



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
DECEMBER 10, 2008  
SANTA FE COMMUNITY CONVENTION CENTER

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 12/5/08 TIME, 4:25pm

SERVED BY \_\_\_\_\_

RECEIVED BY Hydomquez

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 – November 12, 2008
8. PRESENTATIONS
  - a) Employee of the Month for December 2008 – Leonard Romero, Parking Maintenance Technician – Parking Division/Public Works. (5 minutes)
  - b) Introduction of Law Enforcement Academy Graduates: Officer John McAfee and Officer Jasmin Romero. (Chief Eric Johnson) (5 minutes)
  - c) Muchas Gracias – Charlotte Han and Lei Wang. (5 minutes)
  - d) Drop Out/Achievement Gap Update; Santa Fe Public Schools. (Bobbie Gutierrez, Superintendent) (10 minutes)
  - e) National League of Cities Update. (Councilor Chavez) (5 minutes)
  - f) 2007/2008 City Volleyball Champion Trophy – Capital High School Jaguars. (Councilor Trujillo) (5 minutes) **(Postponed to January 14, 2009 City Council Meeting)**
9. CONSENT CALENDAR
  - a) Bid No. 09/06/B – Genoveva Chavez Community Center Entry Improvements and Agreement Between Owner and Contractor; Weil Construction, Inc. (Martin Valdez)
    - 1) Request for Approval of Budget Increase – Project Fund.



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- b) Bid No. 09/07/B – Rugby Fields Phase II – Concession/Restrooms and Agreement Between Owner and Contractor; Lockwood Construction Company. (Mary MacDonald)
  - 1) Request for Approval of Budget Increase – Project Fund.
- c) Bid No. 09/08/B, 09/09/B, 09/10/B, 09/11/B, 09/12/B, 09/13/B – Chemicals for Water Division; DPC Industries, Inc. (Victor Archuleta)
- d) Request for Approval of Change Order No. 8 – Transit Facility Expansion; ESA Construction, Inc. (Mary MacDonald)
- e) Request for Approval of Change Order No. 5 – Agreement Between Owner and Contractor for Mager’s Field Park Phase 2 Improvements; Accent Landscape Contractors, Inc. (Ben Gurule)
- f) Request for Approval of Hardware and Software Maintenance Agreement – Integrated System for Santa Fe Public Library Division; Innovative Interfaces, Inc. (Patricia Hodapp)
- g) Request for Approval of Contract – Purchase and Equip Vehicles to Provide Transportation for Division of Senior Services Program. (Ron Vialpando)
  - 1) Request for Approval of Budget Increase – New Mexico State Agency Capital Outlay Fund.
- h) Request for Approval of Professional Services Agreement – Buckman Well Field Arsenic Removal Pilot Testing (RFP #09/05/P); Narasimhan Consulting Services, Inc. (Bill Huey)
- i) Request for Approval of Water Rights Purchase Agreement – Water Rights Within the Middle Rio Grande Conservancy District; Susan L. Buckley. (Dale Lyons)
- j) Request for Approval of Procurement Under State Price Agreement – Broadcast Infrastructure at Santa Fe Community Convention Center; Counter Trade Products, Inc. (Joe Abeyta)



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- k) Request for Approval of Amendment No. 5 to Legal Services Agreement – City of Santa Fe’s Hospital Tank Rehabilitation and Related Legal Issues for Water Division; Sheehan, Sheehan & Stelzner. (Maureen Reed)
- l) Request for Approval of Amendment No. 1 to Professional Services Agreement – Committee Stenographic Services; Melessia Helberg. (Yolanda Vigil)
- m) Request for Approval of Amendment No. 6 to Construction Agreement – City Wide Sewer Line Spot Repair; Triman Construction Industries. (Lisa Sandoval)
- n) Request for Approval of Amendment No. 3 to Professional Services Agreement – Buckman Direct Diversion Project Consulting and Account Services; Cooney, Watson and Associates, Inc. (Rick Carpenter)
- o) Request for Approval of Amendment No. 3 to Professional Services Agreement – Buckman Direct Diversion Project Services; WRISC, Inc. (Rick Carpenter)
- p) Request for Approval of Amendment No. 3 to Professional Services Agreement – Buckman Direct Diversion Project Implementation; Norman Gaume, P.E. (Rick Carpenter)
- q) Request for Approval of Amendment No. 1 to Professional Services Agreement – Water Division Finance Plan; Malcolm Pirnie, Inc. (Gary Martinez)
- r) Request for Approval of Budget Increase for DWI School Fund from Cash Balance for Police Department Fitness Equipment Replacement. (Chief Eric Johnson)
- s) Request for Approval of Professional Services Agreement – Energy Partnership Loan Fund Program (RFP #09/02/P); Homewise. (Nick Schiavo)
  - 1) Request for Approval of Budget Increase – Tierra Contenta Land Sale Fund.



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- t) Request for Approval of Budget Adjustment for Restricted Cash Account as Required for City's Municipal Bio-Solids Facility by State of New Mexico Environment Department. (Bryan Romero)
  - 1) Request for Approval of Budget Increase – Wastewater Enterprise Fund.
- u) Request for Approval of Procurement Under State Price Agreement – Three (3) Vehicles For ITT Division; Reliable Chevrolet. (Robert Rodarte)
- v) Request for Approval of Budget Increase/Decrease of Grants for Railyard Projects from The State of New Mexico. (Teresita Garcia)
- w) Request for Approval of Budget Increase of Project Funds for Santa Fe Community Convention Center and Railyard Infrastructure for FY 2008/2009. (Teresita Garcia)
- x) Request for Approval of Amendment No. 1 to Professional Services Agreement – Municipal Court Renovations; Lloyd & Associates Architects. (Chip Lilienthal)
- y) Request for Approval – City of Santa Fe Schedule for 2009 City Council and Council Committee Meetings. (Yolanda Y. Vigil)
- z) Rail Runner Phase II – Bernalillo to Santa Fe:
  - 1) Request for Approval of Memorandum of Understanding – New Mexico Rail Runner Express; The Mid Region Council of Governments. (Robert Romero)
  - 2) Request for Approval of Santa Fe Trails Staff Expansions for Rail Runner Connections. (Jon Bulthuis)
  - 3) Request for Approval of Grant Agreement and Equipment Procurement Request – Rail Runner Connecting Service to Santa Fe; New Mexico Department of Transportation. (Jon Bulthuis)



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- aa) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Romero)  
A Resolution Urging The New Mexico State Legislature to Amend the Local Liquor Excise Tax to Authorize all New Mexico Counties to Impose a Local Liquor Tax Upon Approval of The Local Voters and to Authorize the Use of the Tax Proceeds to Fund Social Service Programs Serving Persons Impacted by Alcohol and Drug Abuse. (Carol Horwitz)
- bb) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Mayor Coss, Councilor Wurzburger, Councilor Calvert, Councilor Romero and Councilor Bushee)  
A Resolution Directing Staff to Make Recommendations to the Governing Body Regarding the Creation of a Memorial to Honor Tony Hillerman, an Award-Winning New Mexico Author, Who for Part of His Life Resided in Santa Fe. (Patricia Hodapp)
- cc) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Directing Staff to Enter Into a Capital Cooperative Agreement with The New Mexico Department of Transportation. (David Catanach)
- dd) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Chavez and Councilor Dominguez)  
A Resolution Directing Staff to Pursue Funding From the State Legislature and Other Sources for the Construction of the Tierra Contenta Subdivision Area Effluent Water Line and for the Design and Construction of a Future Extension from this Line Along the Arroyo Chamiso to Governor Miles Road. (Bryan Romero)
- ee) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Bushee, Mayor Coss, Councilor Dominguez, Councilor Trujillo, Councilor Ortiz, Councilor Calvert, Councilor Romero and Councilor Wurzburger)  
A Resolution Initiating Efforts to Acquire or Otherwise Secure the State Owned Archives Building and Property Located on the Corner of Montezuma and Guadalupe Streets in Order to Insure that The Railyard Will Serve as a Hub to Promote and Accommodate Alternate Modes of Transportation. (Bob Siqueiros)



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- ff) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Dominguez and Councilor Trujillo)  
A Resolution Urging The New Mexico State Legislature to Adopt Gang Related Legislation. (Matthew Martinez)
- gg) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Chavez and Councilor Dominguez)  
A Resolution Authorizing and Approving Submission of an Executed Agreement for Financial Assistance to The New Mexico Environment Department, Construction Programs Bureau, for the Planning, Design, Engineering and Construction of a Water Line and a Sewer Line for the 2400 Block of Agua Fria Street. (Stan Holland)
- 1) Request for Approval of Grant Agreement – Agua Fria Roads Water and Sewer Lines Extension; New Mexico Environment Department Construction Programs Bureau (Stan Holland)
  - 2) Request for Approval of Budget Increase – Grant Fund.
- hh) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Trujillo and Councilor Romero)  
A Resolution Recognizing and Celebrating the River Festival and Fishing Derby as an Annual Event to Be Held on the First Saturday in June, Beginning in 2009 and Every Year Thereafter. (Rachel Friedman and Alan Hook)
- ii) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Dominguez, Councilor Wurzbarger, Councilor Trujillo, Councilor Romero, Calvert and Mayor Coss)  
A Resolution Directing The Department of Housing and Community Development to Proceed with a Community Planning Process for the Santa Fe Boulevards Project that will Result in a Master Plan that Focuses on Thoroughfare Design and Adjoining Land Development Along St. Michael's Drive and Airport Road. (Reed Liming)
- jj) Request for Approval to Publish Notice of Public Hearing on January 14, 2009:  
Bill No. 2008-64 – An Ordinance Amending Section 6-16.4 SFCC 1987 Regarding Hearings Before the Ethics and Campaign Review Board; and Amending Various Sections of Article 9-2 SFCC 1987 Campaign Code. (Mayor Coss) (Yolanda Vigil)



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- kk) Request for Approval to Publish Notice of Public Hearing on January 28, 2009:  
Bill No. 2008-65 – An Ordinance Amending Section 14-4.3(D) SFCC 1987 To Create a Hospital Zoning District Within Las Soleras and Making Such Other Changes as are Necessary. (Mayor Coss and Councilor Chavez) (Tamara Baer and Jeanne Price)
- ll) Request for Approval of Non-Exclusive License Agreement – Daily Stagecoach City Tours at Santa Fe Railyard off Market Street; City Different Tours. (David Chapman) **(Postponed at November 12, 2008 City Council Meeting)**
- mm) Adoption of Findings of Fact and Conclusions of Law in the Matter of Kim Z. Padilla v. Board of Adjustment; City Appeals Case #A-2008-04. (Dan Esquibel)
- nn) Adoption of Findings of Fact and Conclusions of Law; Case #ZA-2008-04 – Vista Bonitas Phase II Rezoning. (Tamara Baer)
- oo) Santa Fe Railyard Community Corporation:
  - 1) Request for Approval of Amendment No. 14 to Professional Services Agreement – Debris Removal, Polices and Procedures and Alcaldessa Street Construction. (Bob Siqueiros)
    - a) Request for Approval of Budget Adjustment – Railyard Development Infrastructure Fund.
  - 2) Request for Approval of Amendment No. 3 to Professional Services Agreement – Railyard Property Infrastructure Improvements. (Bob Siqueiros)
- pp) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Chavez and Councilor Wurzburger)  
A Resolution Directing Staff to Coordinate a Meeting with the New Mexico Department of Cultural Affairs, the New Mexico Economic Development Department and the Museum of New Mexico Foundation Regarding the Museum of New Mexico Foundation's Licensing Program. (Fabian Trujillo) (Postponed at November 12, 2008 City Council Meeting) **(Postponed to January 14, 2009 City Council Meeting)**



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10. Update on Homeless Winter Overflow Shelter. (Terrie Rodriguez) **(Postponed at November 12, 2008 City Council Meeting)**
11. CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Ortiz, Councilor Bushee and Councilor Wurzburger)  
A Resolution Taking Certain and Immediate Actions to Safeguard City Finances and Requesting Follow-Up Actions to Ensure City Financial Stability. (David Millican)
12. CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Mayor Coss, Councilor Wurzburger and Councilor Romero)  
A Resolution Directing the City Manager to Take Certain Actions to Move Our Economy Forward and Provide Jobs for Our Citizens; and Encouraging Our Congressional Representatives and Our President to Act Quickly to Invest in The Real Economics of Our Cities in Partnership With Cities Around the Country by Fully Funding The Main Street Stimulus Package. (Robert Romero)
13. Request for Approval to Publish Notice of Public Hearing on January 14, 2009:
  - a) CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_\_. (Councilor Wurzburger, Councilor Romero, Councilor Calvert and Mayor Coss)  
A Resolution Endorsing and Adopting the Water Division 10 Year Financial Plan. (Gary Martinez) **(Postponed at November 12, 2008 City Council Meeting)**
    - 1) Bill No. 2008-61 – An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 9.50 Percent Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System. (Councilor Wurzburger, Councilor Romero and Mayor Coss) (Gary Martinez)
    - 2) Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 10.3% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.





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- 3) Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 9.15% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.
  - 4) Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 8.20% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.
  - 5) Bill No. 2008-\_\_\_\_\_. An Ordinance Amending Chapter 25 SFCC 1987 Exhibit B, Water Rate Schedule 1; Increasing the Monthly Volume Rates and Monthly Service Charge by 7.20% Per Year for Five Years for Residential, Multi-Family and Commercial Customers of the City's Water System.
  - 6) Other Options for Implementing the Water Division 10 Year Financial Plan.
14. Request for Approval of Acceptance of Project Agreement #09-AL-K8-090 – Operation DWI; New Mexico Department of Transportation. (Chief Eric Johnson)
    - a) Request for Approval of General Fund Budget Increase.
  15. Request for Approval and Consent for Solid Waste Management Agency to Accept Waste from North Central Solid Waste Authority and Los Alamos County. (Randall Kippenbrock) (Postponed at November 12, 2008 City Council Meeting) **(Postponed to January 28, 2009 City Council Meeting)**
  16. MATTERS FROM THE CITY MANAGER
  17. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- Discussion of the Jicarilla Apache Nation (JAN) Lease, Pursuant to §10-15-1 (H)(8) NMSA 1978.
18. Action on Jicarilla Apache Nation (JAN) Lease. (Claudia Borchert)



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19. MATTERS FROM THE CITY CLERK
20. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE (Led by Boy Scout Troop 412)
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
  - 1) Request from Adelita's, Inc., for a Restaurant (Beer & Wine) Liquor License to be located at Tres Campanas, 3136 Cerrillos Road. (Yolanda Y. Vigil)
  - 2) Request from Haywood and Barnes, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at Atomic Grill, 103 East Water Street. (Yolanda Y. Vigil)
  - 3) Governing Body to Review the Decision of the Planning Commission Case #M 2008-26 to Approve the La Triada Town Homes Final Development Plan. (Donna Wynant)
  - 4) CONSIDERATION OF BILL NO. 2008-58: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
An Ordinance Amending Section 14-8.10(a) SFCC 1987 to Permit City Banners Commemorating the 400 Year Anniversary of the Founding of La Villa Real De La Santa Fe De San Francisco De Asis. (Councilor Trujillo, Councilor Bushee, Councilor Dominguez, Councilor Romero and Councilor Calvert) (Jeanne Price)



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- 5) CONSIDERATION OF BILL NO. 2008-59: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
An Ordinance Amending Article 2-16 SFCC 1987 for the Purpose of Deleting the Department of Civil Preparedness and Creating the Office of Emergency Management. (Mayor Coss and Councilor Trujillo) (Joyce Purley)
- 6) CONSIDERATION OF BILL NO. 2008-60: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
An Ordinance Amending Article 20-1 SFCC 1987 Regarding the Power of the Mayor During an Emergency. (Mayor Coss and Councilor Trujillo) (Joyce Purley)
- 7) Request for Approval of the following Economic Development Professional Services Agreement: (Fabian Trujillo)
  - a) Homewise – Workforce Housing Fund
  - b) Santa Fe Complex
- 8) CONSIDERATION OF BILL NO. 2008-62: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
**Case #M 2008-31. Camino Real Pavilion Annexation.** JenkinsGavin, Agent for Camino Real Pavilion, LLC Requests Annexation of Subject Property (7.961± Acres of Land) Located North of Airport Road, Between Agua Fria and Camino Juliana for a Total of 9.96 Acres Including Public Right-of-Way. (Lucas Cruse)
- 9) CONSIDERATION OF BILL NO. 2008-63: ADOPTION OF ORDINANCE NO. 2008-\_\_\_\_\_.  
**Case #ZA 2008-12. Camino Real Pavilion Rezoning.** JenkinsGavin, Agent for Camino Real Pavilion, LLC Requests Rezoning of 7.961± Acres of Land From R-1 (Residential, One Dwelling Unit Per Acre) to C-2 (General Commercial). The Property is Located North of Airport Road, Between Agua Fria and Camino Juliana. (Lucas Cruse)

H. ADJOURN



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**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  
December 10, 2008**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<b><u>AFTERNOON SESSION</u></b>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [Amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [Amended]	1-2
CONSENT CALENDAR LISTING		2-7
APPROVAL OF MINUTES: Reg. City Council Meeting – November 12, 2008	Approved	7
<b><u>PRESENTATIONS</u></b>		
EMPLOYEE OF THE MONTH FOR DECEMBER 2008 – LEONARD ROMERO, PARKING MAINTENANCE TECHNICIAN – PARKING DIVISION/PUBLIC WORKS		7
INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES: OFFICER JOHN McAFEE AND OFFICER JASMIN ROMERO		7
MUCHAS GRACIAS – CHARLOTTE HAN AND LEI WANG	Postponed to 01/14/09	7
DROP OUT/ACHIEVEMENT GAP UPDATE; SANTA FE PUBLIC SCHOOLS		7-8
NATIONAL LEAGUE OF CITIES UPDATE		8
2007/2008 CITY VOLLEYBALL CHAMPION TROPHY – CAPITAL HIGH SCHOOL JAGUARS	Postponed to 01/14/09	8
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENERGY PARTNERSHIP LOAN FUND PROGRAM (RFP #09/02/P); HOMEWISE REQUEST FOR APPROVAL OF BUDGET INCREASE – TIERRA CONTENTA LAND SALE FUND	Approved [Amended]	8-10

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<p>REQUEST FOR APPROVAL TO PUBLISH  NOTICE OF PUBLIC HEARING ON JANUARY 14, 2009:  BILL NO. 2008-64 – AN ORDINANCE AMENDING  SECTION 6-16.4 SFCC 1987, REGARDING HEARINGS  BEFORE THE ETHICS AND CAMPAIGN REVIEW  BOARD; AND AMENDING VARIOUS SECTIONS  OF ARTICLE 9-2 SFCC 1987, CAMPAIGN CODE</p>	Returned to Ethics & Rules	10
<p>SANTA FE RAILYARD COMMUNITY CORPORATION:  REQUEST FOR APPROVAL OF AMENDMENT  NO. 14 TO PROFESSIONAL SERVICES  AGREEMENT – DEBRIS REMOVAL, POLICIES  AND PROCEDURES AND ALCALDESSA  STREET CONSTRUCTION  REQUEST FOR APPROVAL OF BUDGET  ADJUSTMENT – RAILYARD DEVELOPMENT  INFRASTRUCTURE FUND</p>	Approved [Amended]	10-11
<p>REQUEST FOR APPROVAL OF AMENDMENT  NO. 3 TO PROFESSIONAL SERVICES AGREEMENT –  RAILYARD PROPERTY INFRASTRUCTURE  IMPROVEMENTS</p>	Approved	10-11
<p>*****  END OF CONSENT CALENDAR DISCUSSION  *****</p>		
<p>UPDATE ON HOMELESS WINTER OVERFLOW  SHELTER</p>	Information/Discussion	11-12
<p>CONSIDERATION OF RESOLUTION NO. 2008- 113  A RESOLUTION TAKING CERTAIN AND IMMEDIATE  ACTIONS TO SAFEGUARD CITY FINANCES AND  REQUESTING FOLLOW-UP ACTIONS TO ENSURE  CITY FINANCIAL STABILITY</p>	Approved	12-13
<p>CONSIDERATION OF RESOLUTION NO. 2008- 114  A RESOLUTION DIRECTING THE CITY MANAGER TO  TAKE CERTAIN ACTIONS TO MOVE OUR ECONOMY  FORWARD AND PROVIDE JOBS FOR OUR CITIZENS;  AND ENCOURAGING OUR CONGRESSIONAL  REPRESENTATIVES AND OUR PRESIDENT TO ACT  QUICKLY TO INVEST IN THE REAL ECONOMICS OF  OUR CITIES IN PARTNERSHIP WITH CITIES AROUND  THE COUNTRY BY FULLY FUNDING THE MAIN  STREET STIMULUS PACKAGE</p>	Approved [Amended]	13-14

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REQUEST FOR APPROVAL TO PUBLISH NOTICE  
OF PUBLIC HEARING ON JANUARY 14, 2009:

CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ .  
A RESOLUTION ENDORSING AND ADOPTING THE  
WATER DIVISION 10 YEAR FINANCIAL PLAN.

