



Agenda REGULAR MEETING OF THE GOVERNING BODY MAY 28, 2008 CITY COUNCIL CHAMBERS

**AFTERNOON SESSION – 5:00 P.M.**

- 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 – May 14, 2008
- 8. PRESENTATIONS

CITY CLERK'S OFFICE  
 DATE 5-23-08 TIME 11:50  
 SERVED BY \_\_\_\_\_  
 RECEIVED BY tydominguez

- a) Muchas Gracias – Santa Fe County Corrections Director Annabelle Romero. (5 minutes)
- b) Muchas Gracias – Animal Services Officers; Daniel Quintana, Johnny Martinez, Ray Cachora, Clyde Segura and Jason Apodaca. (5 minutes)
- c) Sobering Center Progress Report. (Mary Justice) (5 minutes)

9. CONSENT CALENDAR

- a) Request for Approval of Procurement Under State Price Agreement – Cashiers Furniture at Municipal Court; Creative Interiors, Inc. (Chip Lilienthal)
- b) Request for Approval of Amendment No. 2 to Professional Services Agreement – Santa Fe Plaza – Phase II Design Services; Morrow Reardon Wilkinson Miller, Ltd. (Chip Lilienthal)
- c) Request for Approval of Procurement Under State Price Agreement – Carpet for Land Use Department; Dimensions Flooring Services, LLC. (Chip Lilienthal)
- d) Request for Approval of Amendment No. 3 to Professional Services Agreement – Old Canyon Road Power Plant; Victor Johnson Architecture. (Chip Lilienthal)



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- e) Request for Approval of Memorandum of Agreement – School Crossing Guard Program; Santa Fe Public Schools. (Mike Landavazo)
- f) Request for Approval of Grant Award – Injury Prevention, Research and Education; University of New Mexico. (David Chapman)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- g) Request for Approval of Correction and Rescission of Grant of Utility Easements at Railyard Property – Baca Area; Santa Fe Lodge No. 2, Independent Order of Oddfellows. (Edward Vigil)
- h) Request for Approval of Procurement Under State Price Agreement – Four (4) Trucks for Parks Division; Bob Turners Ford Country. (Fabian Chavez)
- i) Request for Approval of Procurement Under State Price Agreement – Two (2) Transport Vans for Fire Department; Reliable Chevrolet. (Charlie Velarde)
- j) Request for Approval of Amendment No. 2 to Agreement – Nutrition Service Incentive Program for Senior Services; North Central New Mexico Economic Development District Area Agency on Aging. (Ron Vialpando)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- k) Request for Approval of Donation Request for Two (2) State Funded Vehicles Transferred to County of Santa Fe for Services at Eldorado Senior Community Program. (Terrie Rodriguez)
- l) Request for Approval of Professional Services Agreement – Advertising Commercial for Recruiting Officers for Police Department; Edithouse Productions, Inc. (Chief Eric Johnson)
- m) Request for Approval of Professional Services Agreement – Operation and Execution of 400<sup>th</sup> Anniversary Commemoration; Santa Fe 400<sup>th</sup> Anniversary, Inc. (Darlene Griego)
- n) Request for Approval of Amendment No. 2 to Professional Services Agreement – Advertising Services for Convention Center; Vaughn Wedeen Creative, Inc. (Keith Toler)



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- o) Request for Approval of Sole Source Procurement and Support Agreement – User Productivity (UPK) Software; AMX International. (Caryn Fiorina)
- p) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Ortiz)  
A Resolution Directing the Mayor and the City Attorney to Enter into Discussions with Santa Fe County and The State of New Mexico in Order to Achieve Mutually Acceptable Compliance with the City’s Historic District Ordinance. (Frank Katz) **(Postponed at May 14, 2008 City Council Meeting)**
- q) Request for Approval for Water and Sewer Service Under the Provisions of SFCC, Sections 22-6.2 and 25-1.11 by Lois and William Mee (Daughter and Son-in-Law) on Behalf of Arthur and Amanda Montoya for a Proposed Family Transfer/Lot Split for the Property Located Within the Agua Fria Traditional Historic Village at 2101 and 2111 Camino Samuel Montoya Adjacent to Rufina Street. (Stan Holland)
- r) Request for Approval for Sewer Service Under the Provisions of SFCC, Section 22-6.2 by Liaison Planning Services on Behalf of Chaparral Investment Properties for the Proposed Office/Warehouses on the 4.135 Acre Parcel of Land Located at 5935 Agua Fria Road. (Stan Holland)
- s) Request for Approval for Sewer Service Under the Provisions of SFCC, Section 22-6.2 by Dennis Hernandez for the Hernandez Family Transfer to Subdivide an Existing 1.693 Tract of Land Located Within the Agua Fria Traditional Historic Village Into Five (5) – 1/3 Acre Parcels as Part of a Family Transfer. (Stan Holland)
- t) Request for Approval of Sewer Service Under the Provisions of SFCC, Section 22-6.2 by the Santa Fe County Growth Management Department for Extending City Sewer Service to Existing Communities Within the Agua Fria Traditional Historic Village. The County Currently has Five (5) Active Projects for Sewer Extensions. (Stan Holland)
- u) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Amending Resolution No. 2002-25 Regarding Membership of the Santa Fe Water Conservation Committee to Include Two Additional Members. (Randy Sugrue)



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- v) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Romero and Councilor Wurzburger)  
A Resolution Directing Staff to Apply for a One Year Extension to an Existing Municipal Arterial Program Funding Agreement Between the New Mexico Department of Transportation and the City of Santa Fe for the Old Pecos Trail Reconstruction Project – Cordova Road to Berger Street. (John Romero)
  - 1) Request for Approval of Amendment No. 2 to Municipal Arterial Program Agreement Certificate Project D11419 – Providing a One Year Extension; New Mexico Department of Transportation. (John Romero)
  
- w) Request for Approval to Publish Notice of Public Hearing On June 25, 2008:
  - 1) Bill No. 2008-36 – An Ordinance Amending Section 14-8.14 SFCC 1987 Regarding Impact Fees Required to Be Paid Under the “Old” Fee Schedule. (Councilor Chavez) (Reed Liming)
  - 2) Bill No. 2008-37 – An Ordinance Creating Article 18-19 of the Santa Fe City Code Establishing The Workforce Housing Funding Initiative. (Councilor Wurzburger, Mayor Coss and Councilor Romero) (Kathy McCormick)
  - 3) Bill No. 2008-38 – An Ordinance Authorizing the Execution and Delivery of a Loan Agreement by and Between the City of Santa Fe (the "City") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount Not to Exceed \$4,000,000, Together with Interest and Administrative Fees Thereon, for the Purpose of Defraying the Cost of Acquiring Land; Providing for the Payment of the Principal of, Interest and Processing Fees Due Under the Loan Agreement Solely From Certain Gross Receipts Tax Revenues Distributed by the City; Approving the Form and Exact Terms 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. (Kathryn Raveling)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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- x) Request for Approval of Lease Agreements: (Postponed at April 30, 2008 City Council Meeting) (**Postponed to June 25, 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. CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_.  
A Resolution Adopting the Fiscal Year 2008/2009 Operating Budget. (Kathryn Raveling)
  
- 11. Consideration of Approval of Second Amended and Restated Joint Powers Agreement for the Regional Emergency Call Center (RECC). (Mark Basham) (Postponed at the April 30, 2008 City Council Meeting) (**Postponed at May 14, 2008 City Council Meeting**)
  
- 12. CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Romero and Mayor Coss)  
A Resolution Establishing the Public Campaign Financing Advisory Committee.
  
- 13. FURTHER CONSIDERATION OF BILL NO. 2008-23: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
**Case #ZA 2007-12. 510 and 510 ½ St. Francis Rezoning.** Jennifer Jenkins, Agent for Scott Thomas and Jean-Francois Chabaud, Request Rezoning of .24 +/- Acres of Land From RM-10 (Residential, Ten Dwelling Units Per Acre) to C-4 (Commercial Limited Office And Retail) Including Variances to Front, Side and Rear Yard Building Setbacks and Landscape Buffer Requirements. This Application Includes a Site Plan Showing Two Existing Homes Totaling 2,100 Square Feet and a 710 Square Foot Garage/Storage Structure. The Request is to Allow the Existing Residential Use and Potentially any Allowed Uses in the C-4 District. The Property is Located on the West Side of St. Francis Drive Between Agua Fria and Hickox Streets. (Donna Wynant) (**PUBLIC HEARING CLOSED**)
  
- 14. MATTERS FROM THE CITY MANAGER



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15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Report on Status of Negotiations of Collective Bargaining Agreements with the Fire Union and AFSCME Pursuant to Section 10-15-1(H)(5) NMSA 1978.
- b) Discussion of Potential Settlement of Litigation with the New Mexico School for the Deaf, Pursuant to §10-15-1 (H) (7) NMSA 1978.

