefit the short term rental owners. He said this is vulnerable, and the City would do well to remove this language so it doesn’t give the City a vulnerability in the statute.

Councilor Wurzburger said because of the legal issue she is proposing these amendments as something we need to address.

Councilor Wurzburger moved, seconded by Councilor Chavez, to approve this request with the proposed amendment.

Discussion: Mayor Coss noted he is a cosponsor of the amendments.

Responding to Councilor Bushee, Mr. Katz said the grandfathering provision now allows the short term rental unit owners to continue for the five years, and what was put in was “until sold,” and that language is being removed.

Councilor Bushee asked if it is sufficient, given the lawsuit, to advertise it as it is proposed, because it doesn’t include the second change.

Mr. Katz said with the amendment, it will be advertised for the public hearing with the additional language, so it will be clear in the advertisement that both changes are being considered by the Council.

Councilor Bushee asked if this is an adequate question, without including this language in the title, and asked if we have to amend that for publication.

Ms. Vigil said yes, it should be part of the motion that the title will change for the publication.

Friendly amendment: Councilor Bushee would like to amend the title for publication to reflect the changes proposed by the amendment. **The amendment was friendly to the maker and the second.**

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

10. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **CONSIDERATION OF PURCHASE OF REAL PROPERTY IN THE SILER ROAD AREA; PURSUANT TO §10-15-1(H)(8) NMSA 1978.**
- b) **DISCUSSION OF SETTLEMENT AGREEMENT WITH SANTA FE COUNTY ON ANNEXATIONS; PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

Councilor Chavez moved, seconded by Councilor Wurzburger, that the Council go into Executive Session for the purpose of consideration of purchase of real property in the Siler Road area pursuant, to §10-15-1(H)(8), NMSA 1978, and discussion of settlement agreement with Santa Fe County on annexations, 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 Romero, Councilor Trujillo and Councilor Wurzburger.

Against: None.

The Council went into Executive Session at 6:40 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 7:45 p.m., Councilor Chavez moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken. The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Heldmeyer, Trujillo and Wurzburger voting for the motion and no one voting against.

12. ACTION REGARDING SETTLEMENT AGREEMENT WITH SANTA FE COUNTY ON ANNEXATIONS. (FRANK KATZ)

Councilor Chavez moved, seconded by Councilor Bushee, to approve the proposed settlement agreement with Santa Fe County on annexation as presented, with amendments as discussed in Executive Session, and direction to staff. The motion was approved on a Roll Call vote as follows:

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

Against: None.

END OF AFTERNOON SESSION AT 7:43 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 7:43 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Matthew E. Ortiz

Others Attending

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

E. PETITIONS FROM THE FLOOR

Donato Coviello gave flowers to Councilor Romero. He said he apologizes to his neighbor for what he said previously, regarding KSFR being approached by the College to take over public access television, in calling it a very close "cultish" organization. He said his neighbor took offense, and he should have excluded her. He said everything he said is true and comes from public records and from the Community College which hadn't signed a Professional Services Agreement for the entire year. He said the reason he called it cultish is because of the lack of public transparency to the public in its decision making process. He said his remarks were in defense and support of public access television. He asked the Councilors to reform the Communication Technology Advisory Committee (CTAC), or perhaps to assign the duties of that committee to Councilor Wurzbarger's Business and Quality of Life Committee, because it seems to be interested in that. He said public television, government's friend, needs help.

Stefanie Beninato 610 Galisteo. Ms. Beninato said, "I am here again because of 610 Galisteo Street. I am going to be filing an appeal on Monday to City Council on the permit, H-Board violations and the BOA appeal itself. However, I'm asking the City Council again under 14-7.2 to please take action and stop the building that is going on there now. We have been denied due process on this by the City. We were denied due process because this owner does

not have a certificate that would allow him to go forward while the Board of Adjustment appeal was... was...while we waited for that. And as a result this house has been, not only built, but seemingly, I would say inspected, at least in part by the City of Santa Fe. Meanwhile, while they are condoning the violation of the ordinance [inaudible] certificate. That's the staff. Mr. Mayor, you denied us due process and equal protection when I came in here with that appeal, that petition, excuse me, and asked that it go to the H-Board. And you sat here and told us that you had no power to do that, you had to have your staff just watch..let the staff..let them watch it. But in fact, under 14-7.2, you did have that ability. And again, what we see now is we know there's..there has been demolition by neglect. We know that there are artifacts now that were buried. We know that there is supposed to be straw reinforced adobe, that is degraded in parts of it. There's supposed to be architects and engineers working at things when walls...footholds are made in walls, when foundations are exposed. The City has none of these reports at all. This is health and safety. And right now, what we see on the south side, we see part of that stucco bulging out, again looking like it's about ready to pull out of the wall. There's part of that wall that's never had a footing inspection, and according to the freedom of information act response given to me by Mr. Hiatt, it did not have permission to change it to a block foundation. It was not on the permit at the time that they did it and that part has no inspection. We believe that parts of the...I mean they're plastering on the inside, when they're supposed to have insulation on the inside wall. They have none. Mr. Purdy's aware they have none. He is [inaudible] the plastering is going on. And Mr. Rasch told us on Monday last week, or Wednesday last week, that if they didn't lower the skylights by Friday, he was going to stop work. Now Ms. Brennan has sort of taken that away from him and decided somehow that they don't really need to stop work, they don't really need to stop work when they've moved windows and sized them down on primary facades on the historic zone. These are all violations of ordinances. And we're asking you again to stop the project until it comes to City Council appeal. Thank you very much."

Pete Armijo, 616 Galisteo. Mr. Armijo said, "I bring this issue about 610 Galisteo... was a meeting at the BOA, this was last month, and I was mentioning to the Board of drainage problems..It's...it might cause problems for 614B, 604, but BOA cut me off early. The second point I was going to bring up. At 604, 610, 616 Galisteo were existing buildings at the time of 1880. This was when New Mexico was a territory. I also saw the workers who were digging the driveway at 614A picking up some artifacts out of the driveway. I'm not sure what the workers did with the artifacts. Either they kept them or they trashed them, or they put them back in the ground, but there was no archeological study, it was never mentioned at the H-Board on October 24, 2006. I ask the City Council to consider a study and stop construction to do the study before anything else. Thank you."

F. APPOINTMENTS

Airport Advisory Board

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

Richard Allison – reappointment – term ending 02/2011;
Elizabeth Hunke – to fill unexpired term ending 02/2010; and
Louis R. Tafoya – term ending 2/2011.

Councilor Bushee moved, seconded by Councilor Calvert, to approve these appointments. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzburger voting for the motion and none against.

Archaeological Review Committee

Mayor Coss appointed the following individual to the Archaeological Review Committee:

James Edward Ivey – to fill unexpired term ending 6/2009.

Councilor Bushee moved, seconded by Councilor Calvert, to approve this appointment. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzburger voting for the motion and none against.

Mayor's Youth Advisory Board

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

Caitlin M. Smith (Alternate #2) – to fill unexpired term ending 12/2008.

Councilor Dominguez moved, seconded by Councilor Trujillo, to approve this appointment. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzburger voting for the motion and none against

Business Capitol District/Design Review Committee

Mayor Coss appointed the following individual to the Business Capitol District/Design Review Committee:

Graciela Petronio Tome – to fill unexpired term ending 12/2008.

Councilor Bushee moved, seconded by Councilor Trujillo, to approve this appointment. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzburger voting for the motion and none against

G. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2008-17; ADOPTION OF ORDINANCE NO. 2008- _____. AN ORDINANCE AUTHORIZING THE EXECUTION AND**

DELIVERY OF A DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "CITY") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING THE SPECIAL LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$15,150,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING DESIGN, ENGINEERING, PRE-CONSTRUCTION AND CONSTRUCTION OF THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT, INCLUDING BUT NOT NECESSARILY LIMITED TO ENGINEERING AND PRE-CONSTRUCTION WORK ON THE WATER TREATMENT PLANT; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE CITY'S WATER AND WASTEWATER UTILITY SYSTEM AND REVENUES GENERATED BY THE CAPITAL OUTLAY GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (RICK CARPENTER)

Rick Carpenter explained that it was originally intended to request action by the Governing Body this evening on the ordinance and the grant agreement. However, in the last few days, some issues have arisen with regard to the terms and conditions of the grant agreement which needs to be resolved between the City and the New Mexico Finance Authority. Mr. Carpenter said staff is requesting that no action be taken this evening, with direction to staff to come back to the Governing Body in two weeks after we have worked through the issues and request action at that time.