Approved

14-15

1)BILL NO. 2008-61 – AN ORDINANCE  
AMENDING CHAPTER 25 SFCC 1987,  
EXHIBIT B, WATER RATE SCHEDULE 1;  
INCREASING THE MONTHLY VOLUME  
RATES AND MONTHLY SERVICE  
CHARGE BY 9.50 PERCENT PER YEAR  
FOR FIVE YEARS FOR RESIDENTIAL,  
MULTI-FAMILY AND COMMERCIAL  
CUSTOMERS OF THE CITY'S WATER  
SYSTEM

2)BILL NO. 2008-61 – AN ORDINANCE  
AMENDING CHAPTER 25 SFCC 1987,  
EXHIBIT B, WATER RATE SCHEDULE 1;  
INCREASING THE MONTHLY VOLUME  
RATES AND MONTHLY SERVICE  
CHARGE BY 10.3 PERCENT PER YEAR  
FOR FIVE YEARS FOR RESIDENTIAL,  
MULTI-FAMILY AND COMMERCIAL  
CUSTOMERS OF THE CITY'S WATER  
SYSTEM

3)BILL NO. 2008-61 – AN ORDINANCE  
AMENDING CHAPTER 25 SFCC 1987,  
EXHIBIT B, WATER RATE SCHEDULE 1;  
INCREASING THE MONTHLY VOLUME  
RATES AND MONTHLY SERVICE  
CHARGE BY 9.15 PERCENT PER YEAR  
FOR FIVE YEARS FOR RESIDENTIAL,  
MULTI-FAMILY AND COMMERCIAL  
CUSTOMERS OF THE CITY'S WATER  
SYSTEM

4)BILL NO. 2008-61 – AN ORDINANCE  
AMENDING CHAPTER 25 SFCC 1987,  
EXHIBIT B, WATER RATE SCHEDULE 1;  
INCREASING THE MONTHLY VOLUME  
RATES AND MONTHLY SERVICE  
CHARGE BY 8.20 PERCENT PER YEAR  
FOR FIVE YEARS FOR RESIDENTIAL,  
MULTI-FAMILY AND COMMERCIAL  
CUSTOMERS OF THE CITY'S WATER  
SYSTEM

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5)BILL NO. 2008-61 – AN ORDINANCE  
AMENDING CHAPTER 25 SFCC 1987,  
EXHIBIT B, WATER RATE SCHEDULE 1;  
INCREASING THE MONTHLY VOLUME  
RATES AND MONTHLY SERVICE  
CHARGE BY 7.20 PERCENT PER YEAR  
FOR FIVE YEARS FOR RESIDENTIAL,  
MULTI-FAMILY AND COMMERCIAL  
CUSTOMERS OF THE CITY’S WATER  
SYSTEM

6)OTHER OPTIONS FOR IMPLEMENTING  
THE WATER DIVISION 10 YEAR FINANCIAL  
PLAN

REQUEST FOR APPROVAL OF ACCEPTANCE OF  
PROJECT AGREEMENT #09-AL-K8-090 – OPERATION  
DWI; NEW MEXICO DEPARTMENT OF TRANSPORTATION  
REQUEST FOR APPROVAL OF GENERAL  
FUND BUDGET INCREASE.

Approved

15-16

REQUEST FOR APPROVAL AND CONSENT FOR SOLID  
WASTE MANAGEMENT AGENCY TO ACCEPT WASTE  
FROM NORTH CENTRAL SOLID WASTE AUTHORITY  
AND LOS ALAMOS COUNTY

Postponed to 01/28/09

16

MATTERS FROM THE CITY MANAGER

Information/Discussion

16

MATTERS FROM THE CITY ATTORNEY  
EXECUTIVE SESSION

Approved

16-17

MOTION TO COME OUT OF EXECUTIVE SESSION

Approved

17

ACTION ON JICARILLA APACHE NATION (JAN) LEASE

Lease terminated

17

**EVENING SESSION**

CALL TO ORDER AND ROLL CALL

Quorum

18

PETITIONS FROM THE FLOOR

18-19

**APPOINTMENTS**

Santa Fe Extraterritorial Land Use Authority

Approved

19

Santa Fe Extraterritorial Land Use Commission

Approved

20

Historic Design Review Board

Approved

20



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
Planning Commission	Approved	20-21
Mayor's Youth Advisory Board	Approved	21
Joint City/County Food Policy Council	Approved	21
North Central Regional Transit Authority	Approved	21-22
Anti-Graffiti Task Force	Postponed to 01/14/09	22
<b><u>PUBLIC HEARINGS</u></b>		
REQUEST FROM ADELITA'S, INC., FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT TRES CAMPANAS, 3136 CERRILLOS ROAD	Approved	22
REQUEST FROM HAYWOOD AND BARNES, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT ATOMIC GRILL, 103 EAST WATER STREET	Approved	23
GOVERNING BODY TO REVIEW THE DECISION OF THE PLANNING COMMISSION CASE #—2008-26 TO APPROVE THE LA TRIADA TOWN HOMES FINAL DEVELOPMENT PLAN	Decision overturned Findings of Fact amended	23-50
REQUEST FOR APPROVAL OF THE FOLLOWING ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT: SANTA FE COMPLEX HOMEWISE – WORKFORCE HOUSING FUND	Approved [amended] Approved	50-53 53
CONSIDERATION OF BILL NO. 2008-58; ADOPTION OF ORDINANCE NO. 2008-56. AN ORDINANCE AMENDING SECTION 14-8-10(a) SFCC 1987, TO PERMIT CITY BANNERS COMMEMORATING THE 400 YEAR ANNIVERSARY OF THE FOUNDING OF LA VILLA REAL DE LA SANTA FE DE SAN FRANCISCO DE ASIS	Approved	54-55
CONSIDERATION OF BILL NO. 2008-59; ADOPTION OF ORDINANCE NO. 2008- 57. AN ORDINANCE AMENDING ARTICLE 2-16 SFCC 1987, FOR THE PURPOSE OF DELETING THE DEPARTMENT OF CIVIL PREPAREDNESS AND CREATING THE OFFICE OF EMERGENCY MANAGEMENT	Approved	55

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2008-60; ADOPTION OF ORDINANCE NO. 2008-58 AN ORDINANCE AMENDING ARTICLE 20-1 SFCC 1987 REGARDING THE POWER OF THE MAYOR DURING AN EMERGENCY	Approved	55-56
CONSIDERATION OF BILL NO. 2008-62; ADOPTION OF ORDINANCE NO. 2008- 59. <u>CASE #—2008-31.</u> CAMINO REAL PAVILION ANNEXATION. JENKINGSGAVIN, AGENT FOR CAMINO REAL PAVILION, LLC, REQUESTS ANNEXATION OF SUBJECT PROPERTY (7.961± ACRES OF LAND) LOCATED NORTH OF AIRPORT ROAD, BETWEEN AGUA FRIA AND CAMINO JULIANA FOR A TOTAL OF 9.96 ACRES INCLUDING PUBLIC RIGHT-OF-WAY	Approved [amended]	56-58
CONSIDERATION OF BILL NO. 2008-63; ADOPTION OF ORDINANCE N. 2008-60. <u>CASE #ZA 2008-12.</u> CAMINO REAL PAVILION REZONING. JENKINGSGAVIN, AGENT FOR CAMINO REAL PAVILION, LLC, REQUESTS REZONING OF 7.961± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED NORTH OF AIRPORT ROAD, BETWEEN AGUA FRIA AND CAMINO JULIANA	Approved [amended]	58-59
MATTERS FROM THE CITY CLERK	None	59
COMMUNICATIONS FROM THE GOVERNING BODY	Information/Discussion	59-62
ADJOURN		62

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
December 10, 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 December 10, 2008, at approximately 5:00 p.m., in the Santa Fe Community Convention Center. 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 Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**Others Attending**

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

**5. APPROVAL OF AGENDA**

Mayor Coss said he needs to pull item 8(c). Mayor Coss pointed out that Item #15 has been postponed to the meeting of January 28, 2009.

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

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

**6. APPROVAL OF CONSENT CALENDAR**

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

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

**Against: None.**

- a) **BID NO. 09/06/B – GENOVEVA CHAVEZ COMMUNITY CENTER ENTRY IMPROVEMENTS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; WEIL CONSTRUCTION, INC. (MARTIN VALDEZ)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
  
- b) **BID NO. 09/07/B – RUGBY FIELDS PHASE II – CONCESSION/RESTROOMS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; LOCKWOOD CONSTRUCTION COMPANY. (MARY MacDONALD)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
  
- c) **BID NO. 09/08/B, 09/10/B, 09/11/B, 09/12/B AND 09/13/B – CHEMICALS FOR WATER DIVISION; DPC INDUSTRIES, INC. (VICTOR ARCHULETA)**
  
- d) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 8 – TRANSIT FACILITY EXPANSION; ESA CONSTRUCTION, INC. (MARY MacDONALD)**
  
- e) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 5 – AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR MAGER'S FIELD PARK PHASE 2 IMPROVEMENTS; ACCENT LANDSCAPE CONTRACTORS, INC. (BEN GURULE)**
  
- f) **REQUEST FOR APPROVAL OF HARDWARE AND SOFTWARE MAINTENANCE AGREEMENT – INTEGRATED SYSTEM FOR SANTA FE PUBLIC LIBRARY DIVISION; INNOVATIVE INTERFACES, INC. (PATRICIA HODAPP)**
  
- g) **REQUEST FOR APPROVAL OF CONTRACT – PURCHASE AND EQUIP VEHICLES TO PROVIDE TRANSPORTATION FOR DIVISION OF SENIOR SERVICES PROGRAM. (RON VIALPANDO)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – NEW MEXICO STATE AGENCY CAPITAL OUTLAY FUND.**
  
- h) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – BUCKMAN WELL FIELD ARSENIC REMOVAL PILOT TESTING (RFP #09/05/P); NARASIMHAN CONSULTING SERVICES, INC. (BILL HUEY)**

- l) REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – WATER RIGHTS WITHIN THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT; SUSAN L. BUCKLEY. (DALE LYONS)**
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – BROADCAST INFRASTRUCTURE AT SANTA FE COMMUNITY CONVENTION CENTER; COUNTER TRADE PRODUCTS, INC. (JOE ABEYTA)**
- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO LEGAL SERVICES AGREEMENT – CITY OF SANTA FE'S HOSPITAL TANK REHABILITATION AND RELATED LEGAL ISSUES FOR WATER DIVISION; SHEEHAN, SHEEHAN & STELZNER. (MAUREEN REED)**
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – COMMITTEE STENOGRAPHIC SERVICES; MELESSIA HELBERG. (YOLANDA VIGIL)**
- m) REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO CONSTRUCTION AGREEMENT – CITY WIDE SEWER LINE SPOT REPAIR; TRIMAN CONSTRUCTION INDUSTRIES. (LISA SANDOVAL)**
- n) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT CONSULTING AND ACCOUNT SERVICES; COONEY, WATSON AND ASSOCIATES, INC. (RICK CARPENTER)**
- o) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT SERVICES; WRISC, INC. (RICK CARPENTER)**
- p) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – BUCKMAN DIRECT DIVERSION PROJECT IMPLEMENTATION; NORMAN GAUME, P.E. (RICK CARPENTER)**
- q) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WATER DIVISION FINANCE PLAN; MALCOLM PIRNIE, INC. (GARY MARTINEZ)**
- r) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR DWI SCHOOL FUND FROM CASH BALANCE FOR POLICE DEPARTMENT FITNESS EQUIPMENT REPLACEMENT. (CHIEF ERIC JOHNSON)**
- s) *[Removed for discussion by Councilor Calvert]***

**FACILITY BY STATE OF NEW MEXICO ENVIRONMENTAL DEPARTMENT.  
(BRYAN ROMERO)**

- 1) REQUEST FOR APPROVAL OF BUDGET INCREASE –  
WASTEWATER ENTERPRISE FUND.**
  
- u) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE  
AGREEMENT – THREE (3) VEHICLES FOR ITT DIVISION; RELIABLE  
CHEVROLET. (ROBERT RODARTE)**
  
- v) REQUEST FOR APPROVAL OF BUDGET INCREASE/DECREASE OF  
GRANTS FOR RAILYARD PROJECTS FROM THE STATE OF NEW MEXICO.  
(TERESITA GARCIA)**
  
- w) REQUEST FOR APPROVAL OF BUDGET INCREASE OF PROJECT FUNDS  
FOR SANTA FE COMMUNITY CONVENTION CENTER AND RAILYARD  
INFRASTRUCTURE FOR FY 2008/2009. (TERESITA GARCIA)**
  
- x) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL  
SERVICES AGREEMENT – MUNICIPAL COURT RENOVATIONS; LLOYD &  
ASSOCIATES ARCHITECTS. (CHIP LILIENTHAL)**
  
- y) REQUEST FOR APPROVAL – CITY OF SANTA FE SCHEDULE FOR 2009  
CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y.  
VIGIL)**
  
- z) RAIL RUNNER PHASE II – BERNALILLO TO SANTA FE:**
  - 1) REQUEST FOR APPROVAL OF MEMORANDUM OF  
UNDERSTANDING – NEW MEXICO RAIL RUNNER EXPRESS; THE  
MID REGION COUNCIL OF GOVERNMENTS. (ROBERT ROMERO)**
  - 2) REQUEST FOR APPROVAL OF SANTA FE TRAILS STAFF  
EXPANSIONS FOR RAIL RUNNER CONNECTIONS. (JON BULTHUIS)**
  - 3) REQUEST FOR APPROVAL OF GRANT AGREEMENT AND  
EQUIPMENT PROCUREMENT REQUEST – RAIL RUNNER  
CONNECTING SERVICE TO SANTA FE; NEW MEXICO DEPARTMENT  
OF TRANSPORTATION ENERGY, MINERALS AND NATURAL  
RESOURCES DEPARTMENT. (JON BULTHUIS)**
  
- aa) CONSIDERATION OF RESOLUTION NO. 2008- 104 (COUNCILOR ROMERO).  
A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO  
AMEND THE LOCAL LIQUOR EXCISE TAX TO AUTHORIZE ALL NEW  
MEXICO COUNTIES TO IMPOSE A LOCAL LIQUOR TAX UPON APPROVAL  
OF THE LOCAL VOTERS AND TO AUTHORIZE THE USE OF THE TAX  
PROCEEDS TO FUND SOCIAL SERVICE PROGRAMS SERVING PERSONS  
IMPACTED BY ALCOHOL AND DRUG ABUSE. (CAROL HORWITZ)**

- bb) **CONSIDERATION OF RESOLUTION NO. 2008- 105 (MAYOR COSS, COUNCILOR WURZBURGER, COUNCIL CALVERT, COUNCILOR ROMERO AND COUNCILOR BUSHEE). RESOLUTION DIRECTING STAFF TO MAKE RECOMMENDATIONS TO THE GOVERNING BODY REGARDING THE CREATION OF A MEMORIAL TO HONOR TONY HILLERMAN, AN AWARD-WINNING NEW MEXICO AUTHOR, WHO FOR PART OF HIS LIFE RESIDED IN SANTA FE. (PATRICIA HODAPP)**
- cc) **CONSIDERATION OF RESOLUTION NO. 2008- 106 (COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO ENTER INTO A CAPITAL COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CATANACH)**
- dd) **CONSIDERATION OF RESOLUTION NO. 2008- 107 (COUNCILOR CHAVEZ AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO PURSUE FUNDING FROM THE STATE LEGISLATURE AND OTHER SOURCES FOR THE CONSTRUCTION OF THE TIERRA CONTENTA SUBDIVISION AREA EFFLUENT WATER LINE AND FOR THE DESIGN AND CONSTRUCTION OF A FUTURE EXTENSION FROM THIS LINE ALONG THE ARROYO CHAMISO TO GOVERNOR MILES ROAD. (BRYAN ROMERO)**
- ee) **CONSIDERATION OF RESOLUTION NO. 2008- 108 (COUNCILOR BUSHEE, MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, COUNCILOR ORTIZ, COUNCILOR CALVERT, COUNCILOR ROMERO AND COUNCILOR WURZBURGER). A RESOLUTION INITIATING EFFORTS TO ACQUIRE OR OTHERWISE SECURE THE STATE OWNED ARCHIVES BUILDING AND PROPERTY LOCATED ON THE CORNER OF MONTEZUMA AND GUADALUPE STREETS IN ORDER TO INSURE THAT THE RAILYARD WILL SERVE AS A HUB TO PROMOTE AND ACCOMMODATE ALTERNATE MODES OF TRANSPORTATION. (BOB SIQUEIROS)**
- ff) **CONSIDERATION OF RESOLUTION NO. 2008- 109 (COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO ADOPT GANG RELATED LEGISLATION. (MATTHEW MARTINEZ)**
- gg) **CONSIDERATION OF RESOLUTION NO. 2008- 110 (COUNCILOR CHAVEZ AND COUNCILOR DOMINGUEZ). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT FOR FINANCIAL ASSISTANCE TO THE NEW MEXICO ENVIRONMENT DEPARTMENT, CONSTRUCTION PROGRAMS BUREAU, FOR THE PLANNING, DESIGN, ENGINEERING AND CONSTRUCTION OF A WATER LINE AND A SEWER LINE FOR THE 2400 BLOCK OF AGUA FRIA STREET. (STAN HOLLAND)**
  - 1) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – AGUA FRIA ROADS WATER AND SEWER LINES EXTENSION; NEW MEXICO ENVIRONMENT DEPARTMENT CONSTRUCTION PROGRAMS**