16. MATTERS FROM THE CITY CLERK

17. COMMUNICATIONS FROM THE GOVERNING BODY

**EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
  - 1) Request from Yummy Café, LLC for a Restaurant (Beer & Wine) Liquor License to be located at Yummy Café, LLC, 1616-A St. Michael's Drive. (Yolanda Y. Vigil)
  - 2) Request from Diogenes Club for a Change of Officers/Directors and a Transfer of Location of Club License #8206 from 510 Galisteo Street to 1413 Paseo de Peralta. (Yolanda Y. Vigil)



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- 3) Request from SIPLIQ I, LLC for a Transfer of Ownership and Location of Dispenser License #1333 from the Palace Restaurant Association, LLC dba Senior Lucky's on the Palace, 142 W. Palace Avenue to SIPLIQ I, LLC dba SIPLIQ I, 3462 Zafarano Street.
  
- 4) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_.  
**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. (Greg Smith) (Postponed at April 30, 2008 City Council Agenda) **(Request by Staff and Applicant to Postpone to July 30, 2008 City Council Meeting)**
  
- 5) CONSIDERATION OF BILL NO. 2008-19: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
**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. (Greg Smith) (Postponed at April 30, 2008 City Council Agenda) **(Request by Staff and Applicant to Postpone to July 30, 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.**

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.

**SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
May 28, 2008**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	1-2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: Reg. City Council Meeting – May 14, 2008	Approved [amended]	5
<u>PRESENTATIONS</u>		
MUCHAS GRACIAS – SANTA FE COUNTY CORRECTIONS DIRECTOR ANNABELLE ROMERO		5
MUCHAS GRACIAS – ANIMAL SERVICES OFFICERS; DANIEL QUINTANA, JOHNNY MARTINEZ, RAY CACHORA, CLYDE SEGURA AND JASON APODACA		6
SOBERING CENTER PROGRESS REPORT		6-7
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL FOR WATER AND SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTIONS 22-6.2 AND 25-1.11 BY LOIS AND WILLIAM MEE (DAUGHTER AND SON-IN- LAW) ON BEHALF OF ARTHUR AND AMANDA MONTROYA FOR A PROPOSED FAMILY TRANSFER/LOT SPLIT FOR THE PROPERTY LOCATED WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE AT 2101 AND 2111 CAMINO SAMUEL MONTROYA ADJACENT TO RUFINA STREET	Approved [amended]	7-8



ITEM

ACTION

PAGE #

REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 25, 2008:

BILL NO. 2008-38 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE (THE “CITY”), AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND PROCESSING FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED BY THE CITY; APPROVING THE FORM AND EXACT TERMS 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

Approved

8-9

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END OF CONSENT CALENDAR DISCUSSION  
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CONSIDERATION OF RESOLUTION NO. 2008- 42.  
A RESOLUTION ADOPTING THE FISCAL YEAR  
2008/2009 OPERATING BUDGET

Approved [amended]

9-15

CONSIDERATION OF APPROVAL OF SECOND  
AMENDED AND RESTATED JOINT POWERS  
AGREEMENT FOR THE REGIONAL EMERGENCY  
CALL CENTER (RECC)

Approved

15-16

CONSIDERATION OF RESOLUTION NO. 2008- 43  
A RESOLUTION ESTABLISHING THE PUBLIC  
CAMPAIGN FINANCING ADVISORY COMMITTEE

Approved

16-18

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
FURTHER CONSIDERATION OF BILL NO. 2008-23; ADOPTION OF ORDINANCE NO. 2008- 27. <u>CASE #ZA 2007-12</u> . 510 AND 510 ½ ST. FRANCIS REZONING. JENNIFER JENKINS, AGENT FOR SCOTT THOMAS AND JEAN-FRANCOIS CHABAUD, REQUEST REZONING OF .24± ACRES OF LAND FROM RM-10 (RESIDENTIAL, TEN DWELLING UNITS PER ACRE) TO C-4 (COMMERCIAL LIMITED OFFICE AND RETAIL) INCLUDING VARIANCES TO FRONT, SIDE AND REAR YARD BUILDING SETBACKS AND LANDSCAPE BUFFER REQUIREMENTS. THIS APPLICATION INCLUDES A SITE PLAN SHOWING TWO EXISTING HOMES TOTALING 2,100 SQUARE FEET AND A 710 SQUARE FOOT GARAGE/ STORAGE STRUCTURE. THE REQUEST IS TO ALLOW THE EXISTING RESIDENTIAL USE AND POTENTIALLY ANY ALLOWED USES IN THE C-4 DISTRICT. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ST. FRANCIS DRIVE BETWEEN AGUA FRIA AND HICKOX STREETS	Approved	18-20
MATTERS FROM THE CITY MANAGER	Information/discussion	20
MATTERS FROM THE CITY CLERK	None	20
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	20-23
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	23-24
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	24
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	25
PETITIONS FROM THE FLOOR		25-27
APPOINTMENTS	None	27

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<b><u>PUBLIC HEARINGS</u></b>		
REQUEST FROM YUMMY CAFÉ, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT YUMMY CAFÉ, LLC, 1616-A ST. MICHAEL'S DRIVE	Approved	27-28
REQUEST FROM DIOGENES CLUB FOR A CHANGE OF OFFICERS/DIRECTORS AND A TRANSFER OF LOCATION OF CLUB LICENSE #8206 FROM 510 GALISTEO STREET TO 1413 PASEO DE PERALTA	Approved	28
REQUEST FROM SIPLIQ I, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #1333 FROM THE PALACE RESTAURANT ASSOCIATION, LLC D/B/A SENIOR LUCKY'S ON THE PALACE, 142 W. PALACE AVENUE TO SIPLIQ I, LLC, D/B/A SIPLIQ I, 3462 ZAFARANO STREET	Approved	28-29
CONSIDERATION OF RESOLUTION NO. 2008- _____. <u>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</u>	Postponed to 07/30/08	29
CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008- _____. <u>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</u>	Postponed to 07/30/08	29-30
ADJOURN		30

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
May 28, 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 May 28, 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 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

**5. APPROVAL OF AGENDA**

**Councilor Calvert moved, seconded by Councilor Dominguez, to approve the agenda as presented.**

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

**6. APPROVAL OF CONSENT CALENDAR**

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

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

**Against: None.**

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CASHIERS FURNITURE AT MUNICIPAL COURT; CREATIVE INTERIORS, INC. (CHIP LILIENTHAL)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE PLAZA – PHASE II DESIGN SERVICES; MORROW REARDON WILKINSON MILLER, LTD. (CHIP LILIENTHAL)**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CARPET FOR LAND USE DEPARTMENT; DIMENSIONS FLOORING SERVICES, LLC. (CHIP LILIENTHAL)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – OLD CANYON ROAD POWER PLANT; VICTOR JOHNSON ARCHITECTURE. (CHIP LILIENTHAL)**
- e) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – SCHOOL CROSSING GUARD PROGRAM; SANTA FE PUBLIC SCHOOLS. (MIKE LANDAVAZO)**
- f) **REQUEST FOR APPROVAL OF GRANT AWARD – INJURY PREVENTION, RESEARCH AND EDUCATION; UNIVERSITY OF NEW MEXICO. (DAVID CHAPMAN)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- g) **REQUEST FOR APPROVAL OF CORRECTION AND RESCISSION OF GRANT OF UTILITY EASEMENTS AT RAILYARD PROPERTY – BACA AREA; SANTA FE LODGE NO. 2, INDEPENDENT ORDER OF ODDFELLOWS. (EDWARD VIGIL)**
- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) TRUCKS FOR PARKS DIVISION; BOB TURNERS FORD COUNTRY. (FABIAN CHAVEZ)**
- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TWO (2) TRANSPORT VANS FOR FIRE DEPARTMENT; RELIABLE CHEVROLET. (CHARLIE VELARDE)**

- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO AGREEMENT – NUTRITION SERVICE INCENTIVE PROGRAM FOR SENIOR SERVICES; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT AREA AGENCY ON AGING. (RON VIALPANDO)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- k) **REQUEST FOR APPROVAL OF DONATION REQUEST FOR TWO (2) STATE FUNDED VEHICLES TRANSFERRED TO COUNTY OF SANTA FE FOR SERVICES AT ELDORADO SENIOR COMMUNITY PROGRAM. (TERRIE RODRIGUEZ)**
- l) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ADVERTISING COMMERCIAL FOR RECRUITING OFFICERS FOR POLICE DEPARTMENT; EDITHOUSE PRODUCTIONS, INC. (CHIEF ERIC JOHNSON)**
- m) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – OPERATION AND EXECUTION OF 400<sup>TH</sup> ANNIVERSARY COMMEMORATION; SANTA FE 400<sup>TH</sup> ANNIVERSARY, INC. (DARLENE GRIEGO)**
- n) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISING SERVICES FOR CONVENTION CENTER; VAUGHN WEDEEN CREATIVE, INC. (KEITH TOLER)**
- o) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND SUPPORT AGREEMENT – USER PRODUCTIVITY (UPK) SOFTWARE; AMX INTERNATIONAL. (CARYN FIORINA)**
- p) **CONSIDERATION OF RESOLUTION NO. 2008- 39 (COUNCILOR ORTIZ). A RESOLUTION DIRECTING THE MAYOR AND THE CITY ATTORNEY TO ENTER INTO DISCUSSIONS WITH SANTA FE COUNTY AND THE STATE OF NEW MEXICO IN ORDER TO ACHIEVE MUTUALLY ACCEPTABLE COMPLIANCE WITH THE CITY’S HISTORIC DISTRICT ORDINANCE. (FRANK KATZ) (Postponed at May 14, 2008 City Council Meeting)**
- q) ***[Removed for discussion by Councilor Calvert]***
- r) **REQUEST FOR APPROVAL FOR SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTION 22-6.2 BY LIAISON PLANNING SERVICES ON BEHALF OF CHAPARRAL INVESTMENT PROPERTIES FOR THE PROPOSED OFFICE/WAREHOUSES ON THE 4.135 ACRE PARCEL OF LAND LOCATED AT 5935 AGUA FRIA ROAD. (STAN HOLLAND)**