Mr. Carpenter said John Appel, outside counsel for the MFA, is here to talk briefly about the issue, and the path forward to resolve those. Mr. Dwayne Brown, counsel to the City is in attendance as well to answer any questions on the grant agreement.

Mayor Coss said this will be fine, and he understands we shouldn't have the public hearing as well because the documents are likely to change before we act on them.

John L. Appel, Loan Counsel to the MFA on this drinking water loan for the Buckman Direct Diversion project, said they have been working on the closing documents for this loan for about six weeks. He said at the same time, the MFA has been working through the environmental approval process, a necessary component of this program. He said it can be piggy-backed on the Environmental Impact Statement and other environmental work done for the basic project. However, we do need to incorporate that process into the final loan closing documents. He said we aren't at that point, and Mr. Brown reviewed some of their work last Friday, made comments, but "we" haven't resolved all of those comments at this point. He said

he will be meeting with Mr. Brown, Mr. Carpenter and others on Monday to "hammer out" the exact language which should be adopted in the final loan agreement and in the ordinance to address all aspects of the loan, including the environmental requirements of the Drinking Water Revolving Loan Program. He said he is asking that this matter be deferred to the Council meeting two weeks from tonight, when he believes the issues will be resolved. He understands Mr. Carpenter is seeking funds to keep the project going, and the design construction contract was signed earlier this month, and progress can be made shortly.

Councilor Wurzbarger asked if these changes will come back to the BDD before coming back to the City Council.

Mr. Carpenter said he is unsure those have to go back to that Board. He said the grant agreement previously was approved conceptually by the Board. It is his understanding that this only has to come back to the Council. He asked Mr. Katz his opinion on this.

Mr. Katz said the loan is to the City to cover the City's contribution to the BDD, not to the BDD Board.

Councilor Wurzbarger said she understands, but she asked if it would be possible, for courtesy and information, to go back to the BDD Board.

Mr. Carpenter said the next meeting is next Thursday.

Councilor Wurzbarger wants it brought back for courtesy information.

Mr. Carpenter said he will amend the agenda to do so.

Responding to Councilor Wurzbarger, Mr. Katz said he has no problem with that.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to postpone this item to the Council meeting of April 9, 2008. The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion and none against

2) CONSIDERATION OF BILL NO. 2008-7; ADOPTION OF ORDINANCE NO. 2008-15 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING TABLE 14-7.1-1 AND SECTION 14-7.1(B) SFCC 1987, REGARDING THE CALCULATION OF ALLOWABLE DWELLING UNITS AND MAXIMUM NUMBER OF DWELLING UNITS. (JEANNE PRICE)

A copy of the amendment to Bill No. 2008-7 proposed by staff, is incorporated herewith to these minutes as Exhibit "4."

Ms. Price presented information to the Council from her Memorandum of March 17, 2008, which is in the Council packet. She distributed a clarification amendment proposed by

staff [Exhibit "4"]. She explained that the amendment clarifies that the result discussed in the proposed bill is the result described in Paragraph D. She said this same amendment will be made to all of these areas of the Code.

Councilor Chavez asked about the provision giving a density bonus if they are willing to be part of the Homes Program.

Ms. Price this bill requires all rounding down first, unless it is a family transfer and they can round up, or if the applicant agrees that the extra unit would be an additional affordable unit in the Homes Program, or it would be a low-priced dwelling unit with commitments for a time.

Responding to Councilor Chavez, Ms. Price said it would be necessary for them to own the home for five years on the low-priced unit before it could go back to the open market.

Responding to Councilor Chavez, Ms. Price said family transfers aren't concerned about income, but it does have to be a family member and there is a requirement to own the property for so long before it could go on the open market.

Ms. Price noted there is a Planning Commission amendment, but at the different meetings of the Public Works and Finance Committees it was not recommended.

Public Hearing

Those Speaking to the Ordinance

Stefanie Beninato said she favors the proposed ordinance, but she is somewhat concerned about being required to hold the affordable unit for only five years before it goes on the market. This isn't very long, and that unit will go on the market at an open market rate, plus the density will have been increased without affordable housing for more than five years. She believes the City should increase the time for the affordable unit to be held so there is a long term benefit to development – a compensation to the public for the increased density.

The Public Hearing was closed

Councilor Bushee asked on page 12, line 13, if it is "R through 71" or if that is "7i." Ms. Price said it is "7i."

Councilor Bushee said she has a question on the family transfer exemption because density is important, and she wouldn't mind seeing this reexamined.

Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2008-15, with the amendment proposed by staff.

Discussion: Councilor Bushee said this was part of the grand experiment based around

infill policy, and the idea that this would generate more affordability through helping land prices to be more affordable. She agrees that this, in the end, has turned out to be an upzoning without a hearing, or a real way for people to participate. She is glad the affordable units are being retained. She wishes more analysis had been done to see what actually did occur during the time this was in place, and what it does for affordability.

Councilor Calvert said this has been fully vetted at the Public Works and Finance Committees several times, and these were the consensus amendments of those committees. The amendment about the Homes Program was an attempt to address the affordability issue which was at the heart of the original bill that we are amending. He said the family transfer exception was the consensus of the Committee and what everybody agreed on.

Councilor Romero said at the previous meeting, the Council denied an appeal on a lot split situation. She said one issue which has arisen is that there is information that the family transfers aren't working as well as hoped. She believes at some point, it would be valuable to look back and do an assessment to see what has happened, but she doesn't believe it should be addressed in this particular bill. This issue will continue to surface until we look at this carefully because it isn't working with the original intention.

Councilor Chavez said we are reversing what we did in 2001, commenting that there are always unintended consequences. Sometimes we can fix those things and sometimes we can't. He believes we could revisit this and make it better. He said there were some individuals who abused the ordinance as it existed and we were seeing small lots at 60% lot coverage with too many homes on an acre. He said this doesn't make for a very cohesive neighborhood. He commented there is a difference in investing in property in a neighborhood to make money and actually living in the neighborhood. He hopes that we are fixing this with the intent to make the neighborhoods better for those who live there, and that it sends a message that this is our top priority.

The motion was approved on the following Roll Call vote.

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

Against: None.

- 3) CONSIDERATION OF BILL NO. 2008-8; ADOPTION OF ORDINANCE NO. 2008- ____ (COUNCILOR HELDMEYER, COUNCILOR CALVERT AND MAYOR COSS). AN ORDINANCE AMENDING TABLE 14-7.1-1 SFCC 1987, SO THAT THE MAXIMUM LOT COVERAGE FOR RM DISTRICTS IS FIFTY PERCENT (50%) IF PRIVATE OPEN SPACE IS PROVIDED. (JEANNE PRICE)**

A copy of the amendment to Bill No. 2008-8, proposed by staff, is incorporated herewith to these minutes as Exhibit "5."

Ms. Price presented information regarding this matter from her Memorandum of March 17, 2008, which is in the Council packets. Ms. Price distributed a proposed amendment from staff which amends another section to the 50%, which is the only change. She noted that the Planning Commission and the Finance and Public Works Committees recommended approval.

Councilor Chavez said since 2001, we have approved projects under the old 70% lot coverage provision, so we have created some conditions which will be non-conforming, and asked if this is something we need to fix as well.

Ms. Price said there would be non-conforming, but after speaking with staff there aren't too many of these because it is hard to get to 70% because of all the other requirements which have to be met as well under the Code, parking in particular, drainage and such.