- BUREAU. (STAN HOLLAND)**
- 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- hh) **CONSIDERATION OF RESOLUTION NO. 2008- 111 (COUNCILOR TRUJILLO AND COUNCILOR ROMERO). A RESOLUTION RECOGNIZING AND CELEBRATING THE RIVER FESTIVAL AND FISHING DERBY AS AN ANNUAL EVENT TO BE HELD ON THE FIRST SATURDAY IN JUNE, BEGINNING IN 2009 AND EVERY YEAR THEREAFTER. (RACHEL FRIEDMAN AND ALAN HOOK)**
- ii) **CONSIDERATION OF RESOLUTION NO. 2008- 112 (COUNCILOR DOMINGUEZ, COUNCILOR WURZBURGER, COUNCILOR TRUJILLO, COUNCILOR ROMERO, COUNCILOR CALVERT AND MAYOR COSS). A RESOLUTION DIRECTING THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO PROCEED WITH A COMMUNITY PLANNING PROCESS FOR THE SANTA FE BOULEVARDS PROJECT THAT WILL RESULT IN A MASTER PLAN THAT FOCUSES ON THOROUGHFARE DESIGN AND ADJOINING LAND DEVELOPMENT ALONG ST. MICHAEL'S DRIVE AND AIRPORT ROAD. (REED LIMING)**
- jj) *[Removed for discussion by Councilor Dominguez]*
- kk) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 28, 2009: BILL NO. 2008-65 – AN ORDINANCE AMENDING SECTION 14-4.3(D) SFCC 1987, TO CREATE A HOSPITAL ZONING DISTRICT WITHIN LAS SOLERAS AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (MAYOR COSS AND COUNCILOR CHAVEZ). (TAMARA BAER AND JEANNE PRICE)**
- ll) **REQUEST FOR APPROVAL OF NON-EXCLUSIVE LICENSE AGREEMENT – DAILY STAGECOACH CITY TOURS AT SANTA FE RAILYARD OFF MARKET STREET; CITY DIFFERENT TOURS. (DAVID CHAPMAN). (Postponed at November 12, 2008 City Council Meeting)**
- mm) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW; CASE #ZA-2008-04 – VISTA BONITAS PHASE II REZONING. (TAMARA BAER)**
- nn) **ADOPTION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW; CASE #ZA-2008-04 – VISTAS BONITAS PHASE II REZONING. (TAMARA BAER)**
- oo) *[Removed for discussion by Councilor Ortiz]*
- pp) **CONSIDERATION OF RESOLUTION NO. 2008-\_\_\_\_ (COUNCILOR CHAVEZ AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO COORDINATE A MEETING WITH THE NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND THE MUSEUM OF NEW MEXICO FOUNDATION**



**REGARDING THE MUSEUM OF NEW MEXICO FOUNDATION'S LICENSING PROGRAM. (FABIAN TRUJILLO). (Postponed at November 12, 2008 City Council Meeting) (Postponed to January 14, 2009 City Council Meeting)**

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

Councilor Romero moved, seconded by Councilor Trujillo, to approve the minutes of the regular City Council Meeting on November 12, 2008, as presented. The motion was approved on a voice vote, with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against and Councilor Chavez abstaining.

**8. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR DECEMBER 2008 – LEONARD ROMERO, PARKING MAINTENANCE TECHNICIAN – PARKING DIVISION/PUBLIC WORKS.**

Mayor Coss presented Leonard Romero with a plaque and a check for \$200 from the Employee Benefit Committee, after reading the letter of nomination into the record.

- b) **INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES: OFFICER JOHN McAFEE AND OFFICER JASMIN ROMERO. (CHIEF ERIC JOHNSON)**

Deputy Chief Benjie Montano introduced new officers John McAfee and Jasmin Romero who graduated from the Law Enforcement Academy last month, and are now certified members of the Police Department, noting both currently are going through the Field Training Officers Program. Deputy Chief Montano gave a brief bio on each officer.

- c) **MUCHAS GRACIAS – CHARLOTTE HAN AND LEI WANG.**

This Item was postponed to the Council meeting of January 14, 2009.

- d) **DROP OUT/ACHIEVEMENT GAP UPDATE; SANTA FE PUBLIC SCHOOLS. (BOBBIE GUTIERREZ, SUPERINTENDENT)**

A copy of Santa Fe Public Schools "The Achievement Gap," is incorporated herewith to these minutes as Exhibit "1."

Bobbie Gutierrez, Superintendent, assisted by Dr. Morgan, presented information from Exhibit "1," and information from the test data. She would like to have a more in-depth discussion with the Governing Body regarding the findings and invited the Council to the Public

Schools study sessions in the Spring. Superintendent Gutierrez noted she provided Councilor Dominguez with a copy of her recent State of the Schools address, the first Accountability Report, the Legislative request and other information.

Councilor Dominguez thanked Superintendent Gutierrez for giving us the truth about what's happening in our community. He said this data is regarding the young people who will be our leaders of tomorrow, and it is incumbent on us, the community, to educate ourselves about the realities. He said there are gaps in education, and we need to make our best effort to support our educational system.

Superintendent Gutierrez said the State is underfunded by \$315 million, noting the Santa Fe Schools are underfunded by \$11 million, and spoke about related issues.

Councilor Dominguez thanked the Mayor for the opportunity to present this information, and encouraged the Governing Body to take advantage of the offers of participation from the Schools.

Councilor Trujillo thanked Superintendent Gutierrez for the information, and said he definitely wants to sit and talk with her about this information, and various issues of concern to him.

Mayor Coss thanked Councilor Dominguez for inviting Superintendent Gutierrez to attend, and thanked Superintendent Gutierrez and Dr. Morgan for their presentation.

**e) NATIONAL LEAGUE OF CITIES UPDATE. (COUNCILOR CHAVEZ)**

Councilor Chavez presented an update on the activities of the National League of Cities from the information he distributed to the Governing Body. Please see this information for specifics of this presentation. Councilor Chavez highlighted six of the resolutions which were adopted which impact and/or benefit the City of Santa Fe.

Mayor Coss thanked Councilor Chavez for this update.

**f) 2007/2008 CITY VOLLEYBALL CHAMPION TROPHY – CAPITAL HIGH SCHOOL JAGUARS. (COUNCILOR TRUJILLO). (Postponed to January 14, 2009 City Council Meeting)**

**CONSENT CALENDAR DISCUSSION**

- 9(s) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENERGY PARTNERSHIP LOAN FUND PROGRAM (RFP #09/02/P); HOMEWISE. (NICK SCHIAVO)**
- 1. REQUEST FOR APPROVAL OF BUDGET INCREASE – TIERRA CONTENTA LAND SALE FUND.**

A copy of the updated Professional Services Agreement is incorporated herewith with these minutes as Exhibit "2."

Councilor Calvert said he pulled this item to point out the two amendments which are included in the updated agreement. One provides that the matching funds from the consultant shall not consist of grant and/or contract dollars previously provided to the consultant by the City. The second, on page four, provides that the consultant shall insure that only local contractors and labor are utilized for the improvements listed in paragraph A(1).

**Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the Agreement as amended [Exhibit "2"].**

**Discussion:** Councilor Bushee asked if the income cap is necessary to promote solar programs.

Mr. Schiavo said his understanding is that 120% of AMI is the maximum which is allowable through the Affordable Housing Program.

Councilor Bushee said this would mean a household combined income of no more than \$79,000, and she wants to be sure that people use the program.

Ms. McCormick said she is working with MFOA to allow Santa Fe, as a high cost community, to go up to 150% of AMI. She said currently, the limitation is 120% of the AMI and we are restricted in how we use the funds because of the Affordable Housing Act. If we are allowed to increase it to 150% of AMI, the income limitation would be close to \$100,000 for a family of four.

Councilor Bushee said she believes solar is cost prohibitive, and is glad to see the City providing loans to do these programs.

Responding to Councilor Bushee, Councilor Calvert said he has had these discussions with Ms. McCormick, and wants to move forward now and hopefully to be able to amend the limitation to 150% of AMI.

Councilor Bushee asked Councilor Calvert if it is his intention to have an income limitation.

Councilor Calvert pointed out that we have to follow the guidelines in using the funds commenting that he would rather not have limitations.

Mr. Schiavo said the original program was for loans for renewable energy, but was changed to include energy efficiency. He said his research indicates at this level the people who are going to take advantage of the program really do need to do energy efficiency first. He believes people of means could find a better way to get a loan to do this.

Councilor Bushee wants follow up information on the program to be provided to the Governing Body.

Responding to Councilor Chavez, Mr. Schiavo said he has been working with Homewise

and its intention for the different options of energy efficiency and renewable energy is to find local contractors and more than one contractor, so hopefully there won't be any issues in this regard.

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

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

**Against: None.**

- 9(jj) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 14, 2009: BILL NO. 2008-64 – AN ORDINANCE AMENDING SECTION 6-16.4 SFCC 1987, REGARDING HEARINGS BEFORE THE ETHICS AND CAMPAIGN REVIEW BOARD; AND AMENDING VARIOUS SECTIONS OF ARTICLE 9-2 SFCC 1987, CAMPAIGN CODE (MAYOR COSS). (YOLANDA VIGIL)**

**Councilor Dominguez moved, seconded by Councilor Bushee, to remove this item from the agenda and send it back to the Ethics and Rules Committee before publishing notice. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting for the motion and none against**

- 9(oo) SANTA FE RAILYARD COMMUNITY CORPORATION:**
- 1) REQUEST FOR APPROVAL OF AMENDMENT NO. 14 TO PROFESSIONAL SERVICES AGREEMENT – DEBRIS REMOVAL, POLICIES AND PROCEDURES AND ALCALDESSA STREET CONSTRUCTION. (BOB SIQUEIROS)**
    - a) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – RAILYARD DEVELOPMENT INFRASTRUCTURE FUND.**
  - 2) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – RAILYARD PROPERTY INFRASTRUCTURE IMPROVEMENTS. (BOB SIQUEIROS)**

Councilor Ortiz said in the discussions at the Finance Committee, parts of this item were approved, but the \$23,000 for policies and procedures was not funded. He said he pulled this item because all of the items were not approved at the Finance Committee.

Councilor Wurzburger agreed. She said she spoke with Mr. Buller and Mr. Katz earlier today. She understands there are now proposed changes, noting she voted against the bill, and she would like to request to either take it back to Finance or have the ability to rehear that portion if the vote can't be reversed now. She asked for staff guidance on the proper procedure, and is waiting for that information.

**Councilor Calvert, moved, seconded by Councilor Wurzburger, to approve Item 9(00)(1)(a) with the exception of the \$23,000, which will be sent back to the Finance Committee for further discussion.**

**Discussion:** Councilor Ortiz said the next Finance Committee will be noticed as a Special City Council meeting, so this could be an action item at that meeting.

Councilor Wurzburger said we need the additional information to show the difference and it wasn't provided.

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

**For: Councilor Bushee, Councilor Calvert, Councilor Ortiz, Councilor Romero, and Councilor Wurzburger.**

**Against: None**

**Absent: Councilor Trujillo, Councilor Chavez and Councilor Dominguez.**

**Councilor Calvert moved, seconded by Councilor Romero, to approve Item 9(00)(2).**

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

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

**Against: None.**

**Absent: Councilor Trujillo and Councilor Dominguez.**

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**END OF CONSENT CALENDAR DISCUSSION**  
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**10. UPDATE ON HOMELESS WINTER OVERFLOW SHELTER. (TERRIE RODRIGUEZ).  
(Postponed at November 12, 2008 City Council Meeting)**

Terrie Rodriguez reviewed the information in the packet, noting there were 71 people at the shelter on Monday night. She said many people didn't want to go to St. Elizabeth's or the Salvation Army and were more comfortable with the new place. Ms. Rodriguez said there are about 1,000 homeless people in Santa Fe. Ms. Rodriguez pointed out that there are very few services of this nature in Northern New Mexico, outside of Santa Fe County.

Councilor Bushee thanked Ms. Rodriguez and all involved in this effort, commenting that she wants to tour the facility. She said she wants to know more about the policies and

procedures in place at the shelter and asked if there is screening for things such as alcohol use and such to make it safer for women to stay at the shelter.

Ms. Rodriguez said people who have been using alcohol are accepted as long as they are not being a nuisance or it is dangerous to let them stay, noting this is a humanitarian effort. She said they are working with the women to be sure there is adequate segregation. They have worked to be sure they get guidance and direction from the Sobering Center. She has been assured that the number of calls are normal for this kind of facility.

Responding to Councilor Bushee, Ms. Rodriguez doesn't know the maximum number that can stay.

Councilor Bushee would like to pursue a long term funding source. She thanked everyone involved in this effort, particularly those from the faith community.

Mayor Coss, along with Councilors Dominguez and Romero thanked everyone involved in this effort and Councilor Dominguez said he would like to know the number of children at the shelters.

Ms. Rodriguez said she doesn't have demographic information at this time but that information should be available shortly.

**11. CONSIDERATION OF RESOLUTION NO. 2008- 113 (COUNCILOR ORTIZ, COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). A RESOLUTION TAKING CERTAIN AND IMMEDIATE ACTIONS TO SAFEGUARD CITY FINANCES AND REQUESTING FOLLOW-UP ACTIONS TO ENSURE CITY FINANCIAL STABILITY. (DAVID MILLICAN)**

A copy of the Action Sheet for this item from the Public Works/CIP and Land Use Committee meeting of December 8, 2008, is incorporated herewith to these minutes as Exhibit "3."

Councilor Ortiz said there have been a number of very thoughtful discussions on this Resolution. He thanked Mr. Buller and Mr. Millican for providing most of the requested information. Councilor Ortiz noted the Resolution has been amended and he reviewed the proposed amendments. He said he has been told that management has been working with representatives of the bargaining units and that some of the actions called for in the Resolution are being taken, including an assessment of the effects of a 10% reduction of expenditures in all departments across the board. He said consideration of contracts began at the last Finance Committee. He said the Finance Department indicated all of the requested information won't be available until January 5, 2008. A Special City Council meeting has been scheduled where we will get that follow-up data along with reports from the Departments as to where we can look at costs. He noted we are looking at the need to overcome a \$6 million deficit for this fiscal year. He said, while staff has done a good job of showing some possibilities, he doesn't believe they have presented all possibilities. He said it was clear at Finance Committee that the Councilors in attendance don't want to see a reduction in our reserves, and we don't want to have to cut services and positions to the greatest extent possible. He said we will have more information

on January 5<sup>th</sup>. He is willing to live with the change from the active to passage language.

**Councilor Ortiz moved, seconded by Councilor Bushee, to adopt Resolution No. 2008-113.**

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

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

**Against: None.**

**Absent: Councilor Trujillo.**

- 12. CONSIDERATION OF RESOLUTION NO. 2008-114 (MAYOR COSS, COUNCILOR WURZBURGER AND COUNCILOR ROMERO). A RESOLUTION DIRECTING THE CITY MANAGER TO TAKE CERTAIN ACTIONS TO MOVE OUR ECONOMY FORWARD AND PROVIDE JOBS FOR OUR CITIZENS; AND ENCOURAGING OUR CONGRESSIONAL REPRESENTATIVES AND OUR PRESIDENT TO ACT QUICKLY TO INVEST IN THE REAL ECONOMICS OF OUR CITIES IN PARTNERSHIP WITH CITIES AROUND THE COUNTRY BY FULLY FUNDING THE MAIN STREET STIMULUS PACKAGE. (ROBERT ROMERO)**

A copy of the Action Sheet from the Public Works/CIP and Land Use Committee meeting of December 8, 2008, is incorporated herewith to these minutes as Exhibit "4."

**Councilor Wurzburger moved, seconded by Councilor Romero, to adopt Resolution No. 2008-114, as amended.**

**Discussion:** Councilor Wurzburger commended staff for their work in applying for federal funds which could help to implement some of the initiatives which we've identified as priorities

Councilor Bushee asked to be added as a sponsor. She suggested another meeting to discuss funding and priorities.

Councilor Chavez said this will be the big effort in March with the new Congress. He said he will be sharing the information from the NLC with our Congressional delegation.

**Friendly amendment:** Mayor Coss said at the Finance Committee meeting, there was a motion to increase the advertising money to \$1 million, and asked if the Council would like to make that amendment on this Resolution. **The amendment was friendly to the maker and the second, and there were no objections from the other Councilors.**

Councilor Bushee said a portion of it was to be directed to local merchants who are struggling to get the local population to the Plaza, and she wants to visit with Keith Toler and others to be sure this is done.

Councilor Chavez said language was added speaking to the cottage industry and local arts and crafts products produced locally, which ties into our cultural arts and tourism management plan. He understands that the \$1 million which was approved was from reserves in the CVB budget. He believes we need to use some reserves at this time. He said this proposal is reasonable and leaves adequate reserves in place. Councilor Chavez asked to be added as a cosponsor.

Councilor Dominguez asked to be added as a cosponsor.

**The motion, with the Finance Committee amendments, as amended, was approved on the following roll call vote:**

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

**Against: None.**

**Absent: Councilor Trujillo.**

**13. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 14, 2009:**

- a) **CONSIDERATION OF RESOLUTION NO. 2008- \_\_\_\_ (COUNCILOR WURZBURGER, COUNCILOR ROMERO, COUNCILOR CALVERT AND MAYOR COSS). A RESOLUTION ENDORSING AND ADOPTING THE WATER DIVISION 10 YEAR FINANCIAL PLAN. (GARY MARTINEZ) (Postponed at November 12, 2008 City Council Meeting)**
- 1) **BILL NO. 2008-61 – AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 9.50 PERCENT PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM (COUNCILOR WURZBURGER, COUNCILOR ROMERO AND MAYOR COSS). (GARY MARTINEZ)**
  - 2) **BILL NO. 2008- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 10.3% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM.**
  - 3) **BILL NO. 2008- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 9.15% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM.**



- 4) **BILL NO. 2008- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 8.20% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM.**
- 5) **BILL NO. 2008- \_\_\_\_ . AN ORDINANCE AMENDING CHAPTER 25 SFCC 1987, EXHIBIT B, WATER RATE SCHEDULE 1; INCREASING THE MONTHLY VOLUME RATES AND MONTHLY SERVICE CHARGE BY 7.20% PER YEAR FOR FIVE YEARS FOR RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL CUSTOMERS OF THE CITY'S WATER SYSTEM.**
- 6) **OTHER OPTIONS FOR IMPLEMENTING THE WATER DIVISION 10 YEAR FINANCIAL PLAN.**

A copy of "Scenario #1 9.5% (Updated)," is incorporated herewith to these minutes as Exhibit "5."