- s) **REQUEST FOR APPROVAL FOR SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTION 22-6.2 BY DENNIS HERNANDEZ FOR THE HERNANDEZ FAMILY TRANSFER TO SUBDIVIDE AN EXISTING 1.693 TRACT OF LAND LOCATED WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE INTO FIVE (5) – 1/3 ACRE PARCELS AS PART OF A FAMILY TRANSFER. (STAN HOLLAND)**
- t) **REQUEST FOR APPROVAL OF SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTION 22-6.2 BY THE SANTA FE COUNTY GROWTH MANAGEMENT DEPARTMENT FOR EXTENDING CITY SEWER SERVICE TO EXISTING COMMUNITIES WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE. THE COUNTY CURRENTLY HAS FIVE (5) ACTIVE PROJECTS FOR SEWER EXTENSIONS. (STAN HOLLAND)**
- u) **CONSIDERATION OF RESOLUTION NO. 2008 - 40 (COUNCILOR CALVERT). A RESOLUTION AMENDING RESOLUTION NO. 2002-25 REGARDING MEMBERSHIP OF THE SANTA FE WATER CONSERVATION COMMITTEE TO INCLUDE TWO ADDITIONAL MEMBERS. (RANDY SUGRUE)**
- v) **CONSIDERATION OF RESOLUTION NO. 2008 - 41 (COUNCILOR ROMERO AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO APPLY FOR A ONE YEAR EXTENSION TO AN EXISTING MUNICIPAL ARTERIAL PROGRAM FUNDING AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE CITY OF SANTA FE FOR THE OLD PECOS TRAIL RECONSTRUCTION PROJECT – CORDOVA ROAD TO BERGER STREET. (JOHN ROMERO)**
  - 1) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO MUNICIPAL ARTERIAL PROGRAM AGREEMENT CERTIFICATE PROJECT D11419 – PROVIDING A ONE YEAR EXTENSION; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JOHN ROMERO)**
- w) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 25, 2008:**
  - 1) **BILL NO. 2008-36 – AN ORDINANCE AMENDING SECTION 14-8.14 SFCC 1987, REGARDING IMPACT FEES REQUIRED TO BE PAID UNDER THE “OLD” FEE SCHEDULE (COUNCILOR CHAVEZ). (REED LIMING)**
  - 2) **BILL NO. 2008-37 – AN ORDINANCE CREATING ARTICLE 18-19 OF THE SANTA FE CITY CODE ESTABLISHING THE WORKFORCE HOUSING FUNDING INITIATIVE (COUNCILOR WURZBURGER, MAYOR COSS AND COUNCILOR ROMERO). (KATHY McCORMICK)**
  - 3) *Removed for discussion by Councilor Bushee*

- x) **REQUEST FOR APPROVAL OF LEASE AGREEMENTS: (Postponed at April 30, 2008 City Council Meeting) (Postponed to June 25, 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 – May 14, 2008.**

**The following correction was made to the minutes:**

**Councilor Romero said on Page 14, she is listed as being absent for the Roll Call vote, but she believes she was present.**

**Councilor Romero moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council Meeting of May 14, 2008, as amended. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzburger voting for the motion and none against.**

**8. PRESENTATIONS**

- a) **MUCHAS GRACIAS – SANTA FE COUNTY CORRECTIONS DIRECTOR ANNABELLE ROMERO)**

Mayor Coss, assisted by Jose Villegas, Police Chaplain, presented a Muchas Gracias Certificate to Annabelle Romero, for her outstanding dedication and assistance to law enforcement and the victims of crime in Santa Fe.

Jose Villegas said the County is blessed with a wonderful Director who allows her employees to do work as a public service to the community. He thanked Ms. Romero for her good work.

Councilor Romero thanked Ms. Romero saying she epitomizes leadership in going above and beyond in allowing her employees to grow, and said muchas gracias for all of her hard work.

Ms. Romero thanked the Mayor, Council and Jose Villegas.

Councilor Dominguez thanked Jose Villegas and Annabelle Romero for their work. He said he was a corrections officers many years ago, and understands that corrections isn't an easy line of work. He thanked Ms. Romero and her staff for the service they provide to the City and the community.



**b) MUCHAS GRACIAS – ANIMAL SERVICES OFFICERS; DANIEL QUINTANA, JOHNNY MARTINEZ, RAY CACHORA, CLYDE SEGURA AND JASON APODACA.**

Mayor Coss said he received a letter from an individual, thanking Daniel Quintana, Johnny Martinez, Ray Cachora, Clyde Segura and Jason Apodaca for helping her with a problem with feral cats. The individual wanted to ensure that these officers were recognized for their outstanding assistance. Mayor Coss presented each of the gentlemen with a Muchas Gracias Certificate, and thanked them for their work on behalf of the City.

Councilor Trujillo expressed appreciation to them as well, saying that Animal Control recently assisted him and his mother.

**d) SOBERING CENTER PROGRESS REPORT. (MARY JUSTICE)**

Mary Justice, Director, Care Connection, recognized Ramon Abeyta, County Manager, and thanked him and the County Commission for their support of these programs. Ms. Justice reported on the Sobering Center as follows:

- Since the Center opened in February 2007, they have had 1,072 intakes, noting the unduplicated clients served during this time are about 700. There have been 151 calls for protective custody, 36 of which went to jail.
- Terrie Rodriguez chairs the Care Connection Advisory Council, and has been very helpful in this program.
- The vast majority of clients are men, and there are 10 beds for men, 5 for women, in a dorm style setting. People stay 3-5 days, and are then linked to services in the community if they are willing to do that. Following that, the Assessment Center administers a Federal Access to Recovery Voucher Grant, to provide vouchers to people who can't afford substance abuse treatment, for four months of out-patient treatment.
- The recidivism rate for those going to Santa Fe Recovery is only about 16% which is extremely good in this population, and they are encouraged. The recidivism rate for those that don't is almost twice that.
- There is a higher percentage of Native Americans in the program than anticipated, mostly males, 30% homeless, the other 70% is a mix of socio-economic.

Councilor Wurzbarger thanked Ms. Justice for her work. She asked if they are identifying gaps in services and if the services are adequate for the recovery center, saying she has heard there is still a long wait list to get into the recovery center.

Ms. Justice said that has been a problem at times, but during the past 4-5 months they have been able to serve almost everyone who has requested service.

Councilor Romero said people like Annabelle and Mary are really doing incredible work, and looks forward to the time when the numbers “go down, down, down.” She is glad there is a place where people can get the care they need. She complimented Ms. Justice on the great job she is doing on behalf of the community.

Ms. Justice expressed appreciation and invited Councilor Romero, the Mayor and Councilors to visit the Sobering Center, noting it is in Councilor Romero's District.

Mayor Coss thanked Ms. Justice for her work, which is another example of City/County efforts which work on behalf of the whole community. He too has heard more beds are needed at the Center.

## **CONSENT CALENDAR DISCUSSION**

**9(q) REQUEST FOR APPROVAL FOR WATER AND SEWER SERVICE UNDER THE PROVISIONS OF SFCC, SECTIONS 22-6.2 AND 25-1.11 BY LOIS AND WILLIAM MEE (DAUGHTER AND SON-IN-LAW) ON BEHALF OF ARTHUR AND AMANDA MONTOYA FOR A PROPOSED FAMILY TRANSFER/LOT SPLIT FOR THE PROPERTY LOCATED WITHIN THE AGUA FRIA TRADITIONAL HISTORIC VILLAGE AT 2101 AND 2111 CAMINO SAMUEL MONTOYA ADJACENT TO RUFINA STREET. (STAN HOLLAND)**

Councilor Calvert said, when this item was heard and approved at Public Utilities, the Committee attached certain conditions to its approval of this application, and those haven't been met.

Mr. Holland said the letter to the County regarding the water allocation being deducted from the water agreement should be in the packet.