Councilor Chavez said these are the two areas which he has seen which are most egregious. He said there are retention ponds which get filled in by the 3rd year, and there is parking which really doesn't meet Code requirements which results in parking which spills into the street. He said these are conditions within neighborhoods that we hear more about, especially parking. He asked if a survey would be done to identify the non-conforming uses.

Ms. Price said she doesn't believe an inventory would be done.

Councilor Bushee asked how many projects were generated to meet these requirements.

Ms. Price said we don't have a way of determining this.

Councilor Bushee asked then how we know this is something we need to change.

Ms. Price believes it is part of the whole situation that we see, such as Juanita Street.

Mr. Smith said there has been no systematic review of permits issued. However, anecdotally in discussions with staff who reviewed the majority of multi-family permits, there are a small number of permits which were issued which achieved between 50 and 70% lot coverage.

Councilor Bushee asked for an example of someone who was able to take advantage of this, because she recalls in passing this package that we included enough other requirements that this wouldn't generate much.

Mr. Smith said there are examples where people did take advantage of the increased coverage, but it is believed that occurred in a tiny handful of cases per year. These typically would be in the downtown periphery neighborhoods where people were taking advantage of the lot coverage to go up to a triplex or a fourplex in an existing neighborhood.

Councilor Bushee asked if these usually were multi-family.

Mr. Smith said he believes this is the case. He said there were instances where small non-conforming lots of 2,000 sq. ft. where they took advantage of the increased coverage to expand a single dwelling unit or such. He said with regard to the coverage, he suspects there aren't many at all.

Councilor Bushee wishes some sort of analysis was done. She has seen more people create a condo arrangement to get around our open space requirement. She would like some evidence.

Mr. Smith said the topics addressed this evening with regard to these specific rule changes will be addressed in a systematic way as part of the Chapter 14 update contract, so the consultant and the staff will be more systematically reviewing these, and will be coming to the Council and Planning Commission for direction and a more systematic approach as to the correct direction to take with regard to regulating infill development, including density, family transfer standards and other issues the Council has discussed this evening.

Councilor Bushee said she is trying to get to the driver behind this change.

Mayor Coss said we can have that discussion after the Public Hearing.

Councilor Chavez said one of the examples he mentioned earlier was not in the downtown core district, it was along Agua Fria, so he sees the lot coverage at 70% being a factor in different parts of town and how it relates to infill. He doesn't know whether or not the system is being abused, but you can look at some of the projects and it is questionable.

Public Hearing

Those Speaking to the Ordinance

Karen Heldmeyer said she would like to address the questions which have been raised. Most of the anecdotal examples brought up by staff and others are the insertion of small casitas and other small units within a particular lot, so that a lot at 40-50% lot coverage, if allowed to go to 70%, a new dwelling unit can pop up. She said many of these are, in fact, condos because it talks about lot coverage for the total lot, whether you are talking about each house on an individual lot or you're talking about several houses on a bigger lot. Lot coverage is still the same. Many of the condos which have been problems in Councilor Bushee's District have been inserted through this increase in lot coverage.

The Public Hearing was closed

Councilor Calvert said, in terms of examples, one of the more egregious happened in the Callecita and Sunset neighborhood, where a single family home was replaced with a fourplex that took advantage of the lot coverage to make that happen without the setbacks which a single family home would be required to have.

Councilor Calvert moved, seconded by Councilor Chavez, to adopt the proposed Ordinance, with the amendment proposed by staff.

Discussion: Councilor Wurzburger is concerned about the same issues and concerns we raised with respect to the amendments added for the previous change on both family transfers and affordable housing, and whether this would prohibit a family transfer and that you couldn't do the casita for your child because you already are at 45%. We didn't discuss this at all. She said we have been looking at a series of strategies to deal with the problem of having things too dense. She wonders if the same condition should have been attached to this ordinance change,

Councilor Calvert understands the affordability aspect, but is unsure he understands the family transfer.

Councilor Wurzburger said Councilor Chavez mentions that we have done something which takes two principles about which we are concerned, and are "throwing the baby out with the bathwater," which could have been resolved with an amendment. She would like to work on a possible amendment if needed, after we understand it better.

Councilor Chavez asked if this ordinance contains a one year review.

Ms. Price said the individual ordinances like this for Chapter 14 usually don't do a one-year review. She said the Council approved a contract this evening to begin the latest Chapter 14 rewrite, and one of the policies the rewrite should look at is at much more comprehensive and holistic way of looking at our rules so that family transfer and affordable do get some incentives. She said she would like to see, in the Chapter 14 rewrite, the City to standardize these things so they are examined more cohesively. She appreciates the comment that we should be making consistent incentives for family transfers and affordable housing if this is the Council emphasis.

Councilor Chavez said we have always tried to give some sort of incentive to people for doing the right thing, such as a density bonus, off site improvements for affordable housing. He said family transfer is a concept we have tried to incorporate to keep things affordable, and said we could question whether the ten years of the Homes Program is working when half our City employees live outside the City.

Councilor Bushee said she doesn't believe this has been an "earth moving" policy, and hasn't done a whole lot. She is questioning more the process of overturning something when we don't know the effect. She believes there is more concrete evidence on the previous one. She would like staff to give one example of something which happened to increase density because of this policy.

Mr. Smith said staff didn't prepare a case study on any particular case, and this wasn't brought to staff's attention until this evening. With regard to the density, there aren't a lot of issues to choose from. He said staff has listened to many comments at Summary Committee and Planning Commission hearings where neighbors complained about the overall concept that the various rules allow overbuilding based on neighborhood character. He said the amendments were not initiated by staff, but by Council sponsors. The original amendments

were discussed and recommended for approval by the Community Services Department and by the Planning and Land Use Department and were initiated by Council sponsors. He said staff is aware that anecdotally complaints have been raised at the Planning Commission and the Council over a period of time, but it isn't staff initiation or specific recommendation of the Land Use Department on these issues tonight.

Responding to Councilor Bushee, Mr. Smith said his recollection of the discussion with the Planning Commission is that the Commissioners believed it was appropriate based on their experience as Commissioners and did not ask for a specific study of particular cases or of statistics on cases.

Councilor Bushee asked if those who work with the Homes Program have not found this was necessary in some way. She recalls this being attached to another Chapter 14, and it had a reason, but it didn't seem onerous because "it really was taken care of by our other requirements."

Councilor Dominguez said he would like to follow up on Councilors Chavez and Bushee's remarks. He asked how long we are expecting the Chapter 14 rewrite to last.

Mr. Smith said there will be phases of the Chapter 14 process, but he doesn't believe the contract sets a specific end date for all phases of the Chapter 14 update. The first task for the staff and consultant will be to come to the Council after doing preliminary work with the Planning Commission and other citizen groups to propose to the Council how the various parts of Chapter 14 will be phased, the sequence of public participation and the details of the process within 30-60 days. However, he doesn't have specific answers to this question this evening.

Councilor Dominguez said, in light of this evidence which some of us would like, it seems as if we should wait to do this until after Chapter 14 is rewritten.

Councilor Romero said this one is a struggle because we're trying to stop the clock and actually look backward in some ways. She said to protect neighborhoods, we are looking at some of these ordinances which have created problems. She said the Chapter 14 rewrite is happening. She thinks this is a stopgap measure without all of the information about the impact on family transfers and other issues. She said it may not be the best thought out way to do this.

Councilor Wurzbarger asked about the possibility of tabling this for two weeks to address these specific questions. She believes it won't hurt to wait for two weeks to address the first two issues to see if we need to make amendments.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to table this item for two weeks to the next meeting of the City Council on April 9, 2008.

The motion was approved on the following Roll Call vote.

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

Against: Councilor Chavez.

- 4) **CONSIDERATION OF BILL NO. 2008-12; ADOPTION OF ORDINANCE NO. 2008- ____ (COUNCILOR HELDMEYER AND COUNCILOR CHAVEZ). AN ORDINANCE CREATING A NEW SECTION 14-5.10 SFCC 1987, REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS; AND MAKING SUCH CHANGES AS ARE NECESSARY. (JEANNE PRICE) (Postponed at February 27, 2008 City Council Meeting)**

The Council voted to hold the public hearing this evening, but to postpone the vote until the next meeting when the full Council will be in attendance.