**Councilor Wurzbarger. moved, seconded by Councilor Calvert, to approve Item 13(a), the Resolution adopting the Water Division Plan, which includes six scenarios.**

**Discussion:** Councilor Wurzbarger asked if separate motions are needed on all six items.

Ms. Vigil said what the Council will be doing on 13(a) and the other items are setting those for public hearing on January 14, 2008.

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

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

**Against: None.**

**Absent: Councilor Trujillo.**

14. **REQUEST FOR APPROVAL OF ACCEPTANCE OF PROJECT AGREEMENT #09-AL-K8-090 – OPERATION DWI; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (CHIEF ERIC JOHNSON)**
  - a) **REQUEST FOR APPROVAL OF GENERAL FUND BUDGET INCREASE.**

Deputy Chief Montano said this is a standard grant we get every year. He said the reason it is so late is that there were difficulties getting a signature from the DOT. He said these are the funds the Department uses for saturation patrols and checkpoints, especially during the holiday season.

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

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

**Against: None.**

**Absent: Councilor Trujillo.**

- 15. REQUEST FOR APPROVAL AND CONSENT FOR SOLID WASTE MANAGEMENT AGENCY TO ACCEPT WASTE FROM NORTH CENTRAL SOLID WASTE AUTHORITY AND LOS ALAMOS COUNTY. (RANDALL KIPPENBROCK). (Postponed at November 12, 2008 City Council Meeting) (Postponed to January 28, 2009 City Council Meeting)**

**16. MATTERS FROM THE CITY MANAGER**

A copy of a Memorandum dated December 3, 2008 for meeting of December 10, 2008, to the Mayor and City Council, from Jeanne Price, Legislative Liaison, is incorporated herewith to these minutes as Exhibit "6."

Jeanne Price reviewed the information in the Memorandum. She said the proposal is to provide a list rather than the copies in an effort to conserve time and save money and supplies.

Councilor Bushee suggested that Ms. Price send the documents to the Governing Body via email as well.

It was the consensus among the Governing Body to proceed as recommended by Ms. Price.

**14. MATTERS FROM THE CITY ATTORNEY**

**EXECUTIVE SESSION:**

**DISCUSSION OF THE JICARILLA APACHE NATION (JAN) LEASE, PURSUANT TO §10-15-1(H)(8) NMSA 1978.**

**Councilor Bushee moved, seconded by Councilor Romero, that the Council go into Executive Session for the purpose of the discussion of the Jicarilla Apache Nation Lease, pursuant to §10-15-1(H)(8). The motion was approved on a roll call vote as follows:**

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

**Against: None.**

**Absent: Councilor Trujillo.**

The Council went into Executive Session at 6:45 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**At 8:04 p.m. Councilor Chavez moved, seconded by Councilor Trujillo, 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, Chavez, Dominguez, Calvert, Ortiz, Romero, Trujillo and Wurzburger voting for the motion and no one voting against.**

**18. ACTION ON JICARILLA APACHE NATION (JAN) LEASE. (CLAUDIA BORCHERT)**

**Councilor Wurzburger moved, seconded by Councilor Chavez, to end the lease with the Jicarilla Apache Nation as per staff's recommendation.**

**The motion was approved on a roll call vote as follows:**

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

**Against: Councilor Bushee and Councilor Ortiz.**

**END OF AFTERNOON SESSION AT 8:04 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor David Coss, at approximately 8:05 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 Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

#### **Others Attending**

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

Mayor Coss introduced the members from Boy Scout Troop #412 in attendance, who led the group in the Pledge of Allegiance.

### **E. PETITIONS FROM THE FLOOR**

**Josena Campos** spoke about what is happening in her neighborhood, noting they are now seeing children asking for food. There are many empty buildings and she said the City needs more housing for the homeless. She complained about the speeding through the neighborhood as well as the issues of the cut-through traffic, and said 35 runaways are being housed in her neighborhood. She petitioned the Governing Body to provide some law enforcement assistance to the neighborhoods, commenting that people are harassed and yelled at by City employees. She said many of the speeding vehicles are owned by the City and being driven by City employees.

**David McQuarie, Chair of the Mayor's Committee**, said the Community Convention Center is a beautiful new place. However, there are some major ADA issues. He asked why all of the doors are locked and inoperable at the central loading zone, and why half of the accessible parking places are inaccessible. He said there must be an 8'2" clearance. Why is this not room not equipped with sound auxiliary devices per their recommendation on the plan in accordance with the ADA Act, commenting that if people attended and couldn't hear the Governing Body, it would be a violation of the Open Meetings Act. He said this needs to be

checked before you have another Council meeting here. He said, overall, the building is great to look at, but believes it was built for "pretty and not for function."

**Claudio Martinez , P.O. 10203, Santa Fe, NM 87504**, said he is here to petition the Governing Body to act on three issues:

- (1) Adopt a resolution to create a feasibility committee for the formulation of an American Youth Hospital in the downtown part of Santa Fe, which could be a part of Marian Hall in the future hotel. Another potential site would be a combination of his grandfather's house at 521 Galisteo and the Pueblo Bed & Breakfast. He said spoke with the people with signatory powers in this regard.

Mayor Coss said this is a possibility, noting he received a letter in this regard, saying the Council can't make a commitment tonight.

- (2) Adopt a Resolution to create a search committee which would provide insurance for a shuttle from Santa Fe to the Ski Basin summer and winter.
- (3) Adopt a resolution to establish a feasibility committee to investigate creating a media center annex downtown at the Public Library where there is state of the art color copiers, handicapped accessible computers in the darkroom/workroom areas – a comprehensive media center for the people – or to create non-profit or private sector media center.

Mayor Coss asked Mr. Martinez to take his petitions to Constituent Services in the City Managers's Office, so they can help him with those.

## **F. APPOINTMENTS**

### **Santa Fe Extraterritorial Land Use Authority**

\_\_\_\_ Mayor Coss appointed the following individuals to the Santa Fe Extraterritorial Land Use Authority:

Councilor Miguel Chavez – term ending 12/2010;  
Councilor Carmichael Dominguez – term ending 12/2010; and  
Councilor Rosemary Romero – term ending 12/2010.

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

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

### **Santa Fe Extraterritorial Land Use Commission**

\_\_\_\_ Mayor Coss appointed the following individuals to the Santa Fe Extraterritorial Land Use Commission

Matthew O'Reilly – term ending 12/2010;  
Signe I. Lindell – term ending 12/2010;  
Gloria M. Lopez – term ending 12/2010;  
Ken Hughes – term ending 12/2010; and  
John M. Salazar – term ending 12/2010.

**Councilor Calvert moved, seconded by Councilor Romero, to approve the appointments.**

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

### **Historic Design Review Board**

\_\_\_\_ Mayor Coss appointed the following individuals to the Historic Design Review Board:

Christine Mather (Downtown Business) – to fill unexpired term ending 01/2010; and  
John Kantner (Historian) – term ending 1/2011.

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

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

### **Planning Commission**

\_\_\_\_ Mayor Coss appointed the following individual to the Planning Commission:

Ruben D. Montes – to fill unexpired term ending 06/2009.

**Councilor Romero moved, seconded by Councilor Chavez, to approve the appointment.**

**The motion was approved unanimously on a voice vote, with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzburger voting for the**

**motion and none against.**

**Mayor's Youth Advisory Board**

\_\_\_\_\_ Mayor Coss appointed the following individuals to the Mayor's Youth Advisory Board:

Caitlin Smith – Reappointment – term ending 12/2010; and  
Ryan Sandoval – Reappointment – term ending 12/2010.

**Councilor Chavez moved, seconded by Councilor Romero, to approve the appointments.**

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

**Joint City/County Food Policy Council**

\_\_\_\_\_ Mayor Coss appointed the following individuals to the Joint City/County Food Policy Council:

Sherry F. Hooper, Executive Director Food Depot – term ending 01/2012;  
Pamela Roy, Director Farm to Table – term ending 01/2012;  
Carol Rose, Nutrition Education Coordinator – term ending 01/2012;  
Bert Leyva, Director of Food Services – term ending 01/2012;  
Julie Anna Lopez, Curator of Agriculture – term ending 01/2012;  
Katherine Mortimer, Supervisor Planner, Long Range Planning Division – term ending 01/2011; and  
A. Terrie Rodriguez, Community Services Director – term ending 01/2011.

**Councilor Calvert moved, seconded by Councilor Romero, to approve these appointments.**

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

**North Central Regional Transit Authority**

\_\_\_\_\_ Mayor Coss appointed the following individual to the North Central Regional Transit Authority: Jon Bulthuis, Alternate

Councilor Calvert moved, seconded by Councilor Romero, to approve the appointment.

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

#### Anti-Graffiti Task Force

Mayor Coss said he has had further discussions on the Anti-Graffiti Task Force and he would like to postpone this appointment to the next meeting of the Council to provide the opportunity for more names to come forward.

#### **G. PUBLIC HEARINGS**

- 1) **REQUEST FROM ADELITA'S, INC., FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT TRES CAMPANAS, 3136 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the business is not within 300 feet of a church or school. She said staff is requesting that this business be required to comply with all City ordinances.

#### Public Hearing

There was no one speaking for or against this request.

#### The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Romero, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at Tres Campanas, 3316 Cerrillos Road.

The motion was approved on the following Roll Call Vote:

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

**Against: None.**



**2) REQUEST FROM HAYWOOD AND BARNES, LLC, FOR A RESTAURANT (BEER & WINE) LIQUOR LICENSE TO BE LOCATED AT ATOMIC GRILL, 103 EAST WATER STREET. (YOLANDA VIGIL)**

The staff report was given by Yolanda Vigil, noting the business is not within 300 feet of a church or school. She said staff is requesting that this business be required to comply with all City ordinances.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Romero moved, seconded by Councilor Bushee, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at Atomic Grill, 103 East Water Street.**

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

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

**Against: None.**

**3) GOVERNING BODY TO REVIEW THE DECISION OF THE PLANNING COMMISSION CASE #—2008-26 TO APPROVE THE LA TRIADA TOWN HOMES FINAL DEVELOPMENT PLAN. (DONNA WYNANT)**

Memorandum dated December 2, for the December 10, 2008 City Council meeting, with attachments, including Findings of Fact and Conclusions of Law, to the Mayor and Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

A copy of several computer generated pictures of the proposed project, entered for the record by Jennifer Jenkins, is incorporated herewith to these minutes as Exhibit "8."

A Memorandum dated August 20, 2008, to Donna Wynant Senior Planner, from Jennifer Jenkins, regarding the La Triada Final Development Plan, is incorporated herewith to these minutes as Exhibit "9."

A copy of the photographs and documents used in the power point presentation from JenkinsGavin, is incorporated herewith to these minutes as Exhibit "10."

A copy of a statement entered for the record by Carla Romero is incorporated herewith to these minutes as Exhibit "11."

12 pages of petition signatures with the petition heading , "We the undersigned residents and owners of property that would be affected by the proposed La Triada condominium development, do hereby state our opposition to that development, " submitted for the record by Robert W. Hake, is incorporated herewith to these minutes as Exhibit "12."

A letter dated December 10, 2008, to Donna Wynant, Senior Planner, from David K. Blackman, Robert W. Hake and Ronald G. White, entered for the record by Ronald G. "Greg" White, is incorporated herewith to these minutes as Exhibit "13."

A copy of "Site Plan and Vicinity Map," entered for the record by Stella Martinez, is incorporated herewith to these minutes as Exhibit "14."

A copy of "La Triada 5<sup>th</sup> Street Driveway," dated August 28, 2008, entered for the record by Jennifer Jenkins, is incorporated herewith to these minutes as Exhibit "15."

#### **Presentation by Staff**

The Staff Report was presented by Tamara Baer, Planning Manager, Current Planning Division, which is contained in Exhibit "7." Please see Exhibit "7" for specifics of this presentation.

#### **Public Hearing**

##### **Presentation by the Applicant**

Jennifer Jenkins, agent for the applicant said she will need 15 minutes for the Applicant's presentation. Ms. Jenkins introduced Coleen Gavin, her partner, and said they are in attendance regarding the La Triada Townhome Project. She said they will walk through the site and the surrounding area and the site plan, noting one of their consultants will speak to the traffic impact analysis.

Ms. Jenkins presented information via a power point presentation. Please see Exhibit "10" for the documents used in this presentation. [NOTE: Ms. Jenkins presented information, rebuttal and answered questions using the documents and photographs in Exhibit "10."] She said the odd shape of the parcel is the result of the fact of the spur turnarounds and manmade berms. She said the Arroyo de los Pinos is the heart of the element which bisects the site. The property is zoned R-5 and she demonstrated the subject site via the power point presentation. She noted this is the third major revision they have made to the plan in the last 1½ years, and there has been a lot of dialogue with surrounding neighbors. She said they have made concerted efforts to address those concerns, including development based on the existing zoning. The plan is a reflection of that.

Colleen Gavin presented the site plan via power point. There are two access points to the property. One is the Calle Sombra public right of way and the limited right in, right out access from 5<sup>th</sup> Street. There are 40 townhomes with 15 single-story and 25 two-story, which was done to be sensitive to the existing neighborhood to the south, the majority of which are single story structures. She said they felt this was an unique opportunity to do a transition plan which facilitates the connectivity, allowing the existing community to be able to penetrate the site via trails and sidewalks, and access the businesses along St. Michael's and 5<sup>th</sup> Street. It allows for a maximization of the open space. Ms. Gavin said there are 2.2 acres of open space which is 10 times the open space which is required by Code. She said they are proud of the plan. It accentuates the natural arroyo and use it as the heart or center of the project.

Craig Watts said he is the consultant on traffic for the project. He said this is a small project from a traffic study standpoint. He said the project team decided it was important to thoroughly analyze any potential impacts of the project. He said, because of that, the project was scoped to study many more intersections than would typically be required for a project of this size. He said they wanted to be comprehensive and ensure they were looking at everything, noting they studied seven intersections. The conclusion of his study is that the project is not creating any adverse effects on any of the intersections they studies. He said the intersections are working well and will work well in the future. He said the impacts of this project are minor, and in some cases hardly measurable at the intersections. The recommendations he made in the study were that the project wasn't creating any adverse effects and wouldn't cause any problems. He said the City's Traffic Engineer has concurred with his conclusions and findings.

Ms. Jenkins pointed out that as part of the 40 unit project, they are in compliance with the Santa Fe Homes Programs in providing 12 affordably priced units as part of the project. They believe this part of town doesn't always have these opportunities. She asked that the Governing Body affirm the very thorough and well thought out findings of facts before them, which were approved by the Planning Commission, and for their affirmation of those findings.

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#### **Those speaking to the issue**

Mayor Coss gave Mr. Hake 3 minutes and members of the public 2 minutes to speak to this issue. Mr. Hake asked to reserve his right of rebuttal.

**Robert Hake, 2068 Calle Sombra, President of Casas del Cerros Neighborhood Association was sworn.** Mr. Hake said he will give a short introduction, his statement and read another person's statement into the record. He said another gentlemen will be speaking at the end at more length, and he has been asked that the neighborhood have the right of rebuttal and to yield their time to the gentlemen so he can speak longer with his technical presentation. Mr. Hake said State Representative Jim Trujillo, a neighbor, intended to speak this evening, but was called out of town for a funeral and asked that his statement be read for the record.

Mayor Coss would like everything to fit in fifteen minutes.

Mr. Hake believes it will extend past fifteen minutes.

Mayor Coss asked him to proceed.

Mr. Hake submitted petitions signatures from the neighborhood [Exhibit "12."]

Mr. Hake said the Casas del Cerros Neighborhood Association is opposed to this Application and requests that the Council deny it and the variances requested. He is personally opposed to the La Triada Development. He participated in four ENNs representing three substantially different proposals for La Triada, two of which have been denied, and the third tonight for the second time. He said a Planning Commissioner described the La Triada proposal as a square peg in a round hole. He agrees that this is the wrong project at the wrong time and the wrong place. He said this unique piece of land deserves careful consideration. This proposal uses variances, exceptions and a condominium ownership that bends the application of Chapter 14 of the City Code to the developer's benefit. As a City, he said they depend on the Governing Body and its staff to carry out the policy found in the General Plan, letting it unfold under the umbrella of the City Code. He said, as a resolution, the General Plan depends on the regulations found in Chapter 14 to give it strength. He said these regulations have been circumvented by this project using an organizational structure that guarantees the path of least resistance per the statute, as well as the most profit for the developer, and the neighborhood has been left out in the cold.

Mr. Hake continued saying the ENN process provided neither an effective forum for their needs, nor a means to protect their safety or well being. He said the proposed La Triada project would put undue hardship on a neighborhood in terms of increased and unregulated traffic, a design that places housing density, private drives and parking up against their borders, and produces risks to their safety due to nonstandard intersections on this street's safety corridor and private drives that do not meet City standards but connects the streets. He said a bridge serving only a few houses spans a 100 year flood plain and requires a variance. He said the disruption to their quality of life will not be minimized by cosmetic changes or good intentions. He said a habitat rich with life and diversity will be eliminated.

Mr. Hake said the new rail trail will be put into a scenic tunnel with track on one side and their six foot fence on the other. He said pondage and asphalt will cover ground that has the same slope and surface it did 400 years ago. The historic railroad berms will be obliterated and their massive volume spread out on this slope that contains the last large parcel of the Arroyos de los Pinos. He said a hub for the whole community will disappear.

Mr. Hake urged the Governing Body to deny this application.

Mr. Hake read the letter submitted by State Representative Jim Trujillo, one of the neighbors, into the record as follows:

*"Dear Mayor Coss and Council Members:*

*First, I want to apologize for not being able to be there in person. I was planning on attending this very important public hearing tonight to speak on behalf of myself, my*

family, my neighbors and our community. Unfortunately, due to the untimely passing of one of my friends and colleagues, I will not be able to attend. A service for him is scheduled for him this evening, and it's something that I must be present at.

I am sending this statement to be read on my behalf, in lieu of my absence, to express my concern and objections to the proposed La Triada development. I want to implore the members of the Council to strongly consider all the issues and concerns brought forth to you by the residents who all live, work and love this very diverse and wonderful neighborhood. Tonight, some of our community members will share with you many of the problems and concerns we have identified as neighborhood associations. If this development is approved, many of these issues and concerns will lead to potential problems and hazards that would drastically diminish the quality of life for all of us who live here. It would jeopardize the unique quality and care that our neighborhood has worked so hard to cultivate and preserves.

The members of the Casa del Cerro Neighborhood Association have my full support, and I hope that we can say the same of the Council. I urge you to stand with us and put the needs of the people, our neighborhood and our community first over the needs of an out of town developer. Please vote no on the La Triada development project.