Councilor Calvert asked if the County has agreed to that condition of approval.

Mr. Holland said the County hasn't agreed. He understands the condition of approval is that the City won't provide water service until it receives a letter from Santa Fe County that any water provided will be debited against the County's allocation.

Councilor Calvert said we are going to hold them to that, and when the County provides that agreement, then the City will provide the service.

Councilor Wurzbarger asked Roman Abeyta, County Manager, if he could comment on this issue.

Roman Abeyta, County Manager, said this is something which he has discussed with the County Commissioners. He said just recently, Commissioner Vigil has asked him to discuss the matter with Mayor Coss and Mr. Buller in their monthly meeting. He said they just discovered this recently, and the County doesn't have a position at this time with regard to whether the County would agree to something like this, but they are open to that discussion and it will be discussed in the next standing meeting with Mayor Coss and Mr. Buller.

**Councilor Calvert moved, seconded by Councilor Bushee, to approve this request, subject to the condition that any water service provided will be deducted from the County's allocation under the County water agreement.**

**Discussion:** Councilor Chavez said this issue has been discussed for several years. We have asked the County for this commitment in the past for a project which was different in nature. However, this is a family transfer within the traditional village, and this won't be a large volume project in terms of water use, so he sees this request in a different light. He noted there are three requests for sewer extensions which have been approved, noting this is for public health and safety reasons, and to protect the groundwater. In the long run, he believes this will result in better water and sanitary systems for the fastest growing part of the area, noting the whole Southwest sector will be moving in that direction. He supports the motion.

**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 Wurzburger.**

**Against: None.**

**9(w) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 25, 2008:**

- (3) BILL NO. 2008-38 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE (THE “CITY”), AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND PROCESSING FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED BY THE CITY; APPROVING THE FORM AND EXACT TERMS 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. (KATHRYN RAVELING)**

Councilor Bushee said she doesn't agree with borrowing \$4 million to purchase land in these economic times. She wants to go on record as not approving this purchase or the loan for this purchase.

**Councilor Chavez moved, seconded by Councilor Romero, to approve this request.**

**Discussion:** Councilor Chavez said, although the economic times do not look good, we do need to invest in the future of the City and in its infrastructure and facilities so we can continue to do the work we need to do.

**The motion was approved on the following Roll Call vote:**

**For: Councilor Calvert, Councilor Chavez, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.**

**Against: Councilor Bushee and Councilor Dominguez.**

**Explaining his vote:** Councilor Trujillo said, although times are hard, we have to look toward the future and this is an ideal site. He said Public Works already is located there, and in time this will be the center of Santa Fe, and he believes the community will like this action.

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**END OF CONSENT CALENDAR DISCUSSION**  
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**10. CONSIDERATION OF RESOLUTION NO. 2008- 42. A RESOLUTION ADOPTING THE FISCAL YEAR 2008/2009 OPERATING BUDGET. (KATHRYN RAVELING)**

Councilor Wurzburger thanked Galen Buller, Kathryn Raveling, and the other staff, noting this was a good process, and appreciated the way we moved forward in looking at efficiencies which provides a good basis for the future.

**Councilor Wurzburger moved, seconded by Councilor Bushee, to adopt Resolution No. 2008-42.**

Councilor Bushee said she has an email from Councilor Ortiz who would like to ensure two conditions of approval.

**Friendly amendment:** Councilor Bushee said Councilor Ortiz has asked that the budget is approved with the conditions of approval imposed by the Finance Committee. **The amendment was friendly to the maker.**

**Friendly amendment:** Councilor Bushee said Councilor Ortiz would like to amend the Police Department budget to provide that the Police Department positions will be funded only to mid-year, and that is contingent upon presentation and approval of a new organizational chart at Public Safety and Finance Committees within this month.

**Discussion on the Friendly Amendment:** Councilor Wurzburger said conceptually, the amendment sounds okay with her, and asked Mr. Buller to comment.

Mr. Buller recalls at Finance Committee, there was some discussion that we would continue to look at the issue, and as the vacancies were filled, we would compare it with the budget to be sure we didn't get ahead of ourselves because of how we were looking at funding those positions. He is unsure if the friendly amendment is saying the same thing, although it is close, but he is unsure. If it is, he has no problem.

Councilor Calvert said it is his recollection from the Finance Committee discussion, was that this was to be continually monitored, with which he has no problem. However, he said he didn't believe we wanted to make this to one point in the fiscal year, and thought we wanted to continue to monitor it throughout the year.

Councilor Wurzbarger said perhaps we could say that this is a way of continually monitoring, but there is a six month condition of approval, which she believes he mentioned to her last week.

**The amendment was friendly to the maker and second.**

**Friendly amendment:** Councilor Dominguez would like to amend the motion to include the \$223,000 allocated to the Children & Youth Division for after school care. **The amendment was friendly to the maker and second.**

Councilor Dominguez told Mr. Buller that he is looking forward to the anticipated efficiencies which he says he can produce within 30 days, specifically as those pertain to Recreation and Community Services, as well as in other departments.

**Friendly amendment:** Councilor Bushee said Councilor Ortiz has suggested that the staff and/or the City Manager, within 90 days, submit a plan to implement a 311 complaint system using existing staff, along the lines of the City of Albuquerque's 311 system. **The amendment was friendly to the maker and second.**

Councilor Chavez said he recalls, from the budget discussion, that the budget is being approved based on some unknowns, and because we are approving the budget with general fund position vacancy credits, we need to track that. We don't know what the impact will be to other services and programs in leaving these positions vacant. He said when we consider filling those positions, we then will need to find a source of funding those positions.

Councilor Chavez said \$150,000 was reallocated from the Deputy City Manager position, which probably has been eliminated. This is a one time reallocation. He said we will need to monitor the budget because these funds will have to be replaced in the next year.

Councilor Chavez quoting from the Memorandum, "While this plan potentially defers any property tax increase for Fiscal Year 08/09, recurring revenues of \$1.4 million would need to be identified for Fiscal Year 09/10." He said this is a pretty big gap.

Councilor Chavez said he had asked about O & M for the Southside Library, and it has gone from \$600,000 to \$849,000 annually. He asked the source of revenue for the operation and maintenance of that facility currently.

Ms. Raveling said we are using the ½% CIP increment of gross receipts tax.

Councilor Chavez said he wanted to point this out for the record, because this may not be a reliable source in the future and is competing for other revenue in other services and programs.

Councilor Chavez said he would like to highlight the budget for water in the parks – volume amount and dollar amount – to be sure we have water at the front end of the budget for the parks, especially if we are going to be investing in the Parks, Trails and other Open Space, because we need funds in place to maintain those as well as the water.

Councilor Chavez said the increase for After-School Programs is in addition to the \$1.5 million already budgeted.

Councilor Chavez sees a contradiction, because if we are depending on a vacancy credit and increasing programs and funding for programs, we need staff for these programs, otherwise they won't work. He said we can't produce the desired efficiencies if we expect staff to do double duty all of the time. He pointed out that Mr. Buller has been both City Manager and Public Utilities Director for 1½ years. He said we've approved budgets with vacancy credits and hiring freezes in the past, and it doesn't always get us where we need to go.

Councilor Chavez said we are discussing another reorganization attached to the budget, and he doesn't know how that will work. He said we should reorganize with some sort of criteria and strategic planning in mind, and not during the approval of a budget that is this critical, so he questions some of those aspects of the budget. He did support the budget at finance because we need to invest in our staff and the police department. He said Public Safety was one of top concerns during the past campaign cycle.

Councilor Chavez said Parks and Public Safety go hand-in-hand, commenting that you can't invest \$30 million in parks and then not invest in public safety and in equipment for both.

Councilor Chavez said we have other infrastructure needs which have not been met, and hopefully this will take us a step closer to where we need to go.

Councilor Bushee said, although she is not on the Finance Committee, she wants to ensure that the Red Light Program is removed from the budget, or considered separately, and that shouldn't be included in Mr. Buller's May 24<sup>th</sup> Memorandum which mentions an estimated \$50,000 for the Red Light Program. She presumes this wasn't counted as part of the budget, because this Council has not passed that program.

Mr. Buller said the money is in the budget because it is a proposed source of revenue which is now being reviewed by the Police Department to see whether this is something which can be implemented. However, they felt if the program was implemented that the \$50,000 could be found in the existing budget.

Councilor Bushee doesn't understand why he would include even an estimate for a program which has yet to be approved by the Governing Body. It is a matter of policy and process on how we do things, and she doesn't think that is appropriate. She would like that removed. The money isn't generated, nor has the program been approved by the Governing

Body. She said it is an extraordinary inclusion from her perspective.

Councilor Wurzburger agrees on the policy point. She said any error in process was by the Committee, because the Committee gave direction to Mr. Buller to pursue all of the different ideas for funding.

Councilor Bushee noted the revenue stream could be increased by \$50,000 if the Police would strictly enforce the cell phone ordinance, which is a policy adopted by this Council.