A copy of a proposed amendment to Bill No. 2008-12 (neighborhood conservation district), submitted by the Public Works Committee, is incorporated herewith to these minutes as Exhibit "6."

Jeanne Price presented information regarding this matter to the Council from her Memorandum dated March 17, 2008, which is contained in the Council packet. She noted that the Public Works Committee recommended approval as amended. Issue of minimum size would include no less than two City blocks,

Public Hearing

Mayor Coss said everyone speaking in favor of the ordinance will be given three minutes to make their remarks.

Speaking in favor of the ordinance

Sally Ventres, 985 Agua Fria said the old residential neighborhood immediately west of St. Francis and between the river and Agua Fria probably could qualify as an historic district, but the necessary survey has never been done. Some of the homes were built in the 1920s, but most were built after the Second World War and the veterans built single story, single family homes close together, and that community still remains, and many of their descendants still live there. However, recently there has been a great proliferation of add ons, extended lot coverage, second stories and people are distressed, but no one is paying any attention to them. She believes this ordinance would help greatly, and she hopes the Council will adopt it.

Lois Snyderman, 912 Los Lovatos, said this is a very important issue to her, and she has been active in civic affairs for many years. [*Ms. Snyderman's presentation for the most part was inaudible because of the poor quality of the sound system.*] She said she has heard over and over from the neighborhoods that no one listens to them. She urged the Council to approve this ordinance. It will help to include neighbors earlier in the planning process, and give them a stronger opportunity to participate and to protect their neighborhoods. She said this ordinance will eliminate last minute confrontations. It is a "win win" situation for everyone. She urged the Governing Body to approve the Neighborhood Conservation Overlay District Ordinance.

Reggie Cox, 314 Delgado, asked the Governing body to take a serious look at the ordinance for the older neighborhoods as well as the newer neighborhoods which are being built around the City. She said, "We, the neighbors need a voice to take care of ourselves when development and changes start to come in. Especially, this is a way for us to become proactive, instead of reactive when we have things brought into our neighborhoods which we believe don't fit or apply." She encouraged the Governing Body to seriously consider passing this ordinance in two weeks.

Peter Komis, 610 Don Gaspar, congratulated Councilor Rosemary Romero. He said he is in favor of the ordinance. He has served as the President of the neighborhood association for 8-9 years. He said two decades ago, they drew the line to commercial encroachment in the neighborhood. He said there have been two issues recently, and a third about a lot split which intended to occur on Barcelona which was a very contentious issue, and an ordinance such as this would have protected the neighborhood. He spoke about a commercial encroachment by an Oil & Gas Lobbyist, who purchased a home, who doesn't live there, but is running his office there. He said there doesn't seem to be a way to enforce the rules on the books right now, and perhaps with this ordinance these kinds of things could be stopped. He believes this ordinance is important to catch the important issues for historic neighborhoods such as the Don Gaspar neighborhood.

Barbara Conroy, 934 Dunlap Street said she is in favor of the ordinance. She lives on Dunlap which is an old, established neighborhood with some transitional elements in terms of who lives in the houses. They are seeing new houses, some two-story, particularly on Alto Street where great compounds have been built where there formerly were small, one-family homes, and the density has increased a great deal. She said there are 2 and 3 story houses being built by the River. She said although the ordinance wouldn't have an immediate impact because of the processes, it wouldn't benefit her. However, she believes it is important to preserve the nature of the established communities so they retain an integrity. Neighborhoods will be encouraged to be neighborhoods through this process, and bring the impetus we need to have people working, talking and living together and addressing issues as they arise. This is very important and will encourage neighborhood efforts in a very constructive and preservational way. She urged favorable consideration and passage of the ordinance.

Victoria Murphy, Chair, Government Affairs Committee, for the Real Estate Association of Santa Fe. Ms. Murphy said there are about 1,100 members in the Association engaged in all aspects of commercial and residential real estate. She said there is nothing fundamentally wrong with the zoning overlay district or with the concept of regulations which allow for the protection and preservation of special defining characteristics of individual neighborhoods. She said the Santa Fe Association of Realtors requested an analysis of the proposed ordinance through the National Association's Land Use Initiative. She said the analysis notes issues of concern with the City Council, staff and Planning Commission members. The Association appreciates the work of the Planning Commission Subcommittees which has been done to address these concerns. She said the Association would like to highlight a few remaining issues as follows:

- (1) The Association believes the language resetting the process for determining a

neighborhood conservation overlay district needs to be more clearly outlined in the proposed ordinance. For example, in the event the proposed boundaries are enlarged, notice shall be given to those additional property owners and physical addresses, and a public process to establish a neighborhood conservation overlay district will be reset.

- (2) While being reassured by City Land Use staff that the City holds legal authority to establish neighborhood conservation overlay districts, staff is not aware of any other similar zoning districts in New Mexico. The Association therefore encourages the City to seek a legal opinion concerning whether granting authority to private property owners to initiate the process of designating such a district and developing potentially very restrictive requirements within that district amounts to an improper delegation of legislative authority to private parties under State law.
- (3) The Association believes there are remaining questions on how neighborhoods may be permitted to use the neighborhood conservation overlay districts to further control short term rentals in the City block. If neighborhoods add additional restrictions on short term rentals and they become nonconforming within the new districts, what would trigger an obligation by the property owner to comply with new requirements.
- (4) Implicit in the proposed ordinance is the Intent to decentralize significant land use, planning & regulatory functions to individual, self interested neighborhoods, rather to promote a more comprehensive and coordinated broader view of the City's overall needs. This new approach likely will undercut the City's ability to effectively plan and program the location and timing of public infrastructure investments to serve expected new developments, and might worsen fragmented development patterns promoting sprawl.
- (5) To the extent that the construction of market rate affordable housing requires high density, neighborhood conservation overlay districts may have the effect of excluding or may be used to deliberately exclude some affordable housing developments. This may run contrary to public policy and development trends favoring mixed use and mixed income developments.

Rick Martinez, 725 Macias Road, said this ordinance can work both ways and will work City-wide, and not just on the east side or the west side. He said conservation districts can allow neighborhoods to work together to decide what they want in the neighborhoods. He urged passage of the ordinance.

Deanna Einspar, 725 Macias Road, urged passage of the ordinance. She said we talk about building capacity in neighborhoods, and she believes the possibility of neighborhoods getting together and working toward the majority and super majority required in the bill would go a long way toward increasing capacity of neighborhood organizations and neighborhoods. She said the City benefits a lot from having strong neighborhoods, and how during last year's snow

snowstorm, the neighbors came together to help each other. She believes the process has its checks and balances, taking 51% of the neighbors to petition the Council to begin the process, noting this is a big accomplishment. She urged passage and to think of this as a possible first step in revitalizing the neighborhoods and making the new neighborhoods stronger. She agrees that neighborhoods need identity, and getting together to do that creates identity in and of itself and can strengthen neighborhoods.

Rosemary Menard, 534 Alarid Street, asked the Council to seriously consider this ordinance. She said there are many neighborhoods like hers with certain distinguishing characteristics and it is good for the City to be able to preserve these. She urged the Council to seriously consider the ordinance, and it is a good idea. She said the process involves quite a rigamarole and some neighborhoods will do it and some won't. The more we keep the distinctive characteristics of the various neighborhoods, the less likely is "apt to come up looking like a bunch of grocery sacks."

Margaret Josena Campos, Galisteo Street, said this ordinance will be able to save the older generation. There are 49 original homes on Roybal Street which were built in 1915. These haven't become two stories, nor "real estate looking out their front window." She believes the ordinance is a new and great way to protect the neighborhoods. She said this includes everyone. She is concerned about the way the staff will enforce the ordinance, and would like a commitment from the City Council, the City Manager and the Mayor for special training for the staff in interpreting this ordinance.