Representative Jim Trujillo  
1901 Morris Place"

**Stella Martinez, 2065 Calle Sombra, was sworn.** Ms. Martinez said, "My name is Stella Martinez. I live at 2065 Calle Sombra. I have lived here for 29 years. I am opposed to the La Triada project because my safety is at risk from excessive traffic outside my front door and danger from accidents as cars enter and leave La Triada. I have a handout for you [Exhibit "14"]. John Block, will read the rest of my comments."

**John Block 2048 Placita de Vida, previously sworn,** said "My name is John Block. I reside at 2048 Placita Vita and I'm going to read this on behalf of Aunt Stella, Stella Martinez." Mr. Block read the balance of Ms. Martinez's statement into the record as follows:

*"I am Stella Martinez. I am 89 years old, and I was born in Santa Fe in a house on Galisteo Street. At the age of 21, I went to California and got married. After my husband retired, we came back to Santa Fe and found a quiet neighborhood and made our home. Since my husband died in 1989, I have continued to live in the same peaceful neighborhood. The development has disrupted and changed our family way of living on this street. Each family will be suffering outside their front door. Our safety and quality of life will never be the same.*

*In this neighborhood, or an access to a development, the map I gave you is different... is a different way to look at this. Instead of a private drive next to my house, I would prefer the neighbor's yard.*

*How do these changes force upon us to make you feel about your City. Every family will*

*be affected. Four of the seven families have lived on Calle Sombra for more than twenty years. We are losing what our ancestors gave use. What are we allowing this beautiful Santa Fe to become? Who is here to protect the rights of the elderly and families when a situation like this comes.*

*Stella Martinez"*

***All those speaking to this issue from this point forward were sworn en masse at this time.***

Mayor Coss gave each person two minutes to speak to the issue and asked that those speaking avoid redundancy.

**Peter de Benavidez, 2079 Camino Lado [previously sworn]**, said what is "weird" about this project to him is that the main entrance is Calle Sombra, and the only road that gets to that is Camino Lado. There are 39 houses and we are now going to double the traffic because the other entrance is limited. It doesn't make sense to him that the whole north side, Warner's Circle, touches the edge of the property, but they can't enter from the commercial side, they have to enter from our side. He noted Club International just went out of business, but there are other businesses such as Lota Burger and the video store which would appreciate the traffic, and yet "we have to get it." He doesn't understand this.

Mr. De Benavidez said the second issue is that to produce the plan, they have to move the rail trail, noting it's on their property and they're going to move it. He described the new railroad track which is a huge hill. He has a 6 foot fence, and the track is higher than the fence when he's standing in his house looking out the window, and there are double-decker trains. He said now they are going to move the rail trail over, put a coyote fence on once side and a huge hill on the other which will junk up all of their open space, and we're going to give them a variance to do that. He said he uses the rail trail, and from St. Francis to the new Railyard is junky because it has commercial stuff and fences lining it. He said as soon as you cross Siringo it is beautiful, it's open and there are wide space. He said this is the one last open spot and they are going to get rid of it. He said he doesn't oppose the project, but he does oppose moving the Rail Trail which he feels is "plain dumb and plain mean to the residents who live there to enter from the south side on Calle Sombra, rather than to enter from the north side on Warner Circle."

**Carla Romero, 2068 Calle Sombra, [previously sworn]**. Ms. Romero read her statement into the record in opposition to the La Triada project. Please see Exhibit "11" for specifics of this presentation.

**Katy Whitcomb, 2053 Camino Lado [previously sworn]**, said her concern is that the traffic will really impact her intersection. She is worried about the safety of her two-year old daughter, especially with the right in, right out to the development. She said people will be taking u-turns in front of her house. She is worried about the impact of the traffic on Camino Lado because it is a narrow, small street, and tight. The intersection at Siringo and Camino

Lado does get backed up because of the new stoplight and the Railyard going through there. She asked if the traffic study considered the new Rail Runner. She said the Arroyo with the 100 year flood plan runs behind her house, and she is worried about the impact of flooding and erosion. She said her house would flood if the arroyo was impacted by this development. She is concerned about the berms, because we don't know what is in them and they were an active part of the railway originally. If they are going to take the dirt from the berms and use it in the development, they are concerned about some environmental or health impacts this could have.

**Sally Morris 2065 Camino Lado, [previously sworn]**, said her back yard backs directly up to the last house on the project which would be against her fence. She is concerned about the *negative impact* of over building in Santa Fe, the traffic, the noise, the negative financial impact. She said there are many houses in Santa Fe which can't be sold right now. She said there are for sales signs at the Zia Condominiums, noting these can't be sold. She was told by a broker that there aren't loans for town houses and condos. She is concerned about water, power and sanitation. She said there is wildlife on this tract which needs to be preserved. She said she already has to deal with the train being two stories high looking into her bedroom window, and there this is this proposed huge development behind her. She said she didn't move into this neighborhood to have a huge development behind her, nor to have a now three-story train. She used to love waving at the people on the train as it went by, but now it is this massive thing. She said their neighborhood is already impacted a lot already, and they don't need more.

**Sharon Gurnik, Camino Lado, [previously sworn]**, said she opposes the La Triada project and hopes the Governing Body will vote against the project. She is a neighbor of Stella's, and others and she is concerned about the traffic and safety. She is a nurse at St. Vincent's Hospital and her foremost concern is for the health and safety of her neighbors and the neighborhood. She said the proposed project would destroy the nature and character of the neighborhood as well as create excessive and dangerous traffic patterns. She doesn't believe the traffic study presented by La Triada really considers the traffic safety issues of emergency vehicles having to make turns within a smaller turning radius which the developer said they are creating. She said, "Time lost could mean a life lost. I'm hoping you will vote no against this project."

**Ada Medina, 2062 Camino Lado, [previously sworn]**, said she opposes the development and encourages the Council to vote against it. The essential nature of their neighborhood, their property values, quality of life and the environment far outweigh the interests of the developers. She said what the developer considers an opportunity is a hardship for their neighborhood. And what the developer considers to be connectivity amounts to the rupture and collapse of the neighborhood, and urged the Council to vote no on La Triada.

**Charles Maxwell, 2091 Camino Lado, [previously sworn]**, said he opposes this project, and said he would like to give the rest of his time to Mr. White.

**James Campbell, 2064 Calle Sombra, [previously sworn]**, said he is opposed to the project. He said some of the Planning Commission did come down and look at the street which is a small, dead end street and never designed for this amount of traffic. He questioned saying

the traffic would be barely measurable from the 40 homes, and believes it will impact quite a bit. He said he and his neighbors are invested deeply in this neighborhood in a number of ways, and not just monetarily. He believes their view should hold more weight than someone who is trying to develop a project like this.

**Annu Merkin, 2023 Calle Perdiz, [previously sworn]**, said most of the cars going into this property would go right by their house, noting they are planning a road right along her fence with a four-foot sidewalk. She is concerned that many cars passing her back yard would create extra noise. She said one of the reasons she bought her house is because of the open space behind it, and this project would completely take that away. She walks her dogs in this area twice a day which would have to change. She is concerned about the construction dust. She would like the Council to oppose this project. She is concerned about the extra traffic on 5<sup>th</sup> Street, and fears a lot of people would use their cul de sac to make u-turns because of the right in and right out.

**Rod Hager, 2061 Camino Lado, previously sworn]**, said he appreciates the Council pulling this and hearing it *de novo*. He lives in the neighborhood. He said as the developer said this is in the new center of Santa Fe. It is a beautiful open space which he uses daily. He believes there are issues the City needs to deal with before approval. He recommended that the Council vote against the project, and consider "imminent domain" the property back to the public. He said a few years ago it was owned by the School Board and then sold to Dickie Montoya. He said there is a lot of confusion on the title, and recommended the City look into the title. He said in consideration of bringing the property back into the public domain so it can be retained as open space which might be needed as a potential stop for the Rail Runner serving St. Michael's. He said this area needs open space. He said an article in this week's *Time Magazine* said where there is open space in a community there is better health, less overweight, etc. He believes there is a question regarding public easements to the property, and strongly recommended the City seriously consider what it did in the Northeast Quadrant. In that case, they bought it directly from the School Board. He yielded the balance of his time to Mr. White.

**Josena Campos, [previously sworn]** said she is related to the Martinez family. She said the Arroyo de los Pinones is over 400 years old, and part of the Camino Real, and gave a history of the arroyo. She said this neighborhood doesn't need other things. She hears promises all the time from developers, noting the Borregos never provided affordable housing. She said the developers won't be living in this neighborhood. She said the land could be used for parks and places for officers to live. She urged the City to oppose this development, and emphasize police officers in the area because of traffic problems. She said this will tell the older residents that you care and nothing else is coming against them.

**Rick Martinez, 725 Macia Road, [previously sworn]**, said he doesn't live in this neighborhood, but he supports them and attended their meetings. He said the neighborhood wants whatever is done to be done right, and want the whole concept of the development to work for, not against the neighborhood. He said right now, it doesn't appear that the development is working for the neighbors, and appears to be working against the neighborhood. He asked the Council to take this into consideration and to be sure that



whatever goes through this project works with the neighborhood.

**Allen Hill, 2020 Calle Cadiz, [previously sworn]**, said he and his wife have lived in this neighborhood for almost 30 years. He thanked the Mayor and Council for providing this venue. He is opposed to the development in its present form. He noted he and his wife sent an email to the Governing Body a few days ago outlining their concerns.

**Eliza Castellano, 2069 Calle Sombra, [previously sworn]**, said she has lived at this address since 1978. She said her mother's family is from Santa Fe and she has raised her children on Calle Sombra. She said a map was shown of the proposed development. On the southernmost part of the development, there is a road built on the other side of the berm, saying there is no need to open Calle Sombra. She said the developer said traffic impact will be minimal. She said this development impacts traffic all the way to 5<sup>th</sup> Street, Siringo Road and Camino Lado and the developments and houses on either side of Thomas Avenue from Camino Lado to Llano Street. She said it does impact people. She commended the City Council on the downtown Rail Runner development which is beautiful and enhances Santa Fe. However, this is the last open space in the City along the rail line. She said as the pictures on the overhead indicate, it is a beautiful open space which needs to be preserved. She said Santa Fe is known internationally as the City different. She said we do not have to bow to developments which everyone else in larger cities want us to have. She relinquished the rest of her time to her fellow speakers.

**Miguelita Serna, 1919 5<sup>th</sup> Street, Suite L, President of the 5<sup>th</sup> Street Business Condominium Association, [previously sworn]**. Ms. Serna said their property abuts the proposed La Triada Development to the northeast. She said in January 2002, they granted a 30 foot ingress and egress easement to the Burro Alley Partners. This would allow them to have access across their property and into 5<sup>th</sup> Street. The understanding was that this would be only a secondary access, and the primary access would be off Llano and St. Michael's. She said at the present time there is a vacant portion of the Warner Subdivision which would allow them access into Warner and St. Michael's. She said the Association objects to the use of the easement as a primary access which was granted to be a secondary access into 5<sup>th</sup> Street. She said they object to the use of 5<sup>th</sup> Street as a primary access because currently 5<sup>th</sup> Street is highly congested and the traffic is very fast.

**Jean [inaudible] 2027 Calle Perdiz [previously sworn]** said he opposes this project, noting he sent an email a few days ago expressing his concerns on the project, and urged the Council to vote no on the project. He relinquished the rest of his time to the next speaker.

**Unidentified** said his home was one of the first homes built on 5<sup>th</sup> Street. He said he watched and participated in rezoning and property development in the immediate area. He said this piece of property is very difficult to develop and there are major issues which need to be addressed. He said the property owner has tried to develop these issues to our satisfaction, but this is a decision this Council has to make. He has three major concerns, all of which relate to safety. The property is surrounded by commercial properties on three sides and residential on one. There are definite issues in ingress/egress. He said the area residents would use the 5<sup>th</sup> Street access because it's the shortest and most convenient as well as the most dangerous.

He is concerned about vehicle and pedestrian traffic. Secondly, the City Police have no jurisdiction on private property and can't patrol the streets with the exception of enforcing DWI and reckless driving. He said the last issue is that he has observed the flooding of homes, noting he lives at the corner of Calle Perdiz and 5<sup>th</sup> Street. He said the water coming off the commercial properties feeds to the property in question and there is a flume which feeds onto 5<sup>th</sup> Street. He said this hasn't created a problem recently because we haven't had that much moisture, but believes it might flood again if we get the moisture. He said it doesn't flood his house anymore because he built a fence around it to prevent flooding. He summarized that there is a safety issue on ingress and egress, the flooding issue and the issue of emergency and safety vehicles getting into the area. He said the Governing Body will have to decide whether this is the safest, most prudent way to develop the property in question.

**Martin Lovato, 2019 Calle Perdiz, [previously sworn]**, said he opposes this project, noting the neighbors have already covered the issues of concern to him and he would like to defer the remainder of his time to the following speakers.

**Mary White, 1928 Morris Place, [previously sworn]**, said the Rail Trail passes through this area, and it is a beautiful, natural open space with trees birds, and an arroyo running through it. She and her husband access this area 5-6 times a week and meet with neighbors in the area. The owner has not been a good neighbor in terms of helping to keep the area clean. The neighbors have worked together to haul truckloads of garbage out of the area, noting they haul garbage out of the area frequently. They have removed noxious weeds. She said this is a park area, although not a developed park area. She asked that it be "turned into something" more like a park. It is a very short walk to the newly developed Rail Trail, and it is part of that Trail. She said they meet up with their neighbors and people from all across Santa Fe on the Trail. She said to turn this into something which would cram 40 units into a very small space is not a good use of the space. She said there will be no sidewalks. She reiterated the request to make this a park area where a park area is sorely needed. She said a lot of people have put a lot of time and effort into this, noting they aren't the only people in the area who are interested in this area. She urged the Council to read the material which has been documented and written and to postpone any action to approve this development because it isn't the right time for it.

**Barbara Romero, 1944 Morris Place, [previously sworn]**, said she lives about 2 ½ blocks from this property, and for the past eight years has often walked her dogs on the property. She said it is an awkward piece of property for condominium development, and is not a "natural" for the development which is being proposed. Currently, the property is a buffer between commercial and residential property, and works perfectly just the way it is. She believes it would be very destructive to put condominiums up here. She yielded the rest of her time to Greg White.

**John Alejandro, 1960 Morris Place, [previously sworn]**, said he bought his first house in 1973 on 5<sup>th</sup> Street, which is almost at the intersection of Siringo and 5<sup>th</sup>. He said it is a great neighborhood, well planned. He said Stanke-Brown built the development considering the surrounding areas, the schools, single family homes. He said this really isn't a well thought out development. He said he recognizes owners' rights to maximize a return on their properties. In

this case, he understands this is the third attempt to put a development on this property. He said we know about well planned, livable communities which are sensitive to the concerns of the area. He said when you take the path of least resistance to get a project through, it doesn't speak well to the project. He said people have addressed issues of safety and traffic. He said traffic involves more than counting the number of cars on a given day, noting the issues of traffic with the College of Santa Fe, DeVargas, Santa Fe High and with the intersections of the Rail Runner. He said traffic is a major, major issue. He said this project could do better and he would appreciate that "the request for these variances not be accepted."

**Ronald G. "Greg" White, 1928 Morris, [previously sworn].** Mr. White said he has looked at the variance request, the application, the Findings of Fact and Conclusions of Law, and at the Code which governs this development and he has a number of comments which specifically address these. Mr. White presented a letter dated December 10, 2008, regarding Opposition to La Triada Townhomes Variances and Comments on Un-Filed Variances, Case # —2008-26 [Exhibit "13"]. Mr. White presented information from Exhibit "13" to the Governing Body. Please see Exhibit "13 for specifics of this presentation.

Mr. White said, "I think the contents of my letter, while they are not complete, there are other elements of the Code which have not been met, which my research, after writing this draft did show, I would just say that additional standards which were not met were 14-9.2(E)(3)(b)(6) and (68). And with that, I thank you for your time. I know that there are other people with other applications that need to be heard and that you have a long night before you. I'll just conclude with that and ask that you consider the points raised in my letter."

**[inaudible] Sena, 2070 Calle Sombra, [previously sworn],** said she has lived at this address for 30 years. She opposes this project, mostly because Calle Sombra is a small, little street, and she has her four grandchildren there all the time. She said what the developer wants to do here is very dangerous because there will be so much traffic going through "there." She said she has a lot of celebrations at her home, as well as do her neighbors which creates a lot of traffic. She said a few years ago the City put "humps or bumps" on 5<sup>th</sup> Street, and said the reason they were put there was because of the speed of the drivers. She said this egress/ingress will create more problems, noting the Social Security office is there, along with residences, K-Mart, banks and other things, and believes it will be a danger to everyone. She opposes this development.

**David Blackman, 2024 Calle Perdiz, [previously sworn],** said he is opposed to this project. He said the traffic study was done in January 2008 which was the coldest time of the year. He doesn't know how they can claim there is minor and hardly noticeable impacts. He said 5<sup>th</sup> Street is a designated safety corridor, and the new stop lights at Siringo and 5<sup>th</sup> at the High School have increased traffic dramatically. He said the traffic study had no consideration to the impact of the Rail Runner on the traffic flow. He said the Arroyo de los Pinos is a designated flood plain. He said with regard to this being a unique and transitional property, another developer who looked at this property and passed on it, referred to it as a "scrap" piece of property. He said it is extremely difficult to develop. Mr. Blackman reiterated the history of this property. He said the tracks were removed in the 1950's and the property was abandoned to the School Board. In the 1990's, the property was determined to be excess property by the

Schools and sold to Dickie Montoya and Burro Alley Partners. The property was sold after Mr. Montoya died to the current owners. He said, "I would note that we will all be here in Santa Fe long after the developer has made his money and moved on to some other city that is friendly to developers. We will all, the City included, be left to deal with the impact and expense of a development which is inconsistent with the surrounding neighborhood and not up to the standards and requirements of the platted and approved subdivisions. We would urge that you not approve this development as its proposed."

### **Response by the Applicant**

Jennifer Jenkins said she would like to address a few items. She said, with respect to traffic, "I feel like we have addressed that, and our traffic engineer and your traffic engineer, do concur that the surrounding road network is adequate to support the traffic that will be generated by this neighborhood. And just to point out, Calle Sombra, again, is a 50 foot right-of-way with a 30 foot road. It is not a tiny little street. Current R-5 subdivisions are built with a 46 foot right-of-way and a 24 foot road. This is not a little bitty street. It is much bigger than what is currently required in that type of neighborhood per the City Code. And we understand that change is hard, and we have a lot of empathy for that. That's why we've worked very closely with this neighborhood and we listened. And we were asked don't [inaudible] it. Because we looked at other options that we felt were appropriate, based upon the transitional nature of the parcel. Just develop it as R-5. We said okay. And yet, here we are."

Ms. Jenkins continued, "This is going to be modestly priced homes with 12 affordable homes in this location with great proximity to services, great proximity to the rail trail, great proximity to the Rail Runner and the potential for a commuter stop on the north side of St. Michael's Drive. This is an ideal place to create living opportunity where people can walk to buy a carton of milk, people can get on the rail trail and they can ride their bike downtown to our wonderful new Railyard development that we have."