**Friendly amendment:** Councilor Bushee would like to amend the motion to remove the \$50,000 for the Red Light Program from the budget.

**Discussion on the friendly amendment.** Councilor Wurzburger asked Mr. Buller his guidance on removing this item from the budget.

Mr. Buller said, particularly with the gross receipts tax adjustment which is in the packet, he is more comfortable in making this a contingent source of funding, and if it comes through, then it will be part of the monitoring we discussed not to get the hiring in advance of funding. He said if the Red Light Program is adopted, it could be more than \$50,000, and it would be available and approved by this body.

Councilor Wurzburger asked Ms. Raveling how, procedurally, this would be happening if we adopted a budget minus \$50,000.

Ms. Raveling she we do have to have a balanced budget, but the Police budget was estimated, and it can be offset.

**Councilor Wurzburger said, as a courtesy she accepts this as a friendly amendment, but in no way does this imply that we will not pursue that program as an option.**

**Clarification of motion with regard to Community Services:** Councilor Calvert said the Finance Committee, in approving the budget, imposed a condition of approval that Community Services had to come back with a reorganization plan, and he wants to be clear that we're not saying that Community Services is being reorganized with the approval of this budget. This is a matter we can discuss, but we haven't made that decision and that decision isn't part of the budget.

**Councilor Wurzburger said this is her interpretation.**

Councilor Bushee said, in his email to her, Councilor Ortiz said he will introduce a Resolution because of the lack of time to do an analysis of the recreation positions, so that isn't part of the budget.

Councilor Dominguez said part of that direction was given to address efficiencies, and not necessarily for the sake of "moving boxes around," and doing a reorganization, so more thought has to be given to any potential reorganization and there is no reorganization on the table.

Councilor Chavez said, with regard to the estimated \$50,000 for the Red Light Camera Program, this isn't the only hole in this budget. He said approving the budget on vacancy credits doesn't seem to make a lot of sense. He said the Finance Committee knew that the Red Light Program had not been finalized, but a pilot program is in place. This budget as proposed is an alternative to what the Mayor proposed. He said 1½ years ago, we began funding Public Safety with property tax. He reminded the public of a survey about two years ago asking the public if it would be comfortable with a G.O. bond which would increase property tax, and what would they be comfortable using the money for. There was general support in using it for parks and infrastructure. The third question on that survey asked if the public would support a real estate transfer tax which was also in the affirmative. He said we know we are going to have to track and monitor this budget, and \$50,000 is the estimated revenue for the Red Light Program for year one, but it could increase or decrease over time, depending on the efficiency of that program and whether it changes the driving habits of the public. The Police Department, as discussed at Public Safety, said it would do a blitz in enforcing the cell phone ban. He said this is a fallback position, and in the spirit of compromise, he believes we should leave it in the budget until we decide whether or not to do the Cell Phone program.

Councilor Wurzbarger said she already has accepted Councilor Bushee's amendment as friendly, and she wants to move this budget forward.

Councilor Chavez asked if the motion is to sever the \$50,000 from the budget.

Mayor Coss said Councilor Wurzbarger has accepted that as friendly, along with other friendly amendments, noting he has a question about one of the friendly amendments.

Councilor Chavez said then that eliminates the Red Light Program from the Police Department Budget.

Councilor Wurzbarger said yes, for the time being.

Responding to Councilor Chavez, Councilor Bushee summarized the current friendly amendments to the motion as follows: (1) approval with the conditions imposed by the Finance Committee, (2) that the Police Department positions are funded only to midyear and contingent upon presentation and approval of a new organization chart at Public Safety and Finance Committees within the month, (3) a plan for the implementation of a 311 call system with existing staff within 90 days, (4) the removal of the \$50,000 from the budget, and (5) adding the \$223,000 for the after school programs.

Councilor Chavez would like to include a 6<sup>th</sup> amendment which is the water budget and financial budget for the parks.

Councilor Wurzbarger understands this already is in the budget, as discussed previously and confirmed by Mr. Buller.

Councilor Chavez said this is part of the special conditions and amendments which are part of the amendments in the Council packet.



Councilor Chavez asked if the first amendment is a contradiction to the special conditions and amendments by the Finance Committee, because Community Services needs to come back with a reorganization.

Councilor Wurzburger said it is not, pointing out that we just spoke about that.

Councilor Chavez asked about the revised funding and hiring plan for the police positions, and the \$50,000 changes that, and if we are going to accept that condition from the Finance Committee.

Councilor Wurzburger said it has been modified and she would like to call the question on the motion as presented with the five amendments.

**Councilor Wurzburger, seconded by Councilor Romero, called for the question on the motion as presented with the five friendly amendments.**

**Discussion:** Mayor Coss said he has a question on the friendly amendment to limit the Police Department hiring to mid-year. He said he can give up the \$50,000 and a \$1.8 million program. However, what we have worked on is that we need more police in Santa Fe, and we would like for them to hire 15 more police officers this year. He said, to avoid a property tax increase of 8¢ a day, we agreed to stage this and stagger the vacancies over the whole fiscal year. He said he wants to make sure he is not hearing a condition that says that the whole 15 might go away at mid-year if we're not happy with the Chief's organizational chart. He said we have worked hard to fill the vacancies, and he wants to ensure we are going to continue to authorize our Police Department to fill vacancies. It will take all year to hire 15 officers under the current conditions and trends. He doesn't want to pass a budget that says we might just stop at mid-year, commenting the Council can stop any time it wants.

Mayor Coss said he has agreed to a lot of compromises, as Councilor Ortiz said, trying to get approval to hire 15 more police officers in the next fiscal year, and he is not sure hears that language in that friendly amendment.

**Revision to the previous friendly amendment:** Councilor Wurzburger proposed to amend the friendly amendment that the Police Department positions are funded, and will be reviewed at mid-year with the presentation and approval of a new organization chart. She thought this was a six month review provision, rather than that they are hired for only six months. She recognizes the difficulty of hiring people only for six months. **The amendment was friendly to the second.**

Mayor Coss said they are willing to come and talk to Public Safety, Finance or the Council as often as they want, because he has a lot of confidence in this Police Department.

Councilor Bushee said Councilor Ortiz isn't here, but her understanding is that he wanted to ensure that the new officers would be put on the street and they are making a difference. She said this is the connection to an organization chart. She doesn't think anyone needs to read much more into this, and no one is trying for something different or to make less positions available. She hopes the positions can be filled within six months.

Mayor Coss said it will take about a year. He said one of the things which was adjusted was that the 15 officers would go to patrol directly on the street, but now 2 officers will be youth engagement officers which he believes will be valuable, but those won't necessarily be directly on the street and will be working with youth programs.

Councilor Bushee said the Council does have the prerogative to have a review at any time, and she believes Councilor Ortiz is emphasizing now that this is the direction that we're interested in pursuing and she agrees with that.

Councilor Wurzburger reminded the Mayor that she called for the question which was seconded, and asked how to proceed.

Mayor Coss said we can vote on the call, or she can withdraw her motion, and he will just call the question.

**Councilor Wurzburger withdrew her call for the question, and Councilor Romero withdrew her second.**

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

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

**Against: None.**

**Explaining his vote:** Councilor Chavez said yes, with all the amendments, especially the 6<sup>th</sup> and with further review.

Mayor Coss thanked Kathryn Raveling, Galen Buller, the Finance Committee, and City staff for a great job and a lot of work.

**11. CONSIDERATION OF APPROVAL OF SECOND AMENDED AND RESTATED JOINT POWERS AGREEMENT FOR THE REGIONAL EMERGENCY CALL CENTER (RECC). (MARK BASHAM) (Postponed at the April 30, 2008 City Council Meeting). (Postponed at the May 28, 2008 City Council Meeting).**

**Ken Martinez, Director, Santa Fe Area RECC,** said this was postponed on April 30, 2008, until it could be heard by the Public Safety Committee. It was heard by the Public Safety Committee on May 20, 2008, and with the changes proposed by Mr. Katz, the Committee approved it to be moved forward to the City Council for approval. He noted a copy of the Public Safety Committee meeting minutes of May 20<sup>th</sup> are included in the packet. He said those minutes note the change by Mr. Katz on page 5 of the agreement as follows: "A majority of the members of the Board of Directors should constitute a quorum, and majority vote of members present shall decide any issues, except capital expenditures over \$100,000, which shall require an affirmative vote of three-quarters of the full board." He said the portion which was removed by Mr. Katz, pertains to the release of any funds which were kept by the City to the County upon the approval this JPA. These changes come before this Council for approval.

**Councilor Trujillo moved, seconded by Councilor Wurzburger, to approve this request.**

**Discussion:** Councilor Trujillo said this was in no way an effort to stop the City of Edgewood, it just hadn't gone through the Committee process, and joint powers agreements are not approved without going through that process. He thanked them for their patience.