Harriet Heltman, 1150 Don Gaspar said she agrees with what has been said. She said people in Santa Fe are genuinely interested in preserving Santa Fe. She said neighborhoods being able to organize and protect their properties is important, and maintenance is an important part of the overlay district. This is a great idea and it's going to take a lot of work in individual neighborhoods to organize and do everything necessary, so it won't be a "slam dunk" affair. She asked the Council to give the neighborhoods and the people some "say so" over their own properties.

Karen Heldmeyer, Former Councilor said, "I'm not going to talk about what this can do for neighborhoods, because the people you've heard tonight, and the people who couldn't be here tonight, have sent you phone messages, emails, are saying it a lot more eloquently than I can. What I'm here to do is... to remind you of a few things that haven't come up in the testimony tonight. And, the first thing is, with apologies to Josena, this isn't my dream. It is the dream of the community, and it's a dream that's been around a long time. It is in the general plan which some of you have voted for. It is in the Railyard plan which some of you voted for. And the idea was that we knew development was going to happen, but how could we protect the neighborhood, best protect it from that development."

Councilor Heldmeyer continued, "Santa Fe has a long and cherished history of urban planning. It goes back four hundred years to the Law of the Indies. And that's one of the reasons why Santa Fe is such a welcoming community, that the neighborhoods are such great places to live, raise families, grow old. We can start at Law of the Indies and how the City grew organically. We can look at the genius of Allan Stamm and the genius of Amelia White, who

were doing fantastic urban planning decades before that term was even being used. We can look at the City Councils of the 1920s who realized there was something unique and special here and it needed to be preserved. And what you're hearing from people is that those neighborhoods that are so precious to them, that are so individually unique, are at risk and they are at risk because other people would like to do something else with them."

Councilor Heldmeyer continued, "Now one of the things you've heard is, well what about affordable housing, what about family lot splits. I would like to thank the Planning Commission, particularly the subcommittee of the Planning Commission that worked so hard to get a consensus document on this, who looked at those issues and tried to include them in the consensus document. Consensus is possible if consensus is what you want. And, that Committee worked very hard to reach that consensus and to say we can do this. We can protect our neighborhoods, we can have affordable housing, we can have appropriate places for new families to live, for old families to stay, but we need to do it working together, and we need to do it through an open and democratic process, one which will allow neighborhoods to be pro-active. To say what they want instead of what they don't want, because they've been thrown into that 'kettle of fish too many times lately.' And when they say what they want.... and when they do reach this decision it will be something that will be positive for the builders and developers in this City as well. Although most people don't remember it, a lot of the legislation that I introduced was good for neighborhoods and good for the real estate and building community, because it was, and I hate this term, but it was a win win. This too can be a win win, because people who want to develop will know what's appropriate for a particular neighborhood and everybody will be happy."

Those speaking against the proposed Ordinance

Stefanie Beninato said she is in an odd position in opposing this ordinance, because she is for neighborhood conservation. However, she feels the creation of yet another overlay district in Santa Fe is just too much. She said, being trained in the law, she believes this is extremely problematic constitutionally, because you are creating a spot zoning. She said although it requires 51% of the neighborhood, it is only two square blocks, and in some neighborhoods that's not very many people. She said there could be 6 people in two square blocks in some areas. She asked if you are going to let four people in these two square block areas have separate building requirements, separate characteristics. She believes it is on such a small scale. She said we actually have laws on the books, and if staff would just enforce the laws on the books, we wouldn't be in this situation.

Ms. Beninato said Albuquerque is good example of how to deal with neighborhood notification and involvement in development projects, because they have a mediation in the land use program and it works very well, noting that she provides mediation for that program. She said certain things immediately trigger the neighborhoods being allowed and encouraged to meet with the developers. She said the Albuquerque Planning Commission just doesn't let that slide, and are concerned about what neighborhoods have to say. She said, "We are becoming the City sold out here," and developers are taking over and it's what they want. She said developers could take over and get 51% of the neighborhood and decide to make it all

commercial because that's what they want. She said what if they decide 21 units per acre isn't enough and decide on 42. She said we could be creating neighborhood conservation districts which will be hurtful to neighborhoods. She is appalled at the multi-story development on St. Michaels, St. Francis and on Agua Fria and Alto. She reiterated we have existing law, and more use of early neighborhood notification, more required meetings, facilitated meetings between developers and the neighbors would be a less constitutionally problematic solution.

Sagemaya Dandi, 1492 Upper Canyon Road, said he echos the comments of the previous speaker. He has concerns about the liability issue of creating yet another division. He believes the individual in our system is being diminished continually. He said we have neighborhood associations and various committees we have to attend. He spoke with Mr. Katz about the neighborhood associations, and Mr. Katz told him that the neighborhood associations are private entities. He asked the Council for clarification as to who is liable if an overlay district does something which is inappropriate or injures someone, and if all the taxpayers are liable, or just those in the overlay district, those who sign the petition. He believes the City is opening a "can of worms" which really needs to be clarified. He supports creating a system where neighborhoods can preserve themselves. He asked the Council to delay action until this ordinance and clarified and the administration can present the public with information as to the liability of the overlay district and the neighborhood association.

The Public Hearing was closed

Mayor Coss said Councilors can ask questions, but he would prefer not to have discussion or debate until the full Council discussion and debate at the next meeting.

Councilor Bushee asked how were the 51% and 67% derived. Ms. Price said these were determined by the subcommittee of the Planning Commission and approved by the Planning Commission.

Councilor Heldmeyer said the original number was lower, and the Public Works Committee suggested 51% which was approved by the Planning Commission as recommended by its subcommittee. She said people didn't want to quibble over the numbers. She said the middle number is 40%, which is how many votes are needed to get to the point where there is balloting. There was a great deal of discussion about absentee owners, and if they didn't vote, should they be counted. Legal advised that a positive vote had to take place at the final balloting.

Councilor Bushee asked what other communities are doing here.

Councilor Heldmeyer said other communities vary from 30% to 60%, depending on the final decision making body, which in Santa Fe is the City Council. She said because this is a zoning change, it has to go through the standard zoning process which includes Notice, ENN, Planning Commission recommendation and Council vote. The subcommittee recommended this as the final criteria.

Responding to Councilor Bushee, Councilor Heldmeyer said she believes people understand perfectly well that there is a threshold to get in the door, with a higher threshold to get general agreement. She said there probably are as many ways to do a neighborhood conservation district as there are cities that have them, and out of all of this "mish mash" the Planning Commission Subcommittee chose this particular way to go. It is intended to be a citizen-driven, democratic process.

Mayor Coss said this item will be on the agenda for discussion, debate and action at the next Council meeting.

Councilor Heldmeyer said, "Some of the comments that were made about things that were not in the bill, are in fact in the bill, and so if you get a chance before two weeks from now, please talk to Jeanne about what's really in the bill."

Councilor Wurzburger asked, since the public hearing is closed, if the Council will still be able to ask questions of Councilor Heldmeyer, or do we have to ask those now, or ask those individually.

Mayor Coss said he would presume that Councilor Heldmeyer will be at the next meeting.

Councilor Heldmeyer said she will be out of town for the next meeting.

Councilor Wurzburger said she will contact Councilor Heldmeyer with any questions before the next meeting.

5) CONSIDERATION OF BILL NO. 2008-18; ADOPTION OF ORDINANCE NO. 2008-16 (COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLES 6-17 AND 1-11 SFCC 1987, COMBINING THE DUTIES OF THE BUSINESS AND QUALITY OF LIFE ADVISORY COMMITTEE AND THE ECONOMIC DEVELOPMENT REVIEW COMMITTEE. (KATHY McCORMICK)

A copy of a color coded flow chart which was given to the Governing Body and entered into the record by Kathy McCormick, is incorporated herewith to these minutes as Exhibit "7."

Kathy McCormick presented information regarding this matter and reviewed the flow charts in Exhibit "7."

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Responding to Councilor Bushee, Ms. McCormick said it is proposed to make the current Economic Development Review Committee a Subcommittee of the Business and Quality of Life Committee ("BQL Committee), to function as a citizen committee to meet only when there is an economic development proposal or project to review. The Subcommittee will be composed of five members – two members from the BQL and three additional community members, and will be called the Business and Quality of Life Subcommittee.