Ms. Jenkins continued, "As I've said, this is an unusual piece of property. It has an unusual history, it has a very unusual configuration. We worked very hard to create a site plan that is the most sensitive way to develop this property by preserving 2 1/4 acres of open space, when your code requires about 1/4 acre of open space. We're doing ten times more open space. This type of cluster townhome development is encouraged in your general plan. Connectivity among neighborhoods is listed so many times in your general plan, I don't even have time to go into them here, over and over again. One of the reasons our major arterials tend to be so crowded with cars is we have too many dead end neighborhoods. That has come up many times in your general plan. This needs to be addressed. Neighborhoods need to connect to one another, with pedestrian connectivity. We're providing a pathway that does meet ADA standards, there is stabilized earth path from 5<sup>th</sup> Street, from Calle Sombra, to the Rail Trail. We know the neighborhood is accustomed to walking through the site. We felt it was important to maintain that, even though we are proposing a change to the property. We want to maintain the public access through the site to the Rail Trail."

Ms. Jenkins continued, "We have done soil testing on the property. There is no environmental issues, no environmental contamination. We did explore... we met with several

property owners in the Warner Circle project in an effort to acquire an easement and a right of access to Warner Circle. We were unsuccessful, but we absolutely did try. We have two legal forms of access for 40 townhomes. Your Code would require only one access point for 30, and we have two for 40. It is adequate access."

Ms. Jenkins continued, "And, lastly, although it really is not pertinent, but it has come up, the property owner and developer of this property, he and his wife are local Santa Fe residents.. he's a retired architect. They came here, I don't even know how many years ago and made their home here, and have invested in some real estate in Santa Fe, and this is one of those projects. So, like I said, it shouldn't matter, but for some people it does. So, I just thought it was important to address that. So, again, we thank you very much for your attention and will be happy to stand for questions."

#### **Questions and Comments from the Governing Body**

Councilor Ortiz asked why there are private driveways proposed for the development.

Ms. Jenkins because this, as a townhome project, would be part of the City Code, a multi-family type project and it is private drives. Ms. Jenkins said the Code provides that the road section and design as proposed for private driveways serving multi-family as well as commercial projects must be approved by the City Traffic Engineer, City Subdivision Engineer and the City Fire Marshall. She said the roadway section proposed is consistent with the private street standard referenced in the City Subdivision regulations.

Councilor Ortiz asked Ms. Jenkins if it is her opinion that townhome development on this parcel is consistent with not only this neighborhood, but all the way down Arroyo de los Pinos to where it enters into Arroyo Chamisos. He asked if there is another townhouse development that is consistent with the neighborhood as it's been built out.

Ms. Jenkins said she couldn't tell him "off the top of her head," but said she could say that there is not one other site in the City shaped like this one. She said they did look at a traditional, single family detached subdivision layout on this property, noting subdivision layouts require fairly rectilinear regular shaped parcels to be functional and livable. That was horrible and there was no open space. She said, "We felt, again, that this is the most sensitive way to develop this parcel."

Councilor Ortiz asked Ms. Jenkins if part of the open space presented, which she is touting as ten times more that Code requirement, is the open space which currently encompasses the Arroyo de los Pinos.

Ms. Jenkins said the Arroyo de los Pinos 100 flood plain encompasses .4 acres, so outside of the Arroyo there is 1.82 acres of open space which is 8 times what is required by Code.

Councilor Ortiz asked what portion of that 1.8 acres encompasses the realignment of the Rail Trail that you are going to be required to do.

Ms. Jenkins said it is a very small section. Ms. Jenkins said, "There is an area right "here" where there is a sloping terrain that leads up to the edge of the railroad right-of-way."

Responding to Councilor Ortiz, Ms. Jenkins pointed out the Arroyo de los Pinos on the map, indicating the .4 acres which accompanies the open space. She said, "It is this area right here, so you have the kind of a blue flow line and then kind of a light yellowish green area that is the designated 100 year flood plain is .44 acres."

Councilor Ortiz noted a swath of green on either side of the designated flood plan which he presumes is part of the open space designation for the development.

Ms. Jenkins said yes. She said she doesn't have the calculation of that space "off the top of her head." She said they are honoring a 25 foot setback in this area, per City Code requirement, plus the depth of the Arroyo, so there is 25-30 feet on each side of the defined banks of the Arroyo which extend beyond that to allow for outdoor passive recreation.

Councilor Ortiz asked, in terms of the access points on 5<sup>th</sup> Street, what is the need for a variance on that radius.

Ms. Jenkins said, "We have a 30 foot access easement here. And, there is a section in the Code requiring intersections to have a 25 foot turning radius. With the limitations of the 30 foot access easement, we cannot fit a 25 foot turning radius."

Councilor Ortiz said this neighborhood has a concern which was brought up previously when the City approved development on the other side of 5<sup>th</sup> Street, which is that there is a lot of ingoing and outgoing traffic along the office or governmental buildings right across the street. He asked if the property or the proposed alignment tees-up with either Aspen or any of the parking lots.

Ms. Jenkins said it does not, and that is the reason "this" entrance "here" is limited to right in and right out movements only. She said they are extending the existing median in order to block illegal left turn exits and entrances. She demonstrated the left turn lane for stacking for people to enter the Social Security Building. She said they worked with John Romero and it was determined this was the safest way to design this entrance.

Councilor Ortiz asked if it is the safest way or if it was the only way they can get into the property, given the variance request.

Ms. Jenkins said they explored two options. One is "this" could be a one-way street, a one-way entrance in which they could comply with the 25 foot turning radius, or it could be a one-way exit and they could comply with the 25 foot turning radius. However, the result is that more traffic would be forced in "this" direction, and they didn't feel that was appropriate nor good for the neighborhood. She said the 15 foot turning radius "here" is supported by Federal AASHTO Highway standards. She said it is better for pedestrians because there is a smaller area they are forced to cross here.

Councilor Ortiz stated that City Code requires 25 feet and this is one of the variance requests.

Ms. Jenkins said yes.

Councilor Ortiz said then you're asking for a variance from that City Code, and it's your obligation to come up with the factors that support that particular variance.

Ms. Jenkins said, "Yes. And we did that, and staff concurred and your Planning Commission concurred."

Councilor Ortiz said, "But, it's your testimony that even if that variance was not approved that your particular project could still access that particular property, even in complying with City Code, which is 25 feet, and you can comply with that."

Ms. Jenkins said they absolutely can comply with that, but they thought this was a better solution for the neighborhood.

Councilor Ortiz asked if she got any support from the neighborhood that this was the best solution for the neighborhood.

Ms. Jenkins said this was addressed at some neighborhood meetings and they shared their concern that without the variance they would be forced to either a one-way in or a one-way out.

Councilor Ortiz noted Ms. Jenkins stated that "that was what was best for the neighborhood."

Councilor Ortiz asked if it was their opinion that it was best for the neighborhood for the developer to seek a variance, and Ms. Jenkins responded yes.

Councilor Ortiz asked Ms. Jenkins if she has seen the Rail Runner come through.

Ms. Jenkins said she hasn't at this particular location.

Councilor Ortiz asked if she has been on the property and seen the height of the Rail Runner as it is going to be passing through, noting that people will be living in this after they are long gone.

Ms. Jenkins said she hasn't been lucky enough to be on site when the Rail Runner was coming through.

Councilor Ortiz asked Ms. Jenkins if she has been on site when the Santa Fe Southern has come through, and Ms. Jenkins said yes.

Councilor Ortiz said then you've seen the improvements – the berms and how it has been build up, and Ms. Jenkins said yes.

Councilor Ortiz asked Ms. Jenkins, for those people who will be living on this site, if she thinks there will be visual and noise impacts from the Rail Runner as it passes right by their property, and Ms. Jenkins said yes.

Councilor Ortiz what the developer plans to do to mitigate the visual and noise impact which will occur as the result of the Rail Runner.

Ms. Jenkins said, from a mitigation standpoint, the Rail Runner is an existing condition. She said they did study the noise analysis prepared by the DOT, and their closest unit is approximately 100 feet from the center line of the railroad tracks. And, based on the noise analysis prepared by the DOT that unit would experience a 56 DBA sound level, and per the general plan, an acceptable level of sound would be 65 DBA. They are within the acceptable levels for the homes they are proposing in relationship to the Rail Runner. With regard to visual impacts, they are proposing landscaping and such, but "as far as looking up and seeing the train, we are not proposing anything that would probably be tall enough to screen that, and it is not our intention to do so."

Councilor Ortiz asked if the Council was to impose a condition of approval to mitigate for visual and/or noise impacts as a result of the Rail Runner, if the developer would be able to comply with that condition.

Ms. Jenkins said there is a certain amount of subjectivity to that. She said, "Mitigating visual impact is something with respect to you know, obviously landscaping. We're proposing taller trees or something, absolutely we could comply with. Better soundproofing on the windows for these homes here could definitely be complied with. It would make me more comfortable if there was a little more definition, maybe, in terms of the height of the landscaping is something that could easily be accommodated."

Responding to Councilor Dominguez, Ms. Jenkins said in the City's Subdivision Regulations there are standards for private streets for subdivisions, noting they aren't a subdivision. She said they did use the subdivision requirements to determine the driveway standards for the paved section. She said the Subdivision Regulations require significant shoulder area for drainage. Ms. Jenkins distributed a copy of "La Triada 5<sup>th</sup> Street Driveway," to the Council which she said should clarify things somewhat [Exhibit "15"].

Councilor Dominguez noted that John Romero, in his staff report, said one of the differences between a private road and a driveway is dependent on whether or not the road is used for through traffic, and asked if this is true.

Mr. Romero said he would consider the nature of the use of it. He said, "I would consider a roadway that goes through a subdivided parcel of land to be more of a street, versus this, maybe more of an internal circulation for condominized project."

Councilor Dominguez said, "So, in some of the minutes you say a driveway and a residential lane, operationally, are not much different. The difference is when roads are used for through traffic."



John Romero said, "For through traffic purposes, yes, for a means to get from one place to another."

Councilor Dominguez said, "So, my question then is are you anticipating that, or are you working under the assumption that there is going to be minimal cut through traffic through this project."

Mr. Romero said, "And I guess cut through traffic... it's just quantity of traffic. And I would consider it through, I would consider it like a thoroughfare way to get from one area of town to another. But, I guess if you consider only the condominiums using it, or maybe a couple of the existing subdivision properties using it, that would technically be, a cut through traffic, or cutting through something that they haven't..."

Councilor Dominguez asked if we know the impacts of the Rail Runner on any of the streets in the area or in the City.

Mr. Romero said he would imagine that the major impacts would be on Siringo.

Councilor Dominguez said people will cut down 5<sup>th</sup> Street or some of the other streets instead of waiting for the Rail Runner to pass, noting this is a concern. He asked if this is a possibility.

Mr. Romero said that is a possibility.

Councilor Dominguez asked if the traffic study had any of those potential, possible impacts calculated into them.

Mr. Romero said it didn't. What it would have done would be to increase the background traffic on 5<sup>th</sup> Street, which it didn't include. However, it is hard to assume to quantify that at this time.

Councilor Dominguez, with regard to the 15 foot radius, said AASHTO was mentioned and it was said that a 15 foot turning radius is adequate for passenger car design, and that a passenger car design is a car or a truck. He said there are commitments from the Fire Department that it feels safe with the rollover curbs accessing the properties, noting all kinds of approvals have been given. He said there is a letter in the packet from the School District, talking about the impacts on schools, and they don't feel there will be much. The District asked the City to consider safety of students. He asked if he calculated or determine whether or not school buses can get in there, or is the assumption that a child on the far northeast side of the property will have to walk through the development to the nearest bus stop. He asked if school bus stops will be allowed on the project.

Mr. Romero said he can't comment on the School's bus route plan.

Councilor Dominguez asked the applicant if this was considered, as well as sidewalks.

Ms. Jenkins said they didn't specifically address whether the District would be interested

in buses accessing internally to the project. She said all of their interior turning radii are at 25 feet. She doesn't know whether a school bus would be able to access the project through 5<sup>th</sup> Street.

Responding to Councilor Dominguez, Mr. Katz said Kelly Brennan prepared the Findings of Fact.

Councilor Dominguez said nowhere in the minutes of the Planning Commission does he see them speak to the Findings, although they do address the conditions of approval. He asked Ms. Brennan how she prepares the findings.

Ms. Brennan said she attends the meetings herself and takes notes, noting sometimes the minutes aren't verbatim, and she listens to the applicants, various presentations and people speaking. She reviews the minutes and the reports. She said, "And I think that everything that is in the Findings is reflected in either testimony or the reports, and reflects the viewpoints of the Commissioners as they are expressed. Once they're drafted, they're presented to the Commissioners, they review them and have sometimes changed them if they feel it is an inappropriate reflection of their viewpoint and findings."

Councilor Dominguez asked, "How do I know that Commissioners are having a discussion based on the conditions that have been presented, the Conditions of Approval versus the variance criteria. I mean, I can't determine that in these minutes, so do I just take your word for that."

Ms. Brennan said, "You don't have to do that. I would say that the Commissioners voted on them and adopted them, and feel they are a reflection of the meeting and their viewpoint. And, as I say, they have changed them after reviewing them a number of times."

Councilor Dominguez said, "The Findings that were prepared for the Commission to approve were findings that you were able to kind of just pull out of the discussions that happened at the Commission meeting."

Ms. Brennan said, "Notes, minutes, reports and discussion at the hearing, correct."

Councilor Dominguez said, "They essentially are based on their recollection of their testimony and your word, they are approving those Findings."

Ms. Brennan said, "I think they're paying attention, and I think it's a reflection of what happened and it's their understanding and why they adopt them. And, if they don't agree, they do make changes."

Councilor Dominguez said he is concerned about this process.

Councilor Bushee asked if the Council has the right to approve the final development plan.

Mr. Katz said, "The Council has the right to affirm what the Planning Commission did, or to overturn it. Yes."

Councilor Bushee said it did seem less clear in the Finding of Facts that the discussion did take place at the Planning Commission, as to the specifics. She is seeing things this evening that she didn't see from reading the packet.

Councilor Bushee said, "I also just want to put on the record, I went out to this property, which is not something I do, but I did that a year ago before I knew anything about the development. I was invited out there on the first day of snow, I believe, because I was on my scooter and then St. Michael's beat Las Vegas."

Councilor Bushee asked Ms. Baer to speak to the sidewalk standards and the lack in the proposal.

Ms. Baer said the standards that we have for streets, including sidewalks, in a section in its entirety is altogether in the subdivision section of the City Code. This is the only place in the Code where there is discussion of what streets and sidewalks should look like. She said where it isn't a subdivision, it has been the practice of the City to refer to the Subdivision Section and to use those standards, whether it is a subdivision of something else. She said this is a multi-family development which technically is not a subdivision. She reiterated that these are the only standards we have, and these are standards we have always applied to all streets.

Ms. Baer quoted from 14-9,2(e)(2)(A), "The arrangement of streets shall conform to.... except that the Planning Commission may consider and approve innovative street designs that are not included among the street types and street sections shown or described herein." She said the design criteria for street types includes a note which says, "A private driveway proposed to serve multi-family development must be approved by the City Engineer, the City Traffic Engineer and the City Fire Chief." She said these are the two places in Code where staff looks for street standards, in looking at the section that was proposed for this development. She said this was done.

Councilor Bushee asked Ms. Baer to reference in the Planning Commission minutes where they discussed the innovative designs for the sidewalks.

Ms. Baer said she is unsure that is specifically in the minutes, but she was at the meeting "and it was specifically discussed very much as we just spoke of right now, because that did come up."

Councilor Bushee said she had different expectations from reading the Planning Commission minutes that there would be a lot more relative discussion to the specifics of the development plan. She said there was much more of a discussion about infill and the benefits, rather than the specifics of the final development plan which is before us this evening. She finds that missing in the process, and that has been left to us this evening in a way that she didn't expect.

Councilor Trujillo said he heard discussion this evening that the entrance to this "not" subdivision will not have sidewalks but will have crusher fines.

Ms. Baer said on the 5<sup>th</sup> Street entrance she believes this is what is proposed. Responding to Councilor Trujillo, Ms. Baer said crusher fines may be ADA compliant.

Ms. Jenkins said they are proposing a stabilized earth product that is ADA compliant and it also is used at the Elder Grace project as well as at St. John's College, noting they are trying to decrease pavement where there are opportunities to do so, so the stabilized earth product is ADA compliant.

Councilor Trujillo asked if it will stay stabilized if we have a major flood.

Ms. Jenkins asked the civil engineer for the project to address this issue.

**Orlin Guerrerortiz with Design Engineering, the civil engineer for the project was sworn.** Ms. Guerrerortiz said stabilized earth is a product you see mostly in places like baseball fields. She said well built baseball fields have very compacted dirt. It does require maintenance, but it is a fabulous product which is great for ADA and, if properly constructed, can handle fire truck traffic.

Councilor Trujillo asked who would be doing the maintenance. Ms. Guerrerortiz said the sidewalks, streets, curbs and gutters and the other sidewalks alongside the homes are concrete, and that all will be maintained by the condo association because it's all privately owned.

Councilor Trujillo asked Mr. Romero what month and year the counts were taken.

Mr. Romero said they typically are taken during typical days, Tuesdays, Wednesdays or Thursdays and would have been taken when school was in session. He said these particular ones were taken in April-May 2007, and it was verified that it was done during school. The counts on 5<sup>th</sup> Street and St. Michaels were taken on April 24, 2007, counts on 5<sup>th</sup> Street and Siringo were taken on April 26, 2007, counts were taken at 5<sup>th</sup> Street and Aspen on April 25, 2007, and at the Social Security Administration Building on May 7, 2007. Mr. Romero said Mr. Watts may want to speak to the supplemental counts.

Mr. Watts said these weren't taken in the winter and were done in April and May.

Councilor Trujillo said Councilor Dominguez commented that people will be taking the side streets to avoid the Rail Runner, and that wasn't taken into consideration in the study. This is his concern.

Mr. Watts said he understands that concern and said some people will try to out run the train, but he can't tell the impact of that at this point. He said the DOT, as part of the scoping project for the Rail Runner, conducted a lot of studies, noting the developer was doing work before a lot of the Rail Runner stuff was known, and it still isn't known. He said people will

divert when the crossing gates come down, but he can't say at this time what that impact would be and it would be pure speculation at this point in his opinion.

Councilor Trujillo asked why these are townhomes and not single story dwellings like the surrounding neighborhood.

Ms. Jenkins said there is a combination of single story and two story homes. She said early on they did some layouts to do a traditional, single-family R-5 subdivision, and based on the configuration of this parcel and it is bisected by an arroyo, it was untenable and unattractive and not pleasant, and they "ate up" all the beautiful open space with peoples' fenced back yards. It wasn't an appropriate and sensitive way to develop this parcel.