**The motion was approved on the following Roll Call vote:**

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

**Against: None.**

**Absent: Councilor Dominguez**

**12. CONSIDERATION OF RESOLUTION NO. 2008- 43 (COUNCILOR ROMERO AND MAYOR COSS). A RESOLUTION ESTABLISHING THE PUBLIC CAMPAIGN FINANCING ADVISORY COMMITTEE.**

Mayor Coss said this Resolution did not go through the Committee process and came straight to the Council.

Councilor Bushee asked why didn't it go to the Ethics and Rules Committee.

Councilor Romero said there is no money attached to this Resolution. It is to meet the requirements that the citizens have indicated to us that we need to do, so it is to establish a committee to move forward to develop Public Campaign Finance, and it is only to establish the committee.

Responding to Councilor Bushee, Mayor Coss said this was introduced two meetings ago.

Councilor Romero said it was introduced, and she understands it didn't need to go to a committee, and it seemed to have fallen off the radar screen "for just a committee," so her sense is that it was an oversight.

Councilor Bushee said the Ethics and Rules Committee will be meeting, and that Committee has followed this issue all the way to now.

Councilor Romero said this isn't an "Ethics and Review Committee," this is a separate committee, so it doesn't go through Ethics.

Councilor Bushee said it is the establishment of a committee, and the Ethics and Rules Committee is the one which reviewed all the campaign finance items which came from the Charter Commission.

Councilor Romero said, "It's separate. It's not the same committee, Councilor. It's a separate committee that would make a recommendation, so it's not..."

Councilor Bushee said it's just that a committee would review this, whether it's Finance or what.

Councilor Romero said no.

Councilor Bushee said yes, it's an establishment of a committee, saying staff will staff the committee, and somebody has to review it.

Councilor Wurzbarger asked to be placed as a sponsor of this Resolution. She said people who worked so hard on this feel it has just sat around and nothing has happened. She said if it were to go to a committee, she can't imagine what would be done except to move it forward so we can start a committee so they can do the work. She said the description of the work already has been approved by this body and the voters. She wants to see this go forward. Once the committee does it's work, then the work will come back through City committees as it should.

Councilor Chavez said there is always a fiscal impact, whether it is just staff time, or hiring professional services. He said the FIR states that if this resolution is passed, there will be a fiscal impact to hire a stenographer, and an additional \$3,600 will be required to solicit public input which probably is direct mailing. There is a fiscal impact, and asked if this is included in the budget we just approved. He said we will have to invest money to do this, and the next challenge is to find the money for public campaign financing which isn't in the budget we just approved.

Mr. Katz said the provision for public financing was one of the recommendations of the Charter Commission. When it came to the Council for approval to submit it to the voters, the Council wanted to have a committee to gather public input and consider all of the options for public financing, so this was added to what was proposed by the Charter Commission. It then went to the voters who approved that. He said the amendments to the Charter went into effect on May 5, 2008, and at the next meeting, this resolution was introduced to comply with what the Charter had requested. This is doing exactly what the Council added to the Charter Amendment which was approved, in anticipation of consideration of a possible public financing.

Councilor Romero said to be clear it is giving motion to the committee, which is yet to be named, to do its work and to develop some options about what the financing could look like. She said the reason no funds are allocated is that we don't know what that cost would be because the options have not been generated or valued. This would be validating, moving forward with creating a committee which then would evaluate options. So, we are moving forward with the will of the Council and what the voters have said we need to do. She said, "The money that's allocated to it is, I think, a minimal impact, which is that of a stenographer to keep track of what the committee's work is, in order to bring that back to the whole Council. So, it's not looking at \$130,000, because we don't know what that cost is going to be. This is a minimal cost to get a committee formed and moving and staffed with a stenographer, not staffed with City of Santa Fe staff."

Councilor Bushee said there is a "And Be It Further Resolved, that the Governing Body

is committed to setting aside resources, commencing with fiscal year 2008/2009.” She said the \$130,000 was eliminated from the budget originally. This is a process issue for her, and she has no problem. She knows the process saying she chaired the Committee which dealt with this issue before it went to the voters, and at the very least, this would have gone to Finance, reiterating she is concerned about the process.

Councilor Chavez said at a minimum, if there is a budget of \$5,250 per year for a stenographer, and another \$3,600 for advertising, this should be reviewed by the Finance Committee, unless that isn't going to be approved as part of the Resolution. This is a separate dollar amount from that we would establish for public financing, and this is a step we need to take, and we need to state that there is a fiscal impact. Normally, the Finance Committee would discuss that before it comes to the Council.

**Councilor Romero moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2008-43, with the \$8,850.**

**Discussion:** Councilor Chavez asked if the motion includes the \$8,850 in the Memorandum.

Councilor Romero said it does.

**The motion was approved on the following Roll Call vote:**

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

**Against: Councilor Chavez.**

**Abstain: Councilor Bushee.**

**Explaining her vote:** Councilor Bushee said she is going to abstain, because this should have had more information with it coming from the discussion that was taking place at a committee.

13. **FURTHER CONSIDERATION OF BILL NO. 2008-23; ADOPTION OF ORDINANCE NO. 2008- 27. CASE #ZA 2007-12. 510 AND 510 ½ ST. FRANCIS REZONING. JENNIFER JENKINS, AGENT FOR SCOTT THOMAS AND JEAN-FRANCOIS CHABAUD, REQUEST REZONING OF .24± ACRES OF LAND FROM RM-10 (RESIDENTIAL, TEN DWELLING UNITS PER ACRE) TO C-4 (COMMERCIAL LIMITED OFFICE AND RETAIL) INCLUDING VARIANCES TO FRONT, SIDE AND REAR YARD BUILDING SETBACKS AND LANDSCAPE BUFFER REQUIREMENTS. THIS APPLICATION INCLUDES A SITE PLAN SHOWING TWO EXISTING HOMES TOTALING 2,100 SQUARE FEET AND A 710 SQUARE FOOT GARAGE/STORAGE STRUCTURE. THE REQUEST IS TO ALLOW THE EXISTING RESIDENTIAL USE AND POTENTIALLY ANY ALLOWED USES IN THE C-4 DISTRICT. THE PROPERTY IS LOCATED ON THE WEST SIDE OF ST. FRANCIS DRIVE BETWEEN AGUA FRIA AND HICKOX STREETS. (DONNA WYNANT) (PUBLIC HEARING CLOSED)**

A copy of a Memorandum prepared March 28, 2008 for the April 9, 2008 City Council meeting, with attachments, from Donna Wynant, Senior Planner, to the City Council, is incorporated herewith to these minutes as Exhibit "1."

Mayor Coss noted that the public hearing has been closed.

Councilor Bushee asked the City Attorney to explain how this item got back on the agenda.

Mr. Katz explained that this was before the Council on April 9, 2008. It was heard, a public hearing was had, there was discussion and a motion to approve. There was a vote four in favor of the motion and three against, which is not sufficient to pass the Ordinance, and then nothing else happened. He said so no denial or approval was had and there was no motion for reconsideration. He said the time for a motion for reconsideration has expired. However, no action was taken, and so it is still before this body awaiting action. He said if the proponent wanted to appeal, there could be no findings or conclusions from which to appeal, since this body has taken no action. He said under Roberts Rules of Order, if a motion is made and disposed of without being adopted, it is later allowed to come before the assembly. This is called the renewal of a motion which is permitted if it is not within the time of a motion for reconsideration or there haven't been other intervening motions which are relevant here. This is the basis that it is before this body. It was never disposed of, nor taken care of.

Councilor Bushee said then there was no follow-up motion to deny.

Mr. Katz said there was no motion to deny.

Councilor Wurzburger said she missed the discussion, but she did read the minutes and read the packet before this meeting. She said when she read the minutes she understood Councilor Calvert's position, but she wanted an opportunity to weigh-in on this. She felt, based on the information which was presented, at least in the written information and in the minutes, that she would like an opportunity to vote on this, because she disagrees with a non decision, and she is uncomfortable with this just hanging out there in "never never land."

Councilor Calvert said then if there aren't sufficient votes to approve the motion, then that motion fails.

Mr. Katz said the approval failed and it wasn't approved.

Councilor Calvert said that is tantamount to a denial, is it not.

Mr. Katz said no, it's not, because in fact, the vote was four to three in favor of approval. He said it wasn't approved, but it wasn't denied. He said if it was denied, then the Code provision would not allow it to be brought back for one year. If that restriction was to be imposed, someone would have had to make a motion to deny.

Councilor Bushee said she sees no need for a staff presentation, given that Councilor Wurzburger has done her investigation of this issue, noting Councilor Wurzburger didn't attend that meeting. Councilor Bushee said her vote has not changed.

Councilor Bushee moved, seconded by Councilor Chavez, to adopt Ordinance No. 2008-27, approving Case No. ZA 2007-12.

The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Chavez, Councilor Dominguez, Councilor Romero, and Councilor Wurzburger.