Responding to Councilor Bushee, Ms. McCormick said the BQL Committee deals with a lot of quality of life issues beyond economic development, so we wanted to ensure there was expertise on the subcommittee in business and economic development reviewing those proposals and projects.

Councilor Wurzbarger said we are overlooking the point that when we considered merging these committees, the EDRC had evolved to a less than functioning Committee with respect to appointees and quorums, although there were 3-4 people who were interested in maintaining the relationship and assisting in reviewing contracts. The reason members were retained is because of their expertise, and the three additional people bring different expertise from various segments of the business community.

Councilor Bushee said Section F. on page 3 of the Ordinance provides, "Reviewing and making recommendations to the governing body on implementing the economic development plan and the annual budget for implementing the economic development plan." She asked if this is the same thing which the City Finance Committee would do.

Ms. McCormick said that was part of the duties of the EDRC, and in keeping with the Economic Development Plan adopted by the City Council, and staff ensured it became part of the duties of the BQL Committee.

Responding to Councilor Bushee, Councilor Wurzbarger said "budget" means the allocation to the BQL Committee to spend for core projects.

Councilor Bushee, quoting from page 3, line 7 of the proposed ordinance, "The Committee, in coordination with public groups, shall appoint working groups or advisory subcommittees, as needed, to implement the economic development plan." She asked if those members will come from the BQL Committee or if these will be random committees.

Ms. McCormick said there is a subcommittee of the BQL which was formed on an *ad hoc* basis to look at education, and invited different members from the community to come and speak to them and they are exploring ideas for projects. The Subcommittee is composed of members of the BQL Committee, and in this instance it is called an education subcommittee of BQL, an informal group which is meeting. The members of the subcommittee are BQL Committee members.

Proposed Amendment to the proposed Ordinance: Councilor Wurzburger proposed to amend page 3, line 7 of the ordinance as follows: "...shall appoint working groups or advisory subcommittees of the Business and Quality of Life Committee, as needed....."

Councilor Wurzburger moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2008-16, with the proposed amendment to page 3, line 7, as stated.

Discussion: Councilor Bushee said she wants to ensure that the mission of the BQL Committee continues to focus on small businesses in Santa Fe. She asked what became of idea of the Small Business Ombudsman position, what happened to the money, and if there still can be some focus on that.

Ms. McCormick said she can't address what happened to that position, commenting that was before she came here. However, she can say that the staff in Economic Development are calling on local businesses which is a large part of their work, as well as working to streamline some of the systems to make it easier to get a business license, and such. They also are working on changing the workshops currently being offered through groups such as Creative Santa Fe, etc., to see they are oriented toward the needs of the small businesses and non-profits. She said they would love to find the "small business ombudsman."

Councilor Bushee would like staff to find out how to change the State's control of the business license fee, and would like to increase that fee and use the proceeds for small business support. She supports the ordinance.

Councilor Chavez commented on the Museum of New Mexico Foundation and its practice of licensing agreements. Recently, the Museum of New Mexico Foundation has entered into licensing agreements with out of state furniture manufacturers, giving them rights to use design elements from furniture in the museum collections. He believes this is reverse economic development, and we need to ask the Museum of New Mexico Foundation to consider local manufacturers first. He said the two manufacturers will make furniture inspired by New Mexico furniture, take it to a trade show in Las Vegas, Nevada and market it as if it were sanctioned by the Museum of New Mexico.

Ms. McCormick said "we" are having lots of conversations with the New Mexico Museum Foundation as well as their shops, so she will talk about them with regard to any issues in getting the furniture made in New Mexico, and what incentives we might consider to be able to use local businesses.

Councilor Chavez pointed out that even if there is concern about the capability to manufacture a certain volume of the furniture, one-of-a-kind, hand-made furniture is still available, and he believes this is being overlooked.

The motion was approved on the following Roll Call vote.

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: Councilor Chavez.

- 6) **CASE #H-07-148. APPEAL OF THE HISTORIC DESIGN REVIEW BOARD'S DECISION ON DECEMBER 19, 2007, CONCERNING PROPERTY LOCATED AT 824-B DUNLAP STREET, IN THE WESTSIDE-GUADALUPE HISTORIC DISTRICT. BILL ROTH, AGENT FOR KARY MYERS, OWNER, REQUESTS THAT THE GOVERNING BODY RESCIND THE DENIAL TO CONSTRUCT A 200 SQUARE FOOT CARPORT. (DAVID RASCH). (POSTPONED AT MARCH 12, 2008 CITY COUNCIL MEETING)**

The Appellant withdrew his appeal from this case and it was removed from the agenda.

- 7) **ORDINANCE NO. 17. CASE #ZA 2007-11. FIRST MESA REZONING FROM R-1 TO RM-LD/PUD. JAMES W. SIEBERT, AGENT FOR FIRST MESA, LLC, REQUESTS REZONING OF ± 2.88 ACRES OF LAND FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO RM-LD/PUD (MULTIPLE FAMILY RESIDENTIAL, 12 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT). THE APPLICATION INCLUDES A PRELIMINARY DEVELOPMENT PLAN SUBMITTAL FOR 20 LOTS. THE PROPERTY IS LOCATED TO THE SOUTH OF CERRILLOS ROAD, WEST OF KACHINA RIDGE, PHASE II, AND NORTH OF THE ARROYO DE LOS CHAMISOS. (DONNA WYNANT)**

Memorandum dated March 17, 2008 for the March 26, 2008 City Council Meeting, to the City Council, with attachments, from Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "8."

The staff report was presented by Donna Wynant, which is contained in Exhibit "8."

RECOMMENDATION: The Planning Commission on 12/6/07 recommended approval of the application to rezone the subject property to RM-LD/PUD (Multiple Family Residential, Planned Unit Development). The request included a preliminary development plan submittal for 20 lots. The Planning Commission recommended approval based on rezoning approval criteria in Section 14-3.5 SFCC 2001.

If the City Council approves the TM-LD/PUD zoning and development plan, the following conditions are recommended by the Planning Commission:

A detailed development plan shall be prepared and filed prior to development of the property, and shall comply with the requirements of the following departments:

- Engineering Division Traffic Review Memo (Staff Report, Exhibit G).
- Engineering Division Review Memo (Staff Report, Exhibit H).
- Engineering Division Landscape Review Memo (Staff Report, Exhibit I).
- Fire Department Memo (Staff Report, Exhibit J).

- Wastewater Management Division Review Memo (Staff Report, Exhibit K).
- Solid Waste Division Review Memo (Staff Report, Exhibit L).
- Parks, Open Space & Trails Review Memo (Staff Report, Exhibit M).

Public Hearing

Presentation by the Applicant

Jim Siebert, 915 Mercer, representing the Applicant, was sworn. Mr. Mercer said what is before the Council is a 20-lot development, with the Kachina Ridge development immediately to the east which is RM-1 PUD. He said to the north is the other Grace development which is RMLD PUD, so the proposed density is consistent with what is happening in the area and is consistent with the General Plan. He said the proposal received unanimous approval from the Planning Commission.

Those Speaking to the Ordinance

Josena Campos was sworn. Ms. Campos said she knows Mr. Siebert's work, but she is concerned about what has happened to District 2 in regards to the Borrego property. That was to be five houses per acre, 65 total units, and now they have put the eleven affordable "back in the bank." She said she is looking at developments *per se*. She said five houses per acre become a fire hazard, give no privacy to the adjacent house, have no back or front yards and the prices go sky high. She said we are now "stuck with a vacant lot," and with 25 condos on the back of St. Bedes and those on St. Francis Drive. She asked Mr. Siebert if he would be willing to diminish some of the twelve dwellings so they would be on separate lots, and to look at the traffic this development might incur. She said there is a multi-family, two story on part of Columbia and Luisa by the Luisa Senior Center. She said the seniors have lost their privacy and there is insufficient parking, and the construction vehicles are parked on Luisa Lane. She said it is important to look at "every little bit of a development," and how it will diminish and take away, and the price because of construction. She said, "Affordable is a big mess. It's not going to happen, and we have been promised that too many times in this community." She asked Mr. Siebert to go back to the planning table and look at this all over again. She asked the Councilors to really look at this. She said Mr. Borrego finally rented the units because two were burglarized for the copper piping, insulation and the bathrooms.