Councilor Calvert said several people brought up an alternative access from Warner Circle, and asked was this ever considered.

Ms. Jenkins said that was explored a year and a half ago, and they met with the property owners who had undeveloped properties or areas where there was room for an access easement. She said they tried to make a deal and were unsuccessful.

Councilor Calvert said, with regard to the access off 5<sup>th</sup> Street, it shows a 30 foot easement, and asked if there are physical limitations to making that wider.

Ms. Jenkins said there are none, but there is a current drainage to the north of that which serves the 5<sup>th</sup> Street Office Condos.

Councilor Calvert asked Ms. Jenkins if she pursued getting more than the 30 foot access easement so you could have a 25 foot turning radius, and Ms. Jenkins said no.

Councilor Calvert said then you don't know if the adjacent property owner that granted the 30 foot access easement would grant more or not.

Ms. Jenkins said the adjacent property owner had expressed concern that this property was not served by any access to Warner Circle as they understood to be the case, so "we didn't have high level confidence that they would be interested in having that access be wider."

Councilor Calvert said it seems part of the problem with the 15 foot turning radius is that the roadway you have seems to be "pinched down there" at 5<sup>th</sup> Street, and asked if she could have a larger turning radius if they eliminated the vegetation on the left side as you go out."

Ms. Jenkins, using an enlargement of Exhibit "15", said the dashed lines are the limits of the 30 foot easement, and you can see we're not pinching the roadway down, and the roadway sits quite nicely along with the sidewalk they discussed within the 30 foot easement. She said they are restricted in the curb return as the road starts to curve out and connect with 5<sup>th</sup> Street.

Responding to Councilor Calvert, Ms. Jenkins said the property to the left as you exit the 30 foot easement, is the 5<sup>th</sup> Street Office Condominium property.

Councilor Calvert asked Ms. Jenkins if she pursued any kind of access easement with them.

Ms. Jenkins said no, noting it is the same owner on both sides of the access easement.

Councilor Calvert said he is unclear that we have pursued all the avenues we could.

Councilor Calvert quoted from the Findings of Fact on page 3, "With respect to the arroyo setback variance, the Commission finds further that the bisection of the property by the arroyo imposes limitations on the reasonable development of the property to the permitted density." Councilor Calvert said, on the map, he sees no effect that the arroyo crossing has on the density, and if anything it is taking some space which might have been used for another unit or two. He doesn't understand this finding.

Ms. Jenkins said she concurs. She said they could build the bridge bigger and span the 25 foot setback, noting they are not touching the 100 year flood plain with any of their structure.

Councilor Calvert said the arroyo setback variance has nothing to do with the permitted density.

Ms. Jenkins agreed.

Councilor Calvert quoted from 9(D) on page 3 of the Findings, which provides "that both variances are the minimum variances required to make possible the reasonable use of this property." He said probably the reason this property was developed last in this area is because it is a challenging piece of property, and therefore has less value than properties around it. He doesn't think the justification for variances is to make the developer's property equal in value to the other properties when in fact it's not.

Councilor Calvert said the arroyo setback variance is also needed for better traffic circulation and emergency access. He said that argument runs counter to the 15 foot radius variance, because it will make those things more difficult. So, on one hand you are citing emergency access off 5<sup>th</sup> Street as a factor. However, you will make that more difficult on 5<sup>th</sup> Street with the variance you are requesting there, so he believes the variances are somewhat at odds on that.

Ms. Jenkins said they worked closely with Fire Marshal Barbara Salas, with respect to how the entrance on 5<sup>th</sup> Street is designed and implemented. Ms. Jenkins said Fire Marshal Salas has stated that she is satisfied that she can access this property in an emergency with no hindrance.

Councilor Calvert asked if she will be accessing via 5<sup>th</sup> Street or Calle Sombra which is a much easier access.

Ms. Jenkins said, "I think it's going to depend on where she's coming from and the shortest distance between two points." Ms. Jenkins said she would like Orlin Guerrerortiz to address this.

Ms. Guerrerortiz said the variances have been discussed, but not the reasons the requests were made. She said you can find 5 and 10 foot radii on the road intersections downtown. She said when engineers were starting to design faster and larger cars they made the radii larger. She said recently they have come up with the neotraditional designs of AASHTO and that's where the radii came in. She said there are some projects where there are 10 foot radii throughout subdivisions because they're good for pedestrians and slow traffic which she supports.

Ms. Guerrerortiz said sometimes variances are requested because they're logical and better for the community. She said the professionals agree there are good reasons for a variance for a 15 foot radius. She said this is her professional opinion and she recommended it. She believes it is a better design than a one way in and out, and thinks it is a better design than having only one access.

Councilor Calvert said he doesn't believe only one access would be allowed.

Ms. Guerrerortiz said they could design it under Code, meeting Code completely with a full access from Calle Sombra and an emergency only access to 5<sup>th</sup> Street.

Ms. Guerrerortiz said the second request for a variance was because of a bridge across the arroyo. She said when possible she designs loop systems which is better for utilities and emergency access and for traffic in general, rather than long roads with cul de sac turnarounds. She said there are short roads people could back out of, rather than having to turn around with a fire truck.

Ms. Guerrerortiz said the bridge span could have been a 25 foot setback from the flood zone, so it would be total of about 80 feet where the two abutments were and then a span across. It is a bigger and uglier bridge and not necessary. She said they are trying to make the development fit better with the environment and not bring a lot of ugly, engineering concrete where it can be avoided. She said she could have designed a bridge which did not require a variance. She said, "In my professional opinion, this isn't one of those projects where we should request a variance. We should make the bridge as small as possible outside the flood zone and put the abutments there. It was altered in the variance."

Councilor Calvert said this is if it is agreed by the Council that you should have the bridge in the first place. He believes the only thing she is doing by putting the bridge there is ensuring that some of the traffic will go out Calle Sombra, when without the bridge they would be using 5<sup>th</sup> Street.

Ms. Guerrerortiz said, "Whether somebody chooses to go out 5<sup>th</sup> Street or Calle Sombra will really matter as to which direction they want to go when they leave the subdivision."

Councilor Calvert said he differs with her, and it could be how safe they feel making the turn on 5<sup>th</sup> Street under those conditions. If, as Jennifer said, there are nice wide roads at Calle Sombra, then he believes people might feel safer going out that way and onto a regular turn intersection on 5<sup>th</sup> Street.

Ms. Guerrerortiz said she believes some people would feel that, but personally, she tends to go the shortest distance between two points. She said everyone chooses different paths. She said this wasn't the intention, and her thought process is that loops are best.

Councilor Calvert said the Findings state, with respect to the Arroyo setback variance, "The Commission finds further that the applicant's span bridge design will minimally impact the Arroyo while allowing for natural vegetation growth and wildlife habitat in and around the Arroyo." He said it may, but it probably would be even better for those things if there was no bridge at all. He said the question isn't how big the bridge should be, but whether the bridge should be there at all. He believes the variance speaks to a finer point, but he doesn't believe it should be there at all.

Councilor Calvert said, in terms of the 15 foot turning radius, he thinks this is something which was "rationalized and backed into," when faced with the reality of the situation. He said pedestrian friendly is nice, but on 5<sup>th</sup> Street he is unsure that is the best argument. He quoted from the Findings of Fact that this is a passenger car design which is the largest design vehicle likely to use it with considerable frequency. He asked about trash trucks, delivery trucks, and people will have to move in and out, and how those will get in and out. He said most of them will go out Calle Sombra, but questioned whether that would be easier to get in and out than making the turns on 5<sup>th</sup> Street.

Ms. Guerrerortiz said she doesn't disagree and believes the bigger trucks will prefer Calle Sombra.

Councilor Calvert said he does not believe they have pursued enough options on 5<sup>th</sup> Street.

Ms. Guerrerortiz said the problem with this street is that a left turn out and a left turn in would not be possible, so it will never be a full access.

Councilor Calvert said that's given the restraints of a 30 foot easement, and you haven't explored anything more than that.

Ms. Jenkins said the constraint at issue is that they do not have good alignment with Aspen Drive across the road. This is the reason that the left out and left in at 5<sup>th</sup> Street are problematic. She said they worked closely with John Romero, noting they wanted as much access as possible.

Councilor Calvert said it doesn't make any difference, noting even the right out is a 15 foot turn radius.

Ms. Jenkins said yes, but she's talking about traffic conflicts in the intersection.

Councilor Calvert said he isn't talking about those, he's talking about that even a right turnout is limited to 15 feet. He said it doesn't have to be if they had a wider easement which they did not pursue.



Ms. Jenkins said this is true.

Councilor Calvert sees the concern about people making turns into the development.

Ms. Jenkins said they can comply with a 25 foot turning radius with a one-way exit onto 5<sup>th</sup> Street from the project. If that is the wish of this body, they will withdraw their request for that variance, and then every car that wants to enter the neighborhood would have to use Calle Sombra. She said, "We do not want that. We do not think that is the best solution."

Councilor Calvert said on page 5 of the Staff Report to the Planning Commission, it talks about installing "several centralized ponds to control the increase in post development stormwater flow." He asked if consideration has been given to water harvesting as opposed to putting in two of these ponds that usually grow over and become obsolete.

Ms. Jenkins said the retention ponds are integrally designed with the landscaped open space areas, so it is their intention that they're not identifiable as ponds to the naked eye, that they are landscaped appropriately and they will be using passive water harvesting to feed out landscaped areas with the runoff. The passive water harvesting is the water coming off roadways and roofs which is fed into landscaped areas and retention ponds that are integral to the landscaped area.

Councilor Calvert asked if these would be energy star minimum homes.

Ms. Jenkins said yes, and the developer can agree to this as a condition of approval.

Councilor Calvert said page 7 of the Staff Report, Variance No. 2, cites codes saying, "Curbs at intersections shall be designed with a minimum radius of 25 feet. The Planning Commission may approve a larger radius." He said it doesn't say anything about a smaller radius.

Ms. Jenkins said this is the reason they requested a variance. Responding to Councilor Calvert, Ms. Jenkins said she didn't write the staff report, so she can't speak to the intent of that language.

Councilor Calvert asked staff to address this.

Ms. Baer said she believes it is a typo and it was intended to say "a smaller radius." If it's being requested as a variance and a larger radius is allowed, she believes that is a mistake in the staff report.

Councilor Romero asked where the two-story buildings are going to be clustered.

Ms. Jenkins demonstrated the location on the map.

Councilor Romero said then the outside boundary are the 5<sup>th</sup> street business condominiums.

***[STENOGRAPHER'S NOTE: Ms. Jenkins response here is inaudible because she was away from the microphone. It was also inaudible on the CD made of the meeting by City Staff.]***

Councilor Romero said then those are all second story, and across the street is Aspen, but those aren't second story.

***[STENOGRAPHER'S NOTE: Ms. Jenkins response here is inaudible because she was away from the microphone. It was also inaudible on the CD made of the meeting by City Staff.]***

Councilor Romero said Councilor Ortiz asked for examples of something like this, and she thought of Capitan which is off Galisteo. It is a housing development mixed with condominiums with common walls.

Councilor Romero said she walks this area a lot, and had always thought of this as open space, but it has been owned by the public schools for many years. She said in her neighborhood they negotiated with the NM DOT to do landscaping all along as a visual buffer, but that isn't a noise barrier and the trains are noisier than you think they will be. However, the only thing they could get was this buffer of five trees per back yard. She is unsure this can be done in this area. The berms are so high. She asked if the developer thought of what could be done given the constraints of the terrain.

***[STENOGRAPHER'S NOTE: Ms. Jenkins response here is inaudible because she was away from the microphone. It was also inaudible on the CD made of the meeting by City Staff.]***

Councilor Romero said she heard someone say something about a coyote fence around the area, which wouldn't be appropriate.

***[STENOGRAPHER'S NOTE: Most of Ms. Jenkins response here is inaudible because she was away from the microphone. It was also inaudible on the CD made of the meeting by City Staff.]*** Ms. Jenkins said it is a 20 foot easement, 10 foot trail, so there is a 5 foot shoulder on each side. She said they have a style of fencing that is completely transparent, and at this point along the trail easement there is an opening so people can get off the trail. She said they also access to the trail for the residents of the neighborhood.

#### **The Public Hearing was closed**

Councilor Ortiz moved, seconded by Councilor Trujillo, to reverse or overturn the decision or determination of the Planning Commission, and as part of the motion to make the following additions to the Findings of Fact:

- (1) A finding that this is a *de novo* hearing, that the City Council has the authority to hear and take additional evidence that was not heard at the Planning Commission;**

- (2) **A finding that based on the testimony of the developer's agent that Variance No. 2, the 15 foot setback, is not required and in fact the developer could do a project with a 25 foot setback with a radius on the access point;**
- (3) **A finding, as it relates to the Variance on the Arroyo, that he found the evidence proposed in the proposed Findings of Fact to be underwhelming that an arroyo crossing is needed for this particular project, and he does not find that this arroyo needs to be crossed;**
- (4) **A finding that in not crossing the arroyo that this developer's development rights are not going to be adversely affected;**
- (5) **A finding that the crossing of the arroyo is not something that would be in conformance with any of the neighborhoods that are west of the Arroyo de los Pinos**
- (6) **A finding that if the City were to grant this variance the City would be conferring on this applicant a special privilege of being allowed to put in a driveway standard crossing across an arroyo, and there is no other crossing that conforms for this;**
- (7) **A finding that the access points need additional work;**
- (8) **A finding as it has been proposed to us here, that this particular project with this particular space is not in harmony with the adjoining neighborhoods;**
- (9) **A finding that this is not a public space and this is not public property, and this is a private parcel and that there is no action of which he is aware to convert this to any kind of open public use, unless the developer comes back with something. This is private property, and none of the actions taken here affect that right of that private property owner to come back with a different plan and not request those variances; and**
- (10) **A finding that this reversal is not a rejection of any particular development on this property, this reversal is a rejection of this particular proposal as it's been presented on this particular property.**

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

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

**Against: None.**

**Explaining his vote:** Councilor Chavez said, "I have not made any comments through the whole proceeding. I will state at this time that I did not visit the site, but I did talk, only on phone... by phone, to some of the residents in the area. This development and this whole scenario reminds me of Juanita Street. I think many of you are familiar with that. This is the challenge that we all face in different parts of the City to accommodate infill to lessen sprawl. The problem that I see is that we're doing it in a piecemeal, case by case approach. We're

reacting to approvals after the fact. This case has been through four ENNs. It has been approved by the Planning Commission. We have Findings of Fact. We're second guessing all of that. We're responding when things are in a crisis mode. Maybe we thrive on that. It doesn't help you and it doesn't help the developer. So, moving forward, what do we do. There's been proposals made to develop a neighborhood conservation ordinance to allow you and other neighborhoods to develop neighborhood plans. So, if this property, if this parcel is not going to be open space, then something's going to happen with it, and you need to be part of that process as you have been, but under maybe a different scenario. I think you've tried to fit a square peg into a round hole. Some of the comments I've heard were trying to help you do that. It can be done. I do it day in and day out. It's a woodworking term, so I know it well. It takes a certain finesse and a certain technique. It can be done. So I think probably this parcel can be developed, but it's going to take that finesse to make it work so it doesn't affect the existing neighborhood. I'm going to support the motion and credit Councilor Ortiz for bringing this *de novo*, the case before you. But, again, I'm going to encourage you. There are two pilot programs for neighborhood plans and I would encourage you to develop a third pilot project and working with the Neighborhood Planner to develop a neighborhood plan that works for your neighborhood and for this parcel that's left to be developed. With that Mayor, I'm going to support the motion and credit Councilor Ortiz for getting us to this point. But, we need to move beyond this dynamic that pits neighborhood against any particular development or subdivision or whatever you want to call it."

*There was a short break from 10:45 to 10:55*

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**Councilor Ortiz moved, seconded by Councilor Wurzbarger, to hear Item #7 next on the agenda and then return to the regularly scheduled agenda, and to approve the Agenda as amended. The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion and none against.**  
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- 7) **REQUEST FOR APPROVAL OF THE FOLLOWING ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT. (FABIAN TRUJILLO)**
  - b) **SANTA FE COMPLEX.**

Councilor Bushee said she has been advised by the City Attorney to recuse herself on this vote because a member of her household receives compensation from the Santa Fe Complex. She said she has received all of the recommendations of support.

**Public Hearing**

Mayor Coss gave each person two minutes to speak to this issue.

**Don Begley, Executive Director, Santa Fe Complex**, asked those from the Complex in attendance to stand. He said earlier they had a sign-up sheet with 52 names on it, but many of those have already gone. He said he would like to speak, along with two other representatives, and then open it to questions.

Mr. Begley said tonight the Governing Body is considering an economic and work force development proposal from the Santa Fe Complex. It is a request which, if approved, will allow the Santa Fe Complex to keep its doors open and work for the benefit of the City. In exchange the Complex will commit to achieve certain activities which will be measured in reports back to the Economic Development Division staff. If they do not achieve the metrics, the City does not have to continue to fund the Complex. He said the City is protected while the Complex has the opportunity to do its work.

Mr. Begley said the Complex is a project based organization – they want to bring together members of the scientific and artistic communities in the City and work together on projects for economic development. They emphasize collaboration between art and science in the broad community and encourage the use of modern computing technology for visualization, modeling and creative work. The Complex believes what happens in their studio should be available to the public and be a part of the public domain. For them, economic development begins with the knowledge that many of the workers who already live in Santa Fe are facing hard economic times. He said by providing them with a community studio, complete with the tools of modern technology, we will expand their impact to the greater community, noting they currently have 15 projects in development or underway which would be dependent in whole or in part on this funding.

Mr. Begley said they take a similar approach to the work force development efforts and believe student learn best when working on projects which require their direct involvement. There are 9 youth oriented projects underway or in the wings at the Complex. They believe this approach can expand the City's economic base while creating job opportunities for its youth.

**John Paul Gonzales, resident of 54 Entrada, La Cienega 87507**, is in attendance this evening to give his full support for the Santa Fe Complex, and it is something needed by this City, particularly the youth. It is a place where intellectual curiosity is welcome and nurtured. He said he was welcomed and made a member of the community, and taught to program, which he has used to create models of the agricultural situation in La Cienega. He feels the Complex is a valuable piece of the social framework of the City and encouraged support of this proposal.

**Irene Lee, principal investigator of Santa Fe Institute's Project GUTS [Growing Up Thinking Scientifically]**. She said this is an after school and summer program for middle school age students in Santa Fe. Currently there are 200 students participating from a variety of schools, as well as 100 additional others outside of Santa Fe. She said Project GUTS gives youth the opportunity to conduct scientific research in their schools and communities and learn to use technology to explore real world problems and analyze them with scientific tools.

Ms. Lee said the three basic goals for this kind of STEM education [science, technology, engineering and mathematics] that will help develop new young people who are interested in working in these fields: (1) engage diverse range of students; (2) prepare them for future STEM careers; and (3) provide continuity for those who want to continue which is where the Santa Fe Complex comes in and provides a pathway for students.

Ms. Lee supports the Santa Fe Complex and said it has been a fantastic partner for Santa Fe Institute's Project GUTS, and a significant contributor and providing space for student events, club meetings and planning meetings. She said volunteers from the organizations work with teams of students. Scientists and guest speakers participate in the programs in the public schools and help present their research and how it relates to the community. She said it has provided advisement and collaboration on grant writing and developing new innovative programs for youth in Santa Fe. Ms. Lee did a survey of 101 local high school students and found that their current aspirations vary widely from arts, entertainment, sports, communication, tourism at 25%, and science and engineering at 12%, veterinary medicine and nursing at 11%, government at 6%, education 1%. There were several undecided. She said 55% agreed with the statement that science is an important part of their future and 80% agreed that technology is an important part of their future.

**[Inaudible] Acosta, director of the Santa Fe Community Partnership,** spoke in support of the Complex and the proposal. He said they have taken the Partnership to the Complex and they are part of the community coalition. He said tourists come to Santa Fe because of the great public spaces we've created over the centuries, but the result is that the public space has become less accessible to local people. So, it is important for us as a community, to support public spaces that are open to local community to be able to do the kind of work we need to do to sustain our communities and our livelihoods. A youth group has developed a video for the Guadalupe Parish for its fiesta in two days where the Parish will be elevated in status. The connection of the young people has been invaluable. He supports the project.

#### **The Public Hearing was closed**

**Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the request for the Santa Fe Complex as submitted by staff.**

**Discussion:** Councilor Wurzbarger said any project that can address the kind of data we received this evening from the Public Schools, as well any project that lowers the median age in the audience by 35 years is certainly worth supporting.

**Friendly Amendment:** Councilor Ortiz said in light of the current financial condition, and some of the promises made, and the staff recommendation, he would like to amend the motion to provide for a six-month review of the contract, and that we have a hearing at the May Finance Committee meeting, just prior to the budget, specifically addressing all of the target deliverables and making sure we are on target with those deliverables. **The amendment was friendly to the maker and the second, and there were no objections by the other Councilors.**

Ms. McCormick said staff is tracking all contracts in economic development and reporting quarterly to the BQL Committee, so it is just a matter of sending it to Finance as well..

**The motion, as amended, was approved on the following Roll Call vote.**

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

**Against: None.**

**Recused: Councilor Bushee.**

**a)      **HOMEWISE – WORKFORCE HOUSING FUND.****

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

Councilor Bushee asked why do we choose to use Economic Development funds for this project, and asked why not start at the Affordable Housing Trust Fund..

Ms. McCormick said staff felt it is an economic development activity to recruit and retain employees for local employers so they have qualified staff. This very much fits with some of the economic development issues we're trying to address. The other reason is more subtle, in that staff wanted to continue to show that there is always a relationship between housing that's affordably priced and economic development which is the second reason. The third reason is that the Request for Proposal has to be approved by the MFA. So, the economic development dollars were available first and we could move the plan more quickly. Staff is recommended that ½ come from the Economic Development Fund and ½ from the Housing Trust Fund.

**Councilor Bushee moved, seconded by Councilor Calvert, to approve this request.**

**Discussion:** Councilor Bushee noted that Ms. McCormick advised her that Homewise is the recipient of the Wachovia Grant which is exciting for Santa Fe.

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

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

**Against: None.**

- 4) **CONSIDERATION OF BILL NO. 2008-58; ADOPTION OF ORDINANCE NO. 2008-56. AN ORDINANCE AMENDING SECTION 14-8-10(a) SFCC 1987, TO PERMIT CITY BANNERS COMMEMORATING THE 400 YEAR ANNIVERSARY OF THE FOUNDING OF LA VILLA REAL DE LA SANTA FE DE SAN FRANCISCO DE ASIS. (COUNCILOR TRUJILLO, COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ, COUNCILOR ROMERO AND COUNCILOR CALVERT). (JEANNE PRICE)**

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Trujillo moved, seconded by Councilor Bushee, to adopt Ordinance No. 2008-56.**

**Discussion:** Councilor Trujillo said we will be celebrating our 400<sup>th</sup> Anniversary starting next year and this will be special throughout the City, and these banners are proposed to celebrate this event.

Councilor Romero said she would like to postpone this item. She said she totally supported this Resolution initially. However, there are issues which need to be clarified. She said there is a proposal that there could be anywhere from 400 to 2,000 banners, and that is a lot of banners. She said she wants to know where these will occur in the downtown area. She spoke with Libby Dover, Executive Director of the 400<sup>th</sup> who is amenable to postponing the decision until late January to give us more time to get through the "nitty gritty" parts of the resolution and the issues which need to be resolved specific to placement of the banners.

Councilor Bushee said she is a cosponsor, and the Ordinance allows for this because the Historic Ordinance did not. It provides, "The Governing Body shall adopt a resolution regarding the banners providing for such specifics as dates, location, number, design, approval process, installation and maintenance. She said the expectation is that we will work with the Historic Preservation staff and others to ensure there is an approval process *in place*.

Councilor Romero said it appears this is the next step to get us to the Resolution.

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

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

**Against: None.**

**Absent: Councilor Wurzbarger.**



**Explaining his vote:** Councilor Chavez said he will vote for this, noting he was the original sponsor of the Resolution which set up the 400<sup>th</sup> Anniversary Committee. He said the only point on which he differs with Councilor Trujillo, is that it's the semantics and we agreed we would commemorate more than celebrate. He said the Ordinance does have the language that we are commemorating the 400<sup>th</sup> Anniversary.

- 5) **CONSIDERATION OF BILL NO. 2008-59; ADOPTION OF ORDINANCE NO. 2008- 57. AN ORDINANCE AMENDING ARTICLE 2-16 SFCC 1987, FOR THE PURPOSE OF DELETING THE DEPARTMENT OF CIVIL PREPAREDNESS AND CREATING THE OFFICE OF EMERGENCY MANAGEMENT (MAYOR COSS AND COUNCILOR TRUJILLO). (JOYCE PURLEY)**

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Bushee moved, seconded by Councilor Romero to adopt Ordinance No. 2008-57.**

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

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

**Against: None.**

**Absent: Councilor Wurzburger.**

- 6) **CONSIDERATION OF BILL NO. 2008-60; ADOPTION OF ORDINANCE NO. 2008-58 AN ORDINANCE AMENDING ARTICLE 20-1 SFCC 1987 REGARDING THE POWER OF THE MAYOR DURING AN EMERGENCY (MAYOR COSS AND COUNCILOR TRUJILLO). (JOYCE PURLEY)**

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**Councilor Bushee moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2008-58.**

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

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

**Against: None.**

**Absent: Councilor Wurzburger.**

- 8) **CONSIDERATION OF BILL NO. 2008-62; ADOPTION OF ORDINANCE NO. 2008- 59. CASE #—2008-31. CAMINO REAL PAVILION ANNEXATION. JENKINS GAVIN, AGENT FOR CAMINO REAL PAVILION, LLC, REQUESTS ANNEXATION OF SUBJECT PROPERTY (7.961± ACRES OF LAND) LOCATED NORTH OF AIRPORT ROAD, BETWEEN AGUA FRIA AND CAMINO JULIANA FOR A TOTAL OF 9.96 ACRES INCLUDING PUBLIC RIGHT-OF-WAY. (LUCAS CRUSE)**

*Items G(8) and G(9) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

Memorandum dated November 26, 2008, for December 10, 2008, Santa Fe City Council Meeting, to the Mayor and City Council, with attachments, from Lucas Cruse, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "16."

The staff report was presented by Lucas Cruse which is contained in Exhibit "16."

#### **I. RECOMMENDATIONS:**

##### **Case #M 2008-31 – Camino Real Pavilion Annexation**

On October 2, 2008, the Planning Commission moved to recommend the City Council approve the request for Annexation subject to the conditions outlined in the attached conditions table and Development Review Team memoranda [EXHIBIT B]. The conditions are applicable to any future Development Plan for the property.

##### **Case #ZA 2008-12 – Camino Real Pavilion Rezoning**

On October 2, 2008, the Planning Commission moved to recommend the City Council approve the request for Rezoning subject to the conditions outlined in the attached conditions table and Development Review Team memoranda [EXHIBIT B]. The conditions are applicable to any future Development Plan for the property.

##### **Public Hearing**

### **Presentation by the Applicant**

**Jennifer Jenkins, JenkinsGavin Design & Development, Agent for the Applicant,** presented information via power point, demonstrating the subject site and the project, noting the parcel is located on the north side of Airport Road. Ms. Jenkins said the property is designated for a commercial center in the City's General Plan Land Use map and this proposal is consistent with that. The property is part of the property to be annexed per the City's Settlement Agreement with Santa Fe County and Las Soleras, noting it is in phase two. The Applicant is requesting annexation. She said the contiguity with the City limits is the Airport Road right-of-way. Ms. Jenkins demonstrated the areas surrounding the subject site via power point.

Ms. Jenkins said the Applicant is proposing four access points into the shopping center. She said this is to be a neighborhood serving, commercial shopping center which is consistent with what is called for in the General Plan for this parcel. The primary proposed use is a grocery store, noting this is something which has been needed in the area for a long time. This is a wonderful opportunity to provide services within walking distance and bicycle distance to a lot of homes within a 1/4 mile radius. She said there will be a grocery store, flanked by smaller retail spaces for some local serving retail businesses. She said it would be an excellent site for a bank, noting there are no banks on Airport Road.

Ms. Jenkins said there is a significant landscape buffer surrounding the entire site with excellent pedestrian connectivity to the surrounding neighborhoods, as well as a bus stop at a signalized intersection for safe pedestrian crossing of Airport Road. The primary entrance is on Airport, with another primary entrance on Agua Fria. There is a secondary entrance off Camino Juliana and "this" entrance is limited for deliveries only. She said they are creating pedestrian connectivity at the perimeter of the site to the site walk which surrounds it which creates opportunities to connect in, as well as creating connectivity within the site which they feel is important to a park once and shop environment.

Ms. Jenkins said they are requesting C-2 zoning to accommodate this type of commercial center and they are in compliance with the City/County Annexation Agreement, as well as the City's General Plan.

### **The Public Hearing was Closed**

**Councilor Chavez moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2008-59, approving Case #M 2008-31, with conditions of approval as recommended by staff.**

**Discussion:** Councilor Chavez said in her testimony, Ms. Jenkins mentioned that this project will comply with the Annexation Agreement. He said one of the things we're supposed to do in working with the County is to work on the circuit breaker legislation on property tax as we're moving forward, to help our affordable component. He would like to work on this and ask the County to move that forward for the Legislation in January.

Councilor Dominguez said people ask him on a daily basis when they will be getting these kinds of amenities. He asked if the project will look as green as the poster board when it is finished.

Ms. Jenkins said this isn't a fully engineered plan and it is a conceptual master plan. She said it will be tweaked as they go forward with the development plan stage, but it is their absolute intention that this project be surrounded with a landscape buffer and the pedestrian connectivity.

Councilor Dominguez believes it will help to beautify this area.

**Friendly amendment:** Councilor Dominguez would like to add an additional condition of approval for the rezoning requiring the Applicant to beautify the existing median, or adopt it somehow to help beautify the area. Ms. Jenkins said they are doing improvements to Airport Road and such which aren't fully engineered. However, some of the medians as designed don't create the space necessary for landscaping. If the medians can be designed to accommodate landscaping they absolutely would do that. Ms. Jenkins said, after conferring with her client, once the design is resolved, should there be the opportunity for landscaping, her client has agreed to adopt the median and make sure that it is maintained. **The amendment was friendly to the maker and second and there were no objections from the other Councilors.**

**Clarification of the Motion:** Councilor Chavez said the motion includes the conditions of approval in Exhibit B, noting there are a total of 14 conditions of approval, and asked Ms. Jenkins if the Applicant will accept those. Ms. Jenkins said yes.

**The motion, as amended, was approved on the following Roll Call vote.**

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

**Against: None.**

**Absent: Councilor Wurzburger**

- 9) **CONSIDERATION OF BILL NO. 2008-63; ADOPTION OF ORDINANCE NO. 2008-60. CASE #ZA 2008-12. CAMINO REAL PAVILION REZONING. JENKINS GAVIN, AGENT FOR CAMINO REAL PAVILION, LLC, REQUESTS REZONING OF 7.961± ACRES OF LAND FROM R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED NORTH OF AIRPORT ROAD, BETWEEN AGUA FRIA AND CAMINO JULIANA. (LUCAS CRUSE)**

**Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-60, approving Case #ZA 2008-12, with conditions of approval as recommended by**

**staff, including Councilor Dominguez's condition regarding the adoption of the median and the conditions of approval in Exhibit B.**

**Discussion:** Councilor Chavez asked if there were additional conditions, other than Councilor Dominguez's on the rezoning. Mr. Cruse said the conditions would apply for both the annexation and the rezoning.

**The motion, as amended, was approved on the following Roll Call vote.**

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

**Against: None.**

**Absent: Councilor Wurzbarger.**

**19. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk

**20. COMMUNICATIONS FROM THE GOVERNING BODY.**

**Councilor Dominguez**

Councilor Dominguez introduced three Resolutions as follows:

- a) A Resolution regarding the Youth Conference which Santa Fe County will be conducting. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
- b) A Resolution encouraging our Legislative delegation to seek approval for a special City of Santa Fe license plate, and the funds from that go to Children and Youth. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."
- c) A Resolution entitled "Safe Routes to Schools." A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."

Councilor Dominguez wished everyone Happy Holidays, and wished his wife a happy birthday on Friday.

**Councilor Calvert**

Councilor Calvert introduced a Resolution sponsoring the 2009 Santa Fe Childrens Water Fiesta and waiving the fee for the use of the Santa Fe Community Convention Center. He asked that this go to the Finance Committee and back to the Council. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

Councilor Calvert wished everyone a Happy Holiday and a Joyous Season.

**Councilor Trujillo**

Councilor Trujillo introduced an Ordinance amending Section 12-6-5.8 regarding the turning and stopping movements and required signals regarding prohibited activities while driving, regarding injurious materials on City streets, regarding designated disabled parking spaces, regarding vehicle immobilization boot program, the Traffic Violation Penalty Assessment Schedule and the Parking Violation Penalty Assessment Schedule of all of the City of Santa Fe Uniform Traffic Code. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "21."

Councilor Trujillo introduced a Resolution directing staff to prepare all necessary documents to immediately transfer ownership of the land located on West Alameda Street, West San Francisco Street and Camino Campo known as the Villa Alegre and described in the lease executed between the City of Santa Fe and the Santa Fe Civic Housing Authority, dated October 29, 2007, to the Santa Fe Civic Housing Authority. He said this is time sensitive and Ed Romero will be meeting with all Councilors. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "22."

Councilor Trujillo wished the entire community Feliz Navidad, Happy New Year, and hopes for another good year.

**Councilor Ortiz**

Councilor Ortiz distributed an Ordinance change on behalf of Councilor Wurzbarger, establishing a rural residential zoning district for the area referred to as Area 1 in the Settlement Agreement and the mutual release of claims entered into by the City and by Santa Fe County and other parties, dated May 19, 2008, and generally located west of the current City limits and North of Agua Street and making such other related changes. He presumes this needs to go to the Planning Commission as well as the Public Works Committee. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "23."

Councilor Ortiz said he didn't print out his two proposed ordinance changes, but he will send those via email. He said one of the Ordinance changes extends the discount for two more years to the people who do the Plaza tours in light of the economic circumstances. The other is regarding an amendment to the prohibition against off site signs. He said there are four vendors

who do holiday trees and wreaths and our City Code doesn't allow them to post signs. The ordinance will allow that one-time seasonal activity from Thanksgiving through Christmas.

Councilor Ortiz said at a service he attended, the pastor of the Unitarian Church said we are living in Good Friday times, and these are tough times, and yet we are called to be advent people in good Friday times. He said it is his hope for the City that we remember that we truly are advent people having to live through Good Friday times.

### **Councilor Bushee**

Councilor Bushee introduced three resolutions as follows:

- a) A Resolution requesting that upright headstones be installed in the Santa Fe National Cemetery, cosponsored by Mayor Coss and Councilor Trujillo. She said an exception has been made to lay the headstones flat, but she understands the veterans and many people would like to return to the policy of upright headstones in the National Cemetery. In memory of Carlos G. Baca, she would like to see that happen. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "24."
- b) A Resolution calling upon the New Mexico DOT to cease using a certain method of paving State highways that has proved to be detrimental to the safety of bicyclists. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "25."
- c) A Resolution recognizing the importance of the College of Santa Fe to the Santa Fe community and extending the City's support to the College in its efforts to continue providing quality education and other activities in Santa Fe, cosponsored by Mayor Coss and Councilor Calvert. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "26."

Councilor Bushee said at the meeting with our Legislators, it was pointed out that we need to expend funds which have been awarded to the City by the Legislature, and she would like a Resolution providing that the City accept the 2 1/4 acres of open space at the entrance of the Barrio la Canada, which is Camino Alire and Paseo de la Conquistadora. She said we also need to include a connection to the River, and she will work with Ms. Price to draft the specific language.

Councilor Bushee wished everyone a Happy Holiday.

### **Councilor Romero**

Councilor Romero asked to be added as a cosponsor of the Resolution regarding the headstones at the National Cemetery.

Councilor Romero said she thinks of this as a time of thanksgiving and looking forward to a New Year. She thanked her fellow Councilors for welcoming her, and she goes into the new year with a lot of hope and grace. She wished everyone Happy Holidays.

**Councilor Chavez**

Councilor Chavez introduced a Resolution amending Section 15.4.4 of the City of Santa Fe Purchasing Manual to increase the limitation of local preference bidders/proponents from 8% to 10%. He asked that it go to the BQL, Finance and Public Works Committees and then back to the full Council. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "27."

Councilor Chavez said he will need staff assistance to communicate the NLC priorities to our congressional delegation in anticipation of the new administration and congress.

Councilor Chavez wished everyone a Merry Christmas and Happy New Year.

**Mayor Coss**

Mayor Coss wished everyone Happy Holidays, Merry Christmas, Happy New Year, Happy Hanukkah. He thanked the Councilors and staff for their good work during the past year. He reminded everyone of the City Employee party on Friday evening, noting he may not attend because of a death in his family. He encouraged everyone to attend the party here in Sweeney Ballroom beginning 5:00 p.m., ending at midnight.

Mayor Coss introduced a Resolution on the Open Meetings Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "28."

**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 11:50 p.m.

**Approved by:**

\_\_\_\_\_  
**Mayor David Coss**

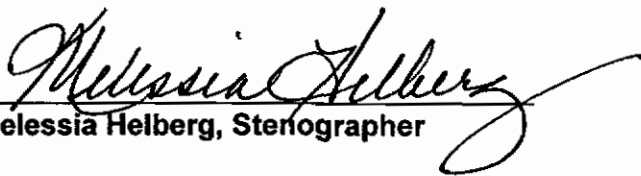
**ATTESTED TO:**



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**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Steriographer**