**Against:** Councilor Calvert and Councilor Trujillo.

**14. MATTERS FROM THE CITY MANAGER**

Mr. Buller said he has made an offer and David Milligan has accepted the offer as the new Finance Director. He noted he distributed copies of Mr. Milligan's resume to the Governing Body. He said Mr. Milligan lives in Santa Fe, and currently is winding up his consulting business, so he is back and forth between Santa Fe and California. He hopes Mr. Milligan will be able to attend the next Council meeting, and if he is in town, to attend the next meeting of the Finance Committee. Mr. Milligan will begin work on June 16, 2008, and Ms. Raveling will be here until the end of June.

\*\*\*\*\*  
Mayor Coss now moved to items No. 16 and 17, before hearing Matters from the City Attorney.  
\*\*\*\*\*

**16. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**17. COMMUNICATIONS FROM THE GOVERNING BODY.**

**Councilor Calvert**

Councilor Calvert sent best wishes from the Governing Body to Laura Banish for a speedy recovery.

**Councilor Dominguez**

Councilor Dominguez passed out an MOU for the Governing Body's consideration and asked that it go to the Finance and Public Works Committees.

**Councilor Wurzburger**

Councilor Wurzburger introduced, cosponsored by Councilor Ortiz, an ordinance change

which will bring together the Water Budget, the water rights transfer requirements, water rights banking and the retrofit program, and making changes which she believes makes it a more consistent package for the Council. She said they would like this to go first to Public Utilities Committee, then to the Public Works Committee and then to the Finance Committee. A copy of the proposed Ordinance change is incorporated herewith to these minutes as Exhibit "2."

### **Councilor Trujillo**

Councilor Trujillo introduced an ordinance amendment to Section 24 regarding the City of Santa Fe Uniform Traffic Code, amending Section 12-6-16-12.2 of the City of Santa Uniform Traffic Code regarding operating a motor vehicle under the influence of intoxicating liquor or drugs and Section 12-6-13.13 of the City of Santa Fe Uniform Traffic Code regarding mandatory seat belt use. He asked that it go to the Public Safety and Finance Committees. A copy of the proposed ordinance amendment is incorporated herewith to these minutes as Exhibit "3."

Councilor Trujillo said the Fishing Derby will be this weekend at the River. He said over the past two year, people have been going there the night before with nets. He asked Mr. Buller to have an officer or somebody there to ensure that doesn't happen again this year.

### **Councilor Romero**

Councilor Romero said she and Councilor Wurzbarger met with the Old Pecos Trail folks. A public meeting is scheduled on June 10, 2008, to talk about the redesign of that intersection. She asked Mr. Buller to contact Stuart Ashman and invite him to the public meeting, commenting it would be good to hear from him about the expansion at the center which is being proposed. She said she and Councilor Wurzbarger also will invite him to attend the meeting. The meeting will be 6:00 p.m. to 10:00 p.m., and she will provide Mr. Buller with all the details of the meeting.

Councilor Romero said at one of the Council meetings, she announced they would do a pilot project in her neighborhood on the neighborhood planning. A meeting is schedule on Sunday, June 1, 2008, at her home, inviting those Councilors to attend who would like to do so. She said they will cover three things at the meeting: (1) Reaching consensus on the landscaping plan that the DOT is bringing forward which is important; (2) the neighborhood planning and the effort it will take to move that forward, noting Patrick Nicholson has volunteered his personal time to come from Taos for the meeting, which is greatly appreciated; and (3) The PD will be attending to give a presentation on the COPs Program and the Neighborhood Watch Program, noting the neighborhood is concerned about a recent homicide in the neighborhood.

### **Councilor Bushee**

Councilor Bushee introduced a Resolution directing staff to research the possibility of Santa Fe achieving "bicycle friendly community status." A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."



Councilor Bushee noted she introduced a resolution six months ago regarding alternatives to car depot, and using an old rail car as a locker, shower, a place to hand out maps, and perhaps a contractor to rent bikes and the whole bicycle share program. She said it also included a shuttle operation for cars and that parking is included for two wheels in the new garage. She said there was no follow-up on the purchase of the rail car to create this bike central. She spoke with Secretary Faught, Mark Tibbetts, Lucas Cruse, Bob Siqueiros and Anne McLaughlin, and asked them for their assistance in this effort and received a positive response. She asked that someone be assigned as a point person to work on this.

Councilor Bushee said she would like research to be done on a car sharing program which exists in other communities, and asked if Jeanne would have time to do that.

Councilor Wurzbarger said this will be a component of the discussion of the committee on connectivity and shuttles, noting two staff persons are working on this through that committee.

Councilor Bushee introduced a Resolution directing staff to research and recommend an appropriate bike sharing program to be located at the Railyard. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Bushee said she received a postcard from "Friends of Duran, Dolores and [inaudible] Streets," who would like to amend the Historic Review Board's jurisdiction to include "esthetic placement of electrical meters."

Councilor Romero said previously there was a woman from Duran Street who was complaining about the wire going straight up from the house which are very ugly. She was hoping we do something about the ugliness of the wires and the boxes.

Councilor Bushee would like to see if we can do something about this.

Councilor Bushee said she has two big frustrations. She said three months ago she asked Mr. Hiatt to investigate the reason people were at St. Catherines in camouflage uniforms and shooting inside and outside landmark buildings. She was told the City needed to designate it as a historic zone or develop a private/public partnership. She said this is a residentially zoned area. She got an email saying it is zoned R-2 and R-5. She said she wants people to have a place to train, but not in the middle of a residential area. She would like the City to write a letter Mr. Tafoya the owner from "Jack, you or whoever, probably you," saying this is a residentially zoned area, these are inappropriate uses, if you have future plans for other uses to please advise the City so we can ensure they are in compliance with Code. She said parents of little kids are saying they are scaring them. There is a poster of Saddam Hussein over a historic mural. She wants it to stop. They are newly reforming the neighborhood, and have contacted her about this.

Councilor Calvert said they do these things on Sunday morning, which is a bad time to disturb the neighborhood, and it should be a violation of the City noise ordinance at the very least.

Councilor Bushee said she knows know they are shooting dummy bullets. She didn't

get a good response from the Chief of Police. She said she isn't against people having a place to practice, but that's not the place. She wants this addressed now.

Councilor Bushee said it has been 1½ years since the forfeiture bill was passed, and there should have been progress on the lot. She wants a report to summarize all the cases which could have had this ordinance applied to it. She said it is also about the booting. She said the idea was to be in sync with the County and to have this as a tool or a deterrent.

Mr. Buller said Lt. Robbin was here earlier to report on this as part of the budget, and asked if she would like this as an information item at the next Council meeting.

Councilor Bushee said no, she wants it at Public Works and Public Safety.

Councilor Bushee said last night at Committee it was said the City's building permit rates are higher than the rest of the State and Boulder, Colorado, and that the anticipated revenues are down for permits. She and Councilor Ortiz would like an analysis of all the cities to which we were compared in New Mexico and Boulder Colorado – the size of the staff, the amount of the building permit. The Committee also requested a set of performance measures with targeted deadline and dates. She said Councilor Ortiz would like that information to come to the Finance Committee before he hears this issue again. She also wants that analysis as well.

### **Councilor Chavez**

Councilor Chavez thanked staff for their assistance with the neighborhood association meeting in May in Tierra Contenta at Tierra Madre. He said there were people also in attendance from the Hopewell-Mann area who have concerns and issues, and we can organize a neighborhood meeting for that area next. He said one of the Attorney General candidates from Edgewood attended, saying the public access information is working to inform the public. He thanked staff for the ticker tape on public access..

He asked staff to change the ticker tape. The neighborhood meeting for June will be the Las Acequias neighborhood on June 4, 2008, outside at the Park

### **Mayor Coss**

Mayor Coss had no communications.

## **15. MATTERS FROM THE CITY ATTORNEY**

Mr. Katz said Councilor Ortiz had requested an executive session regarding collective bargaining agreements with the Fire Union and AFSCME. However, we cannot have an executive session on AFSCME because it has already started negotiation, and any discussion on AFSCME would have to be in open session, but there can be one for Fire.

Mayor Coss said, regarding the email from Councilor Ortiz, he doesn't believe he needs to have an executive session just on the Firefighters, especially if he's not here, but he had

some direction from Galen on that, so we don't need that item in executive session.

#### **EXECUTIVE SESSION**

- a) **REPORT ON STATUS OF NEGOTIATIONS OF COLLECTIVE BARGAINING AGREEMENTS WITH THE FIRE UNION AND AFSCME, Pursuant to §10-15-1(H)(5), NMSA 1978.**
- b) **DISCUSSION OF POTENTIAL SETTLEMENT OF LITIGATION WITH THE NEW MEXICO SCHOOL FOR THE DEAF, Pursuant to §10-15-1(H)(7) NMSA 1978.**

**Councilor Calvert moved, seconded by Councilor Wurzburger, that the Council go into Executive Session for the purpose of the discussion of the potential settlement of litigation with the New Mexico School for the Deaf, 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 6:46 p.m.**

#### **MOTION TO COME OUT OF EXECUTIVE SESSION**

**At 7:16 p.m., Councilor Calvert moved, seconded by Councilor Wurzburger, that the City Council come out of Executive Session and stated that the only item which was discussed in executive session was the item which was on the agenda, and no action was taken.**

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

**END OF AFTERNOON SESSION AT 7:16 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 7:16 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 Carmichael A. Dominguez  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

#### **Members Excused**

Councilor Miguel Chavez  
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**

**Arthur Furstenberg** said he has a paper which was published last week in The Journal Epidemiology by researchers at UCLA which says, "Cell phone use by women during pregnancy was found to be associated with behavior problems in the child seven years later." He asked are we doing to our children and what are we doing to our world.

Mr. Furstenberg said today is his birthday and he didn't want to come here this evening, but he is here because he values his life and because a lot of other people who also value their lives count on him to speak for them. Mr. Furstenberg read a statement into the record, as follows:

"An Early Neighborhood Notification meeting was held last week at St. John's United Methodist Church. AT&T wants to build four new cell sites in and around downtown Santa Fe. Some people who live nearby may have to move out of their homes. There are people with epilepsy who get seizures from microwave radiation. One man who testified here last month at the public hear is like that. Another man who worked at the Food Coop, who testified here a year and a half ago, is like that. There are people with heart arrhythmias whose lives will be in danger. A close woman friend of mine, who did not testify is like that. Where are they all going to go. The Rail Runner commuter train is going to have 200 wireless access points built along its route, including its route

through Santa Fe. More people may have to move out of their homes. Where are they going to go. Councilor Trujillo, you are right, this is 2008, not 1692. In 2008, people do business with wireless technology, but in 2008, we don't discriminate against people with disabilities. We don't drive them out of their homes. In 2008, a person has the right to have epilepsy and still have access to City Hall, the libraries, the Municipal Court, the Convention Center. With all due respect, the question that this Council asked the City Attorney, is electro-sensitivity a disability protected under the Americans with Disabilities Act, was not the right question. The right question is this: Is WiFi a barrier to access for people with epilepsy, asthma and heart conditions. Yes, it is."

**Sagemaya Dandi, 1492 Upper Canyon Road**, said he is here for the third week in a row. He would like to petition the Council to ask the City Manager and the Police Department how long it is going to take to get "Ninja Tim," off the 244 acres of City property. As he was coming here this evening, at the house for sale at 1401, he asked the construction foreman if he was touching up. He said, "No, we were vandalized. They broke a window and they didn't take anything." Mr. Dandi said the City has an obligation to people with property for \$3.5 million. He said this man is crossing private property illegally, he is on City property illegally. Mr. Dandi said he saw him "going down as he was coming up," and he had spikes on his wristband. He said there is plenty of time and evidence to do something. He said the last time he spoke with the City Manager, he said that Deputy Chief Wheeler and someone else were working on the issue, and he wants to know what is happening with this.

**Stefanie Beninato** said, "I'm here today because I'm being treated like a second class citizen in the City of Santa Fe. I'm a property owner and I pay taxes, and I'm not allowed the same procedures as everybody else in this City. I have been doing some Freedom of Information Act requests to get documentation for this appeal that I have in front of you sometime in June. I was going through the City Clerk. That was working quite well, but now I'm being told that I have to go through Kelly Brennan. I am asking, and I tried to ask the City Manager, for an ethics investigation, to be able to file an ethics complaint against Kelly Brennan and a few other officials on the City staff. Miss Brennan has had documents, permit plans in her possession that she has altered. She told me she altered a Historic Preservation Division Plan by putting a 06 date on it in blue magic marker. There was a plan in the Permit File that said 'revised 7/13.' She was there when I had a conversation with Yolanda Cortez about it, that was probably six weeks ago. That is gone. I got these Inspection Reports from her with her handwriting on it that talks about insulation and how each board wasn't going to allow spray-on foam insulation. But I...I was at those meetings and I looked at the minutes and that's not what it says, and it's not what the documentation from the insulation company says either. When I went to a negotiation with Miss Brennan, she goes out to lunch with Karl Sommer who is the lawyer for the developer. It's like they have a pipeline into the City of Santa Fe's City Attorney's office. I say something, five minutes later Karl Sommer knows about it. Karl Sommer is the lawyer who is suing the City for the Santa Fe Homebuilders Association, and yet you have Jack Hiatt appearing in front of the Santa Fe Homebuilders Association twice in the past two or three months. But, you're not supposed to like take my emails that I'm emailing the City Manager, but I'm just CCing you, and it has really nothing to do with the substance of the appeal, it has to do with what the City is or isn't doing about, you know, the process that is going on, ongoing process that hasn't been stopped while this appeal goes on. And, again, I'm being told by her that, you know, ordinances, 'oh, we can't do administrative approvals because there's an

ordinance,' except at 610 where, of course, they can do anything administratively. So, what I'm asking for today is, number one I want you to direct the City Manager to meet with me about these ethics concerns that I have, and then to allow me some way of filing a complaint, an ethics complaint, against certain City officials including Kelly Brennan, Jack Hiatt, Gary Moquino and Mike Purdy at the minimum because of lack of inspections, and falsification of records and alteration of records. I think it's extremely distressing to think that a city attorney is altering records, but in fact, that is exactly what has happened."

**F. APPOINTMENTS**

There were no appointments.

**G. PUBLIC HEARINGS**

- 1) **REQUEST FROM YUMMY CAFÉ, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT YUMMY CAFÉ, LLC, 1616-A ST. MICHAEL'S DRIVE. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting that this is a two-part request. The first is for a waiver of the 300 foot location restriction because it is within 300 feet of the College of Santa Fe. If the waiver is approved, then the Council needs to vote on a request for a Restaurant (Beer and Wine) license for this location. There is a letter in the packet from the College of Santa Fe, stating that it has no objection to the Restaurant (Beer & Wine) license at 1616-A St. Michael's Drive

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Bushee moved, seconded by Councilor Dominguez, to grant the request for a waiver from the 300 foot location restriction for the Yummy Café, LLC, 1616-A, St. Michael's Drive, Santa Fe.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Wurzbarger.**

**Councilor Bushee moved, seconded by Councilor Dominguez, to grant the request for a Restaurant (Beer & Wine) License, to be located at Yummy Café, LLC, 1616-A, St. Michael's Drive, Santa Fe.**

**The motion was approved on the following Roll Call Vote:**

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

**Against: None.**

**Absent: Councilor Wurzburger.**

- 2) REQUEST FROM DIOGENES CLUB FOR A CHANGE OF OFFICERS/DIRECTORS AND A TRANSFER OF LOCATION OF CLUB LICENSE #8206 FROM 510 GALISTEO STREET TO 1413 PASEO DE PERALTA (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting staff is recommending that the business be required to comply with all of the City's ordinances.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Wurzburger moved, seconded by Councilor Bushee, to grant the request for a change of Officers/Directors and transfer of location of Club License #8206 from 510 Galisteo Street to 1413 Paseo de Peralta.**

**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: None.**

- 3) REQUEST FROM SIPLIQ I, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #1333 FROM THE PALACE RESTAURANT ASSOCIATION, LLC D/B/A SENIOR LUCKY'S ON THE PALACE, 142 W. PALACE AVENUE TO SIPLIQ I, LLC, D/B/A SIPLIQ I, 3462 ZAFARANO STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting staff is recommending that this business be required to comply with all of the City's ordinances.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

Councilor Calvert moved, seconded by Councilor Dominguez, to grant the request for a transfer of ownership and location of Dispenser License #1333 from the Palace Restaurant Association, LLC d/b/a Senior Lucky's on the Palace, 142 W. Palace Avenue, to SIPLIQ I, LLC d/b/a SIPLIQ I, 3462 Zafarano Street.

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: None.

- 4). **CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_. 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 April 30, City Council Meeting) (Request by staff and Applicant to postpone to July 30, 2008 City Council meeting)**

This item was postponed to the City Council meeting of July 30, 2008.

- 5) **CONSIDERATION OF BILL NO. 2008-19; ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_. 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 CRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN AGUA FRIA STREET AND HICKOX STREET. (LOU BAKER). (Postponed at May 14, 2008 City Council Meeting) (Request by staff and Applicant to postpone to July 30, 2008 City Council meeting)**



This item was postponed to the City Council meeting of July 30, 2008.

**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 7:30 p.m.

**Approved by:**

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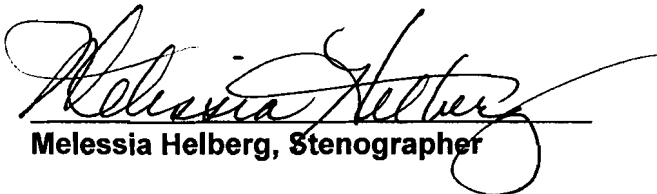
**Mayor David Coss**

**ATTESTED TO:**

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**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**



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**Melessia Helberg, Stenographer**