The Public Hearing was closed

Councilor Calvert referred to the Staff Report which provides, "A detailed development plan shall be prepared and filed prior to development of the property, and shall comply with the requirements of the following departments." He said in looking through those, on page 31, Exhibit L from Waste Management Division, discusses a private sewer system and asked if this is still the case.

Ms. Wynant said it refers to the existing situation, and asked Mr. Siebert to respond.

Mr. Siebert said is not a private sewer system, it is a public sewer system. He said a public sewer is already available which serves the Kachina Ridge Development, and they will be tying into that and extending that particular sewer.

Mr. Siebert said the problem is that it says "West Alameda Rezoning," so it doesn't belong in this packet.

Ms. Wynant apologized saying it shouldn't be in the packet.

Councilor Calvert, quoting from Exhibit M, page 32, "Entrance problems and cul-de-sac issues, please contact Randall Marcos." He asked if those have been resolved.

Ms. Wynant said not at this point.

Mr. Siebert said he had a conversation with Randal Marcos. The issue is that off the public street there are small, limited private cul de sacs. Mr. Marcos's concern is that he wasn't going to send a waste truck down the private cul de sacs. There is language, both on the plan and the covenants, that it is the understanding that people will have to bring their garbage to the street, and can't leave it on the private cul de sacs. Responding to Councilor Calvert, Mr. Siebert said this will enable the area to be serviced by the automated trucks.

Councilor Calvert, referring to Exhibit N, page 33, asked for an explanation of what is happening with the trail, and the location of its easement and where that will be.

Mr. Siebert demonstrated the site on the enlarged drawing.

Councilor Calvert asked if this approach has been reviewed by staff, and staff concurred.

Mr. Siebert said he has discussed this with Bob Siqueiros and he is in agreement with that.

Proposed amendment: Councilor Calvert would like to amend the ordinance to add a condition of approval to make all the residences Energy Star. Mr. Siebert said he has no problem with that.

Councilor Calvert moved, seconded by Councilor Chavez, to adopt Ordinance No. 2008-17, with the amendment that all residences will be Energy Star, and with all requirements that the staff says they will comply with.

Discussion: Councilor Trujillo referred to page 25 of the Staff Report, quoting from Recommended Action No. 5, "... 'A Policy on Geometric Design of Highways and Streets' current edition. This may affect the amount of parking allowed on Camino de los Arroyos." Councilor Trujillo asked what parking this affects.

Mr. Siebert said the parking diagram on the off street, is the parking which will exist

once the development is constructed. There is a total of thirteen off lot parking spaces – six on site and seven off-site. He demonstrated the site of these spaces on the enlarged drawing. Responding to Councilor Trujillo, Mr. Siebert said these are public on-street spaces.

Councilor Bushee expressed concern that 0.31 acres will be in the 100-year flood plain, noting they have made an application to FEMA. She asked if this will apply to the new, tightened regulations we are pursuing, and if there are any issues of concern there.

Mr. Smith said in the previous phases of the project, the property owner, the same as for this phase, was able to get the letters of map amendment approved which reduced the area officially designated as flood plains.

Clarification of the motion by staff: Mr. Smith said the staff isn't recommending conditions of approval on this zoning *per se*. Staff has identified conditions which will be applied by the Planning Commission to the final development plan. He said the Council votes on the rezoning and the preliminary development plan, but the Planning Commission has jurisdiction over the final development plan in the subdivision plat which will complete the process for this. Councilor Calvert said he was just saying that his motion included the staff language that "it shall comply with the requirements of the following departments as listed here." Mr. Smith said, "At the time of approval of the final development by the Planning Commission was staff's intent on that."

Councilor Bushee asked Mr. Smith if he has any problems with the flood plain issue.

Mr. Smith said staff expects the federal process to address that issue, concurrently with the final development plan and platting by the Planning Commission.

Councilor Bushee said the Staff Report said they applied for the letter and they got favorable response, and asked if it is a condition that they get approval on that letter.

Mr. Smith said City Code requires that the letter be approved prior to the recording of the development plan and the plat.

Councilor Bushee asked what happens if it isn't approved.

Mr. Smith said then the Planning Commission will be unable to approve the plat and will not approve the final plat.

Councilor Romero complimented staff on the clarity of the staff report, noting the outline of the ENN guidelines were very helpful.

The motion was approved on the following Roll Call Vote:

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

Against: None.

- 8) **CASE #M 2007-36. 1312 AGUA FRIA STREET GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.306± ACRES OF LAND FROM LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE AREA IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (LOU BAKER). (Postponed at March 12, 2008 City Council Meeting. (Request by Staff to postpone to April 30, 2008 City Council meeting)**

A Memorandum dated March 19, 2008 for March 26, 2008 City Council, to the City of Santa Fe City Council, from Lou Baker, AICP, Senior Planner Development Review, regarding Case #ZA-2007-13 and Case #M-2007-36, recommending the postponement of these two cases to allow the applicant time to research and submit documents establishing a legal lot of record, is contained in the Council packet.

This item was postponed to the meeting of April 30, 2008.

- 9) **CASE #ZA 2007-13. 1312 AGUA FRIA STREET REZONING. DERRICK ARCHULETA, AGENT FOR EVANGELINE HERRERA, REQUESTS REZONING OF 0.306± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (LOU BAKER). (Postponed at March 26, 2008 City Council Meeting) (Request by Applicant to postpone to April 30, 2008 City Council meeting)**

This item was postponed to the meeting of April 30, 2008.

- 10) **CONSIDERATION OF BILL NO. 2008-16; ADOPTION OF ORDINANCE NO. 2008- _____. AN ORDINANCE APPROVING AND RATIFYING AN ORDINANCE OF THE SANTA FE SOLID WASTE MANAGEMENT AGENCY WHICH AUTHORIZES EXECUTION AND DELIVERY OF (1) A LOAN AGREEMENT BY AND BETWEEN THE AGENCY AND THE NEW MEXICO ENVIRONMENT DEPARTMENT IN THE AMOUNT OF \$2,000,000, AND (2) A LOAN AGREEMENT BY AND BETWEEN THE AGENCY AND THE NEW MEXICO FINANCE AUTHORITY IN THE AMOUNT OF \$1,000,000, EACH FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EXTENDING, ENLARGING, BETTERING, REPAIRING OR OTHERWISE IMPROVING OR MAINTAINING SOLID WASTE DISPOSAL EQUIPMENT, EQUIPMENT FOR OPERATION**

AND MAINTENANCE OF SANITARY LANDFILLS, SOLID WASTE FACILITIES OR ANY COMBINATION OF THE FOREGOING; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH. (RANDALL KIPPENBROCK). (REQUEST TO POSTPONE TO APRIL 9, 2008 CITY COUNCIL MEETING)

This item was postponed to the meeting of April 9, 2008.

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

14. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Calvert

Councilor Calvert said Sev Gurule could use help from the Police Department for the issue at Roybal & St. Francis which has been a problem as long as he's been on the Council. Mr. Gurule is having difficulty serving the owner, and he needs help and suggestions for ways to make this happen, so this doesn't drag on forever and we can get that lot and the house cleaned up.

Councilor Dominguez

Councilor Dominguez said he visited the Santa Fe County Detention Center, and urged other Councilors to do the same, to see the kinds of programs which are being offered.

Councilor Dominguez said he will be hosting his annual "meet and greets" now that it is warmer, the first on May 3, 2008, 10:00 a.m. to 12:00 noon in Tierra Contenta, and 2:00 p.m. to 4:00 p.m. in Lopez Park.

Councilor Dominguez attended the Young Career Awards, saying there were very good candidates, one of which was City employee Laura Banish who received an award. He said School Board member Angelica Ruiz did a very good job.

Councilor Dominguez said on Friday, June 20, 2008, at 7:00 p.m. there will be a forum about gangs [*the balance of his remarks were inaudible because of noise overlay from other conversations and poor sound quality*]. He understands this will be an interesting summer with regard to gangs.

Councilor Dominguez introduced a Resolution establishing an employee wellness initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9." He asked that it go to the Finance Committee, perhaps to the Healthy Lifestyles Committee.

Councilor Wurzburger

Councilor Wurzburger introduced three Resolutions regarding new fee structures at the request of Planning Division staff:

- (1) A copy of the Resolution adopting new fees for various Development Review Applications is incorporated herewith to these minutes as Exhibit "10."
- (2) A copy of a Resolution adopting new fees for Plan Reviews, Building Permits and other permits is incorporated herewith to these minutes as Exhibit "11."
- (3) A copy of a Resolution adopting new administrative fees for operations of the Land Use Department is incorporated herewith to these minutes as Exhibit "12."

She asked that these Resolutions go to the Public Works and Finance Committees and then back to the City Council.

Councilor Bushee said she was honored to represent Santa Fe at the Creative Cities Network meeting. Seven of the nine cities internationally were in attendance. The primary purpose of the agenda was to develop and further the support among the networks for attending our conference September 28 through October 2, and to further build the network and talk about specific goals. The main thing we've done as a network is to help plan this conference in Santa Fe. She said they are now looking toward the future as to how to be structured. She has prepared a report which highlights the results of those meetings, and will be happy to answer any questions about that report. She commended Sabrina Pratt, Tom Maguire and the Planning Committee for the design of the three-day program which was well received, a copy of which is attached to the report for review.

Councilor Trujillo

Councilor Trujillo said he has no communications.

Councilor Romero

Councilor Romero said she is overwhelmed with all of the paper that crosses her path, but she is sure she will be adding to the paper at some point. She said this has been a learning week for her, and staff and Councilors have been very helpful in bringing her up to speed on a lot of the issues, particularly Councilor Bushee who spent a lot of time with her on Saturday. She attended the Comstat meeting, and urged the other Councilors to attend those meetings whenever possible. She said she received a lot of information, and echoed Councilor Dominguez's remarks that the gang activity which is occurring is astounding and is coming from unlikely areas. She said we really need to pay attention this summer, commenting it will be a really challenging summer, particularly around gang issues. She will continue to ride with the Police Officers.

Councilor Bushee

Councilor Bushee read an email into the record from Dale Schrage, Old Taos Highway, as follows:

“We have been averaging about one burglary per week in a neighborhood venue of about 300 residents, and there are a lot of children, so I would guess that the total number of residents is about 750. So, the per capita burglary rate is 52 per year, 750 residents, is 6933 annual burglaries per 100,000 residents, which puts our neighborhood in about first place nationwide. Most of the very worst cities in the nation average less than 3,000 annual burglaries per 100,000 residents.” She said he cites the FBI stats.

She noted that she forwarded a copy of the email to the City Manager earlier today. She would like to know what the response might be from Chief Johnson as to what they might be able to do as soon as possible

Councilor Bushee said she understands there will be hearings on the police budget and new officers. She would like to know the schedule where we actually get to hear from the leadership in the Police Department with regard to the plan. Aside of filling positions, what is the accountability that we can expect – response times and such. She is hearing from people off Bishop’s Lodge Road and Old Taos Highway, Cerro Gordo.

Mr. Buller said he received a commitment from the Police Chief to have this kind of information at the special meeting of the Finance Committee on April 14, 2008, on the proposal for the Police Department. Responding to Councilor Bushee, Mr. Buller said this will be a public meeting.

Mayor Coss said he understands it will be a public hearing on the Police Plan and the request for additional officers for the Police Department.

Mr. Buller said on March 31, 2008, at the Finance Committee meeting there will be a discussion of City-wide strategic planning, followed by the Special Finance Committee meeting on the Police Proposal.

Councilor Bushee wants someone to contact her constituents about the email.

Mr. Buller said he will look at the email and then get it to Chief Johnson.

Councilor Bushee wants a better response from the Police Department than, “we’re short staffed.”

Mr. Buller said he is planning to do more than that.

Councilor Bushee asked Mr. Buller to have the responsible staff to clean up the graffiti downtown and on the west side.

Councilor Bushee asked where the RPA meets, noting it isn't on the schedule, but there is a meeting tomorrow at 4:00 p.m.

Mayor Coss said it usually meets at the County Courthouse.

Ms. Vigil said the RPA didn't send the agenda until Monday night, and they received it on Tuesday morning, but she believes it is at the County, noting it is posted in the hallway and she will check that.

Councilor Bushee introduced an ordinance regarding the Price Reduction Signs in the Historic Districts. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13." She asked the Business and Quality of Life Committee to look at adding something specific for the Historic District to the changes they're going to make around fees for signs, so they're not paying each time they go in.

Councilor Chavez

Councilor Chavez announced that the Pueblo Alegre and Casa Alegre neighborhood associations would like to cosponsor a neighborhood meeting. They would like to hold the meeting on Tuesday, April 22, 2008, at 7:00 p.m. at Frenchy's Barn. He said they would like to request City representatives from Parks and Recreation, Public Works, Police Department specifically Comstat information, Officer Pollock for Neighborhood Watch, and the Graffiti Task Force and Hotline. He also would like to invite the County Commissioners, noting two Commissioners have 13 and 15 Council precincts in their County Commission Districts.

He said a vacant house at 1318 Vitalia is bordering on a nuisance house. He appreciates staff's help, and they have tried to board two of the windows. He said he received a letter from Charlie Chavez, 1320 Vitalia, which he will give to the City Managers, noting there are ongoing problems there.

Councilor Chavez said he received an email from Josh Gonzales asking about the status of the Neighborhood Conservation District Ordinance. He said Mr. Gonzales wasn't here this evening and will miss the opportunity to speak at the next meeting.

Councilor Chavez said he would like to meet with the City's Economic Development staff to discuss the licensing agreement with the Museum of New Mexico Foundation and out of state furniture manufacturers. He asked Mr. Buller to set a meeting for next week.

Councilor Chavez said he introduced an Ordinance regarding Impact Fees. There seems to be a discrepancy in the old fee schedule and the new one. He asked that it go to the Capital Improvement Advisory Committee and the Planning Commission.

Councilor Chavez said he has something for Mayor Coss and Councilor Bushee from Josena which were hand delivered.

Mayor Coss

Mayor Coss congratulated Laura Banish for winning the competition with the Business Professional Women group last night, among some very tough competitors.

Mayor Coss said he, Councilor Calvert and others from the City will be going to San Diego to meet the sailors on our namesake vessel, the U.S.S. Santa Fe, and they are looking forward to that and appreciate the invitation from the Navy.

Mayor Coss said, with regard to Councilor Romero's comments about Comstat, he would encourage Councilors to attend those meetings when possible.

Mayor Coss said with regard to Councilor Bushee's concern about the email from Dale Schrage, he would encourage people not to extrapolate statistics from Santa Fe to communities of 100,000, because Santa Fe is nowhere near 100,000.

Mayor Coss said, regarding additional police, last year when there were 24 vacancies on the Police Department, in the month of February there were 85 home burglaries. This year, 2008, when we are down to 9 vacancies, there were 32 home burglaries. He commended the Police Department for really getting on top of the burglary situation, and said although there is a long way to go, reducing burglaries from 85 to 32 shows exceptionally good work.

Mayor Coss thanked the two Police Officers for attending this evening's meeting.

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 10:30 p.m.

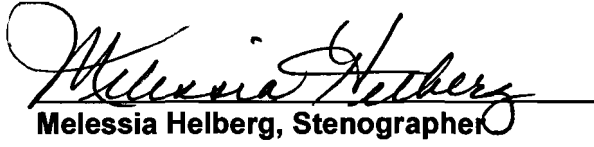
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer