



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 6-19-09 TIME 2:45

SERVED BY [Signature]

RECEIVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – June 10, 2009
9. PRESENTATIONS
 - a) Proclamation and Presentation of 2009/2010 City Poster – “Santa Fe Mariachi”; Lori Aguirre Snable, Artist. (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 09/33/B – One Mack Truck for Solid Waste Management Division; Trucks West, Inc. (Bill DeGrande)
 - b) Bid No. 09/39/B – 2009 Mobile Concrete Dispenser for Streets and Drainage Maintenance Division; Cemen Tech, Inc. (David Catanach)
 - c) Request for Approval of Change Order No. 1 – Franklin Miles Park Restroom Water Line Extension; Sub Surface Contracting, Inc. (Mary MacDonald)
 - d) Request for Approval of Grant Application and Award – East Apron Reconstruction and Construction Engineering at Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)
 - e) Request for Approval of Amendment No. 1 To Professional Services Agreement – Engineering Services at Santa Fe Municipal Airport; Molzen-Corbin & Associates, Inc. (Jim Montman)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

- f) Request for Approval of Amendment No. 2 to Professional Services Agreement – Security Services at Municipal Parking Facilities; Chavez Security, Inc. (Walter Roybal)
- g) Request for Approval of Professional Services Agreements – Homebuyer Assistance. (Ted Swisher)
 - 1) Homewise
 - 2) Santa Fe Community Housing Trust
- h) Request for Approval of Solar Power and Services Agreement – Renewable Energy Projects at City Facilities; SunEdison Utility Solutions, LLC. (Nick Schiavo)
- i) Request for Approval of Sole Source Procurement and Professional Services Agreement – Animal Housing Facility Services; Santa Fe Animal Shelter. (Chief Aric Wheeler)
- j) Request for Approval of Amendment No. 6 to Legal Services Agreement – Hospital Tank Rehabilitation; Sheehan, Sheehan & Stelzner, P.A. (Maureen Reed)
- k) Request for Approval of Budget Adjustment Requests for Water Division. (Brian Snyder and Maya Martinez)
- l) Request for Approval of Service Agreement – City's Land Mobile Radio System; Motorola. (Thomas Williams)
- m) Request for Approval of Renewal of Comprehensive Insurance Program Coverage for City of Santa Fe; Willis of Arizona. (Henry Aranda)
 - 1) Request for Approval of Budget Increase – Risk and Safety Administrative Fund.
- n) Request for Approval of Budgets for Buckman Direct Diversion Project for Fiscal Year Ending June 30, 2009 and Fiscal Year Ending June 30, 2010. (Teresita Garcia)
- o) Request for Approval of Water Rights Purchase Agreement – Sale of Water Rights; Henriquez I. Tenorio and Veronica Tenorio. (Dale Lyons)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

- p) Request for Approval of Water Rights Purchase Agreement – Sale of Water Rights; Ray and Lorraine Baca Family Trust. (Dale Lyons)
- q) Request for Approval of Revised City of Santa Fe Investment Policy. (Helene Hausman)
- r) Request for Approval of Sole Source Procurement and Professional Services Agreement – CNC Support of E1 Systems; Stratech Consulting, Inc. (Thomas Williams)
- s) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Romero and Councilor Wurzbarger)
A Resolution Directing Staff to Apply for a 6 Month Extension to an Existing Municipal Arterial Program Funding Agreement Between the New Mexico Department of Transportation and the City of Santa Fe for the Old Pecos Trail Reconstruction Project – Cordova Road to Berger Street. (John Romero)
 - 1) Request for Approval of Municipal Arterial Program Funding Agreement Six Month Extension – Old Pecos Trail Reconstruction Project – Cordova Road to Berger Street; New Mexico Department of Transportation. (John Romero)
- t) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Trujillo)
A Resolution in Support of the Rodeo Road Median Landscaping Project Funded from the American Recovery and Reinvestment Act of 2009 Through a Cooperative Project Agreement with the New Mexico Department of Transportation. (Eric Martinez)
 - 1) Request for Approval of Cooperative Agreement – Rodeo Road Median Landscaping Project Appropriations from American Recovery and Reinvestment Act of 2009; New Mexico Department of Transportation. (Eric Martinez)
 - 2) Request for Approval of Budget Increase – Project Fund.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

- u) CONSIDERATION OF RESOLUTION NO. 2009-____. (Councilor Calvert)
A Resolution Authorizing the Allocation of Water Generated from Past City Conservation Initiative to the City's Affordable Housing Credit Pool. (Dale Lyons)
- 11. Request for Approval of AFSCME Collective Bargaining Agreement – Renegotiated Articles and Contract Amendments. (Kristine Kuebli)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

Discussion of Negotiations Concerning Purchase of College of Santa Fe, Pursuant to §10-15-1 (H) (8) NMSA 1978.

- 14. Request for Approval to Publish Notice of Public Hearing on July 29, 2009:
 - a) Bill No. 2009-35: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico College of Santa Fe Lease/Subordinate Lien Gross Receipts Tax Revenue Bonds, Series 2009 in an Aggregate Principal Amount not to Exceed \$30,000,000 for the Purpose of Defraying the Cost of Acquiring Land, Buildings and Other Property from the College of Santa Fe; Providing that the Bonds will be Payable and Collectible from Lease and Installment Payments from the Lessee/Purchaser of the Project and Certain Gross Receipts Tax Revenues Distributed to the City; Providing for the Disposition of the Receipts Derived from Lease and Installment Payments from the Lessee/Purchaser and the Gross Receipts Tax Revenues; Establishing the Form, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, an Official Statement and a Continuing Disclosure Undertaking in Connection with the Bonds; Providing that Certain Terms and Details of the Bonds will be Provided in a Subsequent Resolution of the Council; Ratifying Action Previously Taken in Connection with the Bonds; Repealing all Ordinances in Conflict Herewith; and Declaring an Emergency.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

- b) Bill No. 2009-36: Authorizing the Execution and Delivery of a Loan Agreement by and Among the City of Santa Fe and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount Not to Exceed \$30,000,000 for the Purpose of Defraying the Cost of Acquiring Land, Buildings and Other Property from The College of Santa Fe; Providing for the Payment of the Loan Agreement from Lease and Installment Payments Made by the Lessee/Purchaser of the Project and Certain Gross Receipts Tax Revenues Distributed to the City; Providing for the Distributions of Gross Receipts Tax Revenues from the Taxation and Revenue Department to be Redirected to the New Mexico Finance Authority or its Assigns Pursuant to an Intercept Agreement for the Payment of Principal and Interest Due on the Loan Agreement; Providing for the Funding of Loan Agreement Reserve Account; Providing for Maximum Net Effective Interest Rate; Providing for a Supplemental Resolution to be Subsequently Adopted Specifying Details of the Loan Agreement, Including the Net Effective Interest Rate; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept Agreement; and Declaring an Emergency.

15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR



Agenda REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Global Wines & Spirits of New Mexico, LLC for a Wholesaler (All Alcoholic Beverages) Liquor License to be located at Global Wines & Spirits of New Mexico, LLC, 821 W. San Mateo Road, Suite A. (Yolanda Y. Vigil)
- 2) Request from Galisteo 227 Bistro, LLC for a Restaurant (Beer & Wine On-Premise Consumption Only) Liquor License to be located at Galisteo Bistro, 227 Galisteo Street. (Yolanda Y. Vigil)
- 3) Request from Thai Café Enterprises Incorporated for a Restaurant (Beer & Wine On-Premise Consumption Only) Liquor License to be located at Thai Cafe, 329 W. San Francisco Street. (Yolanda Y. Vigil)
- 4) Request from Rio de Pecos Enterprises, LLC for a Transfer of Location of Retailer License #4026 from Pecos Canyon Station, Highway 63 - #86 Cowles Highway, Pecos, NM to Sunflower Farmers Market, 199 Paseo de Peralta. (Yolanda Y. Vigil)
- 5) Request from Victory Baking Company, Inc., for a Restaurant (Beer & Wine On-Premise Consumption Only) Liquor License to be located at Chocolate Maven Bakery and Café, 821 W. San Mateo Road, Suite C. (Yolanda Y. Vigil)
- 6) CONSIDERATION OF BILL NO. 2009-27: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Trujillo)
An Ordinance Ratifying a Lease of Approximately 1.57 Acres of Land Owned by the City of Santa Fe Located at The Santa Fe Municipal Airport. (Jim Montman)
 - a) Request for Approval of Lease Agreement – City Owned Land 1.57 Acres Located at Santa Fe Municipal Airport; Santa Fe Air Center, LLC.
 - b) Request for Landlord (City) Approval of “Second Supplemental Consent and Estoppel” for The Benefit of U.S. Bank National Association.



Agenda REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

- 7) CONSIDERATION OF BILL NO. 2009-25: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Trujillo)
An Ordinance Amending Article 24-4 SFCC 1987, The Santa Fe Traffic Operations Program or "Stop", Regarding Violations of the Traffic Code Detected by a Camera or Speed Device. (Anthony Robbin) **(Postponed at June 10, 2009)**
- 8) CONSIDERATION OF BILL NO. 2009-28: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Romero)
An Ordinance Amending Section 14-8.10 SFCC 1987 Establishing the Purpose of The Sign Code; Establishing Requirements for Electronic Messaging Signs; and Making Such Other Changes as are Necessary. (Jeanne Price)
- 9) CONSIDERATION OF BILL NO. 2008-12: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Chavez)
An Ordinance Creating a New Section 14-5.10 SFCC 1987 Regarding Neighborhood Conservation Overlay Districts; and Making Such Other Changes as are Necessary. (Jeanne Price) **(Postponed at March 11, 2009 City Council Meeting)**
- 10) CONSIDERATION OF RESOLUTION NO. 2009-_____.
Case #M 2008-35. 1413 Agua Fria Street General Plan Amendment. Derrick Archuleta, Agent for Richard MacLaurin and Kristen Lundgren, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 0.22± Acre from Low Density Residential (3-7 Dwelling Units Per Acre) to Office. The property is located on the north side of Agua Fria Street between Avenida Cristobal Colon and Hickox Street. (Lucas Cruse)
- 11) CONSIDERATION OF BILL NO. 2009-31: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #ZA 2008-14. 1413 Agua Fria Street Rezoning. Derrick Archuleta, Agent for Richard MacLaurin and Kristen Lundgren, Requests Rezoning of 0.22± Acre from R-5 (Residential, 5 Dwelling Units per Acre) to C-1 (Office and Related Commercial). The Property is Located on the North Side of Agua Fria Street between Avenida Cristobal Colon and Hickox Street. (Lucas Cruse)



Agenda REGULAR MEETING OF
THE GOVERNING BODY
JUNE 24, 2009
CITY COUNCIL CHAMBERS

- 12) CONSIDERATION OF BILL NO. 2009-29: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Wurzbarger)
An Ordinance Repealing Sections 14-8.11(G)(3), 14-8.13, 14-8.16 and 14-8.17 SFCC 1987 Regarding Annual Water Budget, Water Rights Transfer Requirements and Water Banking; Creating a New Section 14-8.13 SFCC 1987 Regarding Development Water Budget Requirements, a New Article 25-9 SFCC 1987 Regarding The City Water Budget, a New Article 25-10 SFCC 1987 Regarding The City Water Bank, a New Article 25-11 SFCC 1987 Regarding The Water Rights Transfer Program, and a New Article 25-12 SFCC 1987 Regarding the Water Conservation Credit Program; Making Such Other Related Changes as are Necessary. (Frank Katz)
(Postponed to July 29, 2009 City Council Meeting)

I. ADJOURN

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

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
June 24, 2009**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JUNE 10, 2009	Approved	4
<u>PRESENTATIONS</u>		
PROCLAMATION AND PRESENTATION OF 2009/2010 CITY POSTER – SANTA FE MARIACHI, LORI AGUIRRE SNABLE, ARTIST		4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF SERVICE AGREEMENT – CITY’S LAND MOBILE RADIO SYSTEM; MOTOROLA	Approved	4-5
REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CNC SUPPORT OF E1 SYSTEMS; STRATECH CONSULTING, INC.	Approved	5-6
CONSIDERATION OF RESOLUTION NO. 2009- 66 A RESOLUTION DIRECTING STAFF TO APPLY FOR A 6 MONTH EXTENSION TO AN EXISTING MUNICIPAL ARTERIAL PROGRAM FUNDING AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE CITY OF SANTA FE FOR THE OLD PECOS TRAIL RECONSTRUCTION PROJECT – CORDOVA ROAD TO BERGER STREET	Approved	6-7
REQUEST FOR APPROVAL OF MUNICIPAL ARTERIAL PROGRAM FUNDING AGREEMENT SIX MONTH EXTENSION – OLD PECOS TRAIL RECONSTRUCTION		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
PROJECT – CORDOVA ROAD TO BERGER STREET; NEW MEXICO DEPARTMENT OF TRANSPORTATION	Approved	6-7
***** END OF CONSENT CALENDAR DISCUSSION *****		
REQUEST FOR APPROVAL OF AFSCME COLLECTIVE BARGAINING AGREEMENT – RENEGOTIATED ARTICLES AND CONTRACT AMENDMENTS	Approved	7
MATTERS FROM THE CITY MANAGER	Information	8
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	8
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	8
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 29, 2009:		
BILL NO. 2009-35: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO COLLEGE OF SANTA FE LEASE/ SUBORDINATE LIEN GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/ PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ETC.	Approved	8-10

ITEM**ACTION****PAGE #**

BILL NO. 2009-36; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND AMONG THE CITY OF SANTA FE AND THE NEW MEXICO FINANCE AUTHORITY; EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING FOR THE PAYMENT OF THE LOAN AGREEMENT FROM LEASE AND INSTALLMENT PAYMENTS MADE BY THE LESSEE/PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ETC.

Approved

11

EVENING SESSION

CALL TO ORDER AND ROLL CALL

Quorum

12

PETITIONS FROM THE FLOOR

12

APPOINTMENTS

Planning Commission

Approved

12-13

PUBLIC HEARINGS

REQUEST FROM GLOBAL WINES & SPIRITS OF NEW MEXICO, LLC, FOR A WHOLESALE (ALL ALCOHOLIC BEVERAGES) LIQUOR LICENSE TO BE LOCATED AT GLOBAL WINES & SPIRITS OF NEW MEXICO, LLC, 821 W. SAN MATEO ROAD, SUITE A.

Approved

13-14

REQUEST FROM GALISTEO 227 BISTRO, LLC, FOR A RESTAURANT (BEER & WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT GALISTEO BISTRO, 227 GALISTEO STREET

Approved

14

REQUEST FROM THAI CAFÉ ENTERPRISES INCORPORATED FOR A RESTAURANT (BEER & WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT THAI CAFÉ, 329 W. SAN FRANCISCO STREET

Approved

14-15

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM RIO DE PECOS ENTERPRISES, LLC, FOR A TRANSFER OF LOCATION OF RETAILER LICENSE #4026 FROM PECOS CANYON STATION, HIGHWAY 63 – #86 COWLES HIGHWAY, PECOS, NM TO SUNFLOWER FARMERS MARKET, 199 PASEO DE PERALTA	Approved	15-17
REQUEST FROM VICTORY BAKING COMPANY, INC., FOR A RESTAURANT (BEER & WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT CHOCOLATE MAVEN BAKERY AND CAFÉ, 832 W. SAN MATEO ROAD, SUITE C	Approved	17
CONSIDERATION OF BILL NO. 2008-27; ADOPTION OF ORDINANCE NO. 2009- 27 . AN ORDINANCE RATIFYING A LEASE OF APPROXIMATELY 1.57 ACRES OF LAND OWNED BY THE CITY OF SANTA FE, LOCATED AT THE SANTA FE MUNICIPAL AIRPORT	Approved	17-18
REQUEST FOR APPROVAL OF LEASE AGREEMENT – CITY OWNED LAND 1.57 ACRES LOCATED AT SANTA FE MUNICIPAL AIRPORT; SANTA FE AIR CENTER, LLC	Approved	18
REQUEST FOR LANDLORD (CITY) APPROVAL OF “SECOND SUPPLEMENTAL CONSENT AND ESTOPPEL” FOR THE BENEFIT OF U.S. BANK NATIONAL ASSOCIATION	Approved	18-19
CONSIDERATION OF BILL NO. 2009-25; ADOPTION OF ORDINANCE NO. 2009- 28. AN ORDINANCE AMENDING ARTICLE 24-4 SFCC 1987, THE SANTA FE TRAFFIC OPERATIONS PROGRAM OR “STOP,” REGARDING VIOLATIONS OF THE TRAFFIC CODE DETECTED BY A CAMERA OR SPEED DEVICE	Approved	19-21
CONSIDERATION OF BILL NO. 2009-28; ADOPTION OF ORDINANCE NO. 2009-29 AN ORDINANCE AMENDING SECTION 14-8.10 SFCC 1987, ESTABLISHING THE PURPOSE OF THE SIGN CODE; ESTABLISHING REQUIREMENTS FOR ELECTRONIC MESSAGING SIGNS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Approved [amended]	21-25

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2009-____. <u>CASE #M 2008-35.</u> 1413 AGUA FRIA STREET GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR RICHARD MacLAURIN AND KRISTEN LUNDGREN, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.22± ACRE FROM LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF AGUA FRIA STREET BETWEEN AVENIDA CRISTOBAL COLON AND HICKOX STREET	Denied	26-29
CONSIDERATION OF BILL NO. 2009-28; ADOPTION OF ORDINANCE NO. 2009-____. <u>CASE #ZA 2008-18.</u> 1413 AGUA FRIA STREET REZONING. DERRICK ARCHULETA, AGENT FOR RICHARD MacLAURIN AND KRISTIN LUNDGREN, REQUESTS REZONING OF .22± ACRE FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED ON THE NORTH SIDE OF AGUA FRIA STREET BETWEEN AVENIDA CRISTOBAL COLON AND HICKOX STREET	Denied	29
CONSIDERATION OF BILL NO. 2009-12; ADOPTION OF ORDINANCE NO. 2009-30. AN ORDINANCE AMENDING SECTION 14-5-10 SFCC 1987, REGARDING NEIGHBORHOOD OVERLAY DISTRICTS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Approved [amended]	29-41
CONSIDERATION OF BILL NO. 2008-29; ADOPTION OF ORDINANCE NO. 2009-____. AN ORDINANCE REPEALING SECTIONS 14-8.11(G)(3), 14-8.13, 14-8.16 AND 14-8.17 SFCC 1987, REGARDING ANNUAL WATER BUDGET, WATER RIGHTS TRANSFER REQUIREMENTS AND WATER BANKING; CREATING A NEW SECTION 14-8.13 SFCC 1987 REGARDING DEVELOPMENT WATER BUDGET REQUIREMENTS, A NEW ARTICLE 25-9 SFCC 1987, ETC.	Postponed to 07/29/09	41
MATTERS FROM THE CITY CLERK	None	41

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	41-45
ADJOURN		45

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 24, 2009**

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 June 22, 2009, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

6. APPROVAL OF AGENDA

MOTION: Councilor Calvert moved, seconded by Councilor Chavez , to approve the agenda as amended.

VOTE: 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.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve the following Consent Calendar, as amended.

VOTE: 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.

- a) **BID NO. 09/33/B – ONE MACK TRUCK FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (BILL DeGRANDE)**
- b) **BID NO. 09/39/B – 2009 MOBILE CONCRETE DISPENSER FOR STREETS AND DRAINAGE MAINTENANCE DIVISION; CEMEN TECH, INC. (DAVID CATANACH)**
- c) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – FRANKLIN MILES PARK RESTROOM WATER LINE EXTENSION; SUBSURFACE CONTRACTING, INC. (MARY MacDONALD)**
- d) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – EAST APRON RECONSTRUCTION AND CONSTRUCTION ENGINEERING T SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION. (JIM MONTMAN)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES AT SANTA FE MUNICIPAL AIRPORT; MOLZEN-CORBIN & ASSOCIATES, INC. (JIM MONTMAN)**
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT MUNICIPAL PARKING FACILITIES; CHAVEZ SECURITY, INC. (WALTER ROYBAL)**
- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HOMEBUYER ASSISTANCE. (TED SWISHER)**
 - 1) **HOMEWISE.**
 - 2) **SANTA FE COMMUNITY HOUSING TRUST**

- h) **REQUEST FOR APPROVAL OF SOLAR POWER AND SERVICES AGREEMENT – RENEWABLE ENERGY PROJECTS AT CITY FACILITIES; SUNEDISON UTILITY SOLUTIONS, LLC. (NICK SCHIAVO)**
- i) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – ANIMAL HOUSING FACILITY SERVICES; SANTA FE ANIMAL SHELTER. (CHIEF ARIC WHEELER)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 6 TO LEGAL SERVICES AGREEMENT – HOSPITAL TANK REHABILITATION; SHEEHAN, SHEEHAN & STELZNER, P.A. (MAUREEN REED)**
- k) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUESTS FOR WATER DIVISION. (BRIAN SNYDER AND MAYA MARTINEZ)**
- l) *Removed for discussion by Councilor Calvert*
- m) **REQUEST FOR APPROVAL OF RENEWAL OF COMPREHENSIVE INSURANCE PROGRAM COVERAGE FOR CITY OF SANTA FE; WILLIS OF ARIZONA. (HENRY ARANDA)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – RISK AND SAFETY ADMINISTRATIVE FUND.**
- n) **REQUEST FOR APPROVAL OF BUDGETS FOR BUCKMAN DIRECT DIVERSION PROJECT FOR FISCAL YEAR ENDING JUNE 30, 2009 AND FISCAL YEAR ENDING JUNE 30, 2010. (TERESITA GARCIA)**
- o) **REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – SALE OF WATER RIGHTS; HENRIQUEZ L. TENORIO AND VERONICA TENORIO. (DALE LYONS)**
- p) **REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – SALE OF WATER RIGHTS; RAY AND LORRAINE BACA FAMILY TRUST. (DALE LYONS)**
- q) **REQUEST FOR APPROVAL OF REVISED CITY OF SANTA FE INVESTMENT POLICY. (HELENE HAUSMAN)**
- r) *[Removed for discussion by Councilor Calvert]*
- s) *[Removed for discussion by Councilor Trujillo]*
- t) **CONSIDERATION OF RESOLUTION NO. 2009- 64 (COUNCILOR TRUJILLO). A RESOLUTION IN SUPPORT OF THE RODEO ROAD MEDIAN LANDSCAPING PROJECT FUNDED FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT**

OF 2009 THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ERIC MARTINEZ)

1) REQUEST FOR APPROVAL OF COOPERATIVE AGREEMENT – RODEO ROAD MEDIAN LANDSCAPING PROJECT APPROPRIATIONS FROM AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ERIC MARTINEZ)

2) REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.

u) CONSIDERATION OF RESOLUTION NO. 2009- 65 (COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE ALLOCATION OF WATER GENERATED FROM PAST CITY CONSERVATION INITIATIVE TO THE CITY’S AFFORDABLE HOUSING CREDIT POOL. (DALE LYONS)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JUNE 10, 2009

MOTION: Councilor Dominguez moved, seconded by Councilor Chavez, to approve the minutes of the Council meeting of June 10, 2009, as presented.

VOTE: 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.

9. PRESENTATIONS

a) PROCLAMATION AND PRESENTATION OF 2009/2010 CITY POSTER – SANTA FE MARIACHI, LORI AGUIRRE SNABLE, ARTIST.

Julie Bystrom, Project Specialist with the Arts Commission, presented this year’s winner, artist Lori Aguirre Snable.

Ms. Snable thanked the City for this honor, saying Fiesta is very special to her, especially the mariachis. She hopes the painting and poster will be successful in conveying the spirit of Santa Fe during the 400th Anniversary Celebration of this unique and wonderful City.

Ms. Bystrom presented her with a check for \$1,000.00.

Mayor Coss read the proclamation into the record, and congratulated Ms. Snable on her winning poster.

CONSENT CALENDAR DISCUSSION

10 (l) REQUEST FOR APPROVAL OF SERVICE AGREEMENT – CITY’S LAND MOBILE RADIO SYSTEM; MOTOROLA. (THOMAS WILLIAMS)

Councilor Calvert said the Finance Committee had asked for the dollar amount spent on this contract for the current fiscal year. Mr. Thomas said the current contract with Motorola is \$83,111.64.

Councilor Calvert said, then this increased approximately \$5,000, and Mr. Williams said this is correct.

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve this request.

VOTE: 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.

10 (r) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CNC SUPPORT OF E1 SYSTEMS; STRATECH CONSULTING, INC. (THOMAS WILLIAMS)

Councilor Calvert said the Finance Committee needed some information corrected before we could vote on this measure, noting the Committee wanted to know what was included in the contract and what was not in the contract.

Mr. Millican said the question was how much of the services by Stratek in May and June were paid by Leverage, and how much would apply to this contract. Staff has determined that \$58,000 remains unbilled on this contract, and during the period \$70,000 was billed through Leverage. He and Mr. Williams have been unable to determine how much, if any of the Stratek money was attributed to this contract and whether the service has been performed.

Mr. Williams said the scope of services for the contract pending approval is for the technical support phase of the system which was just implemented. Stratek worked as a subcontractor with the primary vendor Leverage on implementation. He said there is a clear division between implementation and support and training going forward.

Councilor Calvert asked if the previous contract is covered by an appropriation and if it will be billed on this one.

Mr. Millican said the staff is preparing an analysis. He said staff has concluded that it is better to process all pay increases or changes in the old system, rather than trying to do that as we convert the new system, and this will require an additional request for an appropriation which will go to Finance at the first meeting in July 2009.

Councilor Calvert clarified that the request will be for additional funds on the old contract, and this will not be used for the previous contract and is strictly for technical support in the new contract.

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to approve this request.

VOTE: 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.

10 (s) CONSIDERATION OF RESOLUTION NO. 2009- 66 (COUNCILOR ROMERO AND COUNCILOR WURZBURGER). (A RESOLUTION DIRECTING STAFF TO APPLY FOR A 6 MONTH EXTENSION TO AN EXISTING MUNICIPAL ARTERIAL PROGRAM FUNDING AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE CITY OF SANTA FE FOR THE OLD PECOS TRAIL RECONSTRUCTION PROJECT – CORDOVA ROAD TO BERGER STREET. (JOHN ROMERO)

1) REQUEST FOR APPROVAL OF MUNICIPAL ARTERIAL PROGRAM FUNDING AGREEMENT SIX MONTH EXTENSION – OLD PECOS TRAIL RECONSTRUCTION PROJECT – CORDOVA ROAD TO BERGER STREET; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JOHN ROMERO)

Councilor Trujillo asked why we are asking for a six month extension.

Robert Romero said this project has had a fairly long life. Six months ago they held a public meeting, and changed the scope based on public input. Previously, they were going to make some operational improvement, capacity enhancing improvement, at the intersection, but they aren't going to do this now. He was concerned that these MAP funds were specifically for the intersection improvements. He has been working with DOT and will be adding a left turn lane at the Children's Museum. He said it was necessary to change the agreement so we could use the funding to pay for the left turn lane, versus capacity enhancements at the intersection. He said this is MAP Amendment No. 3, so this may be the third extension. He said the project will be under construction in the next few months and will be complete by this December.

Councilor Trujillo said his concern is that we don't lose these funds.

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, to adopt Resolution No. 2009-66.

VOTE: 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.

Councilor Wurzbarger thanked staff because this was a very long process of renegotiating what the community wanted, and staff did a great in helping us get through this.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL OF AFSCME COLLECTIVE BARGAINING AGREEMENT – RENEGOTIATED ARTICLES AND CONTRACT AMENDMENTS. (KRISTINE KUEBLI)

Chris Ortega said they are here this evening requesting approval of the agreement which management has reached with AFSCME on the three negotiated articles – 15, 26 and 33 – which are in the packet.

Daniel Trujillo, AFSCME, said he is here to answer questions

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve this request, with the observation that she believes the City has gone as far as we can at this point, and we are going to have to see what to do next.

DISCUSSION: Councilor Bushee asked if the employees' PERA is impacted by the furlough.

Kristine Kuebli said they confirmed with PERA Deputy Director Mary Frederick, that it will not negatively impact the employees' PERA, actually will provide a .25 benefit for the employees, and it virtually is a wash, although employees benefit by one-quarter of one percent in their PERA. They receive full credit for every month.

Mr. Trujillo said language is included to provide for part timers who will not work less than 20 hours per week..

Mayor Coss thanked both bargaining committees for some very difficult negotiations, both the work of the union and the management bargaining team on this.

VOTE: 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 he missed all the action, but congratulations to management and staff, and he votes yes.

12. MATTERS FROM THE CITY MANAGER

Mr. Buller said today the Firefighters union ratified its contract which will be coming shortly to this body for review. The Police Officer' Association is still in negotiations.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

DISCUSSION OF NEGOTIATIONS CONCERNING PURCHASE OF COLLEGE OF SANTA FE, PURSUANT TO §10-15-1(H)(8) NMSA 1978.

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of discussion of the negotiations concerning the purchase of the College of Santa Fe, pursuant to §10-15-1(H)(8).

VOTE: 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.

The Council went into Executive Session at 5:40 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:55 p.m. Councilor Chavez moved, seconded by Councilor Wurzburger, 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.

VOTE: 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 no one voting against.

14. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 29, 2009:

- a) **BILL NO. 2009-35: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO COLLEGE OF SANTA FE LEASE/SUBORDINATE LIEN GROSS RECEIPTS TAX REVENUE BONDS, SERIES 2009 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND**

OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM THE LEASE AND INSTALLMENT PAYMENTS FROM THE LESSEE/PURCHASER AND THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND UNDERTAKING IN CONNECTION WITH THE BONDS; PROVIDING THAT CERTAIN TERMS AND DETAILS OF THE BONDS WILL BE PROVIDED IN A SUBSEQUENT RESOLUTION OF THE COUNCIL; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to approve this request.

DISCUSSION: Councilor Ortiz asked the timeline for this ordinance.

Mr. Millican said there will be hearings on July 8 and July 29, but not the public hearing regarding the debt sale, because that would not happen until the 29th.

Councilor Ortiz said the \$30 million is greater than any of the amounts we've heard before in Executive Session. He said we were given the explanation for how they arrived at the \$30 million, but we weren't given the financial details on this \$30 million – the uses.

Councilor Ortiz said he wants this on both Finance Committee agendas, because it wasn't on the draft agenda that he saw for next week. He wants this on the draft agenda for Finance the following week, and to the extent possible, he wants full information included in that discussion. He said this can be a public hearing, but he will ask the Committee members what they want to do. He also wants information regarding the lease. He said in Executive Session they were told that there were a number of different things that have been agreed upon, and a number of different things that are still "sticking." He said they weren't given any information in writing, but were just told this. He wants to make sure have that information and that information is being disseminated to the public.

Councilor Ortiz said there was talk in the Executive Session of what is being expected in terms of the current enrollment for the College of Santa Fe which is 250 students.

Mr. Millican said he doesn't have the pro forma before him.

Councilor Ortiz noted that they didn't get a pro forma either, which is part of the problem.

Mr. Millican said the expectation is that they would open the semester with 100 students and would grow to 250 in the second semester.

Councilor Ortiz asked the number of employees they will have at opening and in the second semester.

Mr. Millican said he will have to get that information to him.

Councilor Ortiz wants this information at the Finance Committee meeting on Monday.

Mr. Millican said he believes he can do that, noting the next two Finance Committee meetings are June 29, and July 20, 2009, respectively.

Councilor Ortiz asked if this will be on both agendas.

Mayor Coss said it will be.

Councilor Bushee said the number has changed, and asked the debt service if the City goes forward alone on the \$30 million.

Mr. Millican said we would only go to \$30 million if we saw an interest rate that would allow the expected rent payment from Laureate to support the \$30 million.

Councilor Bushee asked what is the debt service on \$30 million at a projected rate with which you've been dealing with bond counsel.

Mr. Millican said the debt issues which we have considered to this point is a 7% interest rate on a 26 year term, with one year debt service reserve, is roughly \$28 million, so increase this by 10% if the interest rate didn't change, so the \$2.350 million debt payment would increase by \$235,000.

Councilor Bushee said then the annual debt payment is \$2.6 million annually.

Mr. Millican said staff would not recommend a debt at that level unless it was covered by the rent payment. He said the \$30 million is a maximum that anticipates that between now and the time the debt is sold that interest rates could change and the structure offered by NMFA could be different.

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

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

Against: Councilor Bushee

Explaining her vote: Councilor Bushee voted no, saying she has not been given the confidence or assurances that the City should bond for \$30 million at this juncture. She isn't saying this project or property is not a worthy pursuit, but she is saying the City is going it alone at this juncture. She doesn't have assurances in writing with regard to the State's money with regard to Laureate's commitments. She is uncomfortable and thinks this is premature.

- b) **BILL NO. 2009-36; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND AMONG THE CITY OF SANTA FE AND THE NEW MEXICO FINANCE AUTHORITY; EVIDENCING A SPECIAL, LIMITED OBLIGATION OF THE CITY TO PAY A PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING LAND, BUILDINGS AND OTHER PROPERTY FROM THE COLLEGE OF SANTA FE; PROVIDING FOR THE PAYMENT OF THE LOAN AGREEMENT FROM LEASE AND INSTALLMENT PAYMENTS MADE BY THE LESSEE/PURCHASER OF THE PROJECT AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISTRIBUTIONS OF GROSS RECEIPTS TAX REVENUES FROM THE TAXATION AND REVENUE DEPARTMENT TO BE REDIRECTED TO THE NEW MEXICO FINANCE AUTHORITY OR ITS ASSIGNS, PURSUANT TO AN INTERCEPT AGREEMENT FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON THE LOAN AGREEMENT; PROVIDING FOR THE FUNDING OF LOAN AGREEMENT RESERVE ACCOUNT; PROVIDING FOR MAXIMUM NET EFFECTIVE INTEREST RATE; PROVIDING FOR A SUPPLEMENTAL RESOLUTION TO BE SUBSEQUENTLY ADOPTED SPECIFYING DETAILS OF THE LOAN AGREEMENT, INCLUDING THE NET EFFECTIVE INTEREST RATE; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT AND INTERCEPT AGREEMENT; AND DECLARING AN EMERGENCY.**

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee and Councilor Ortiz.

Mayor Coss moved Items #15 and #16 to the end of the Evening Session.

END OF AFTERNOON SESSION AT 6:59 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

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

F. PETITIONS FROM THE FLOOR

Stefanie Beninato, 604 ½ Galisteo, said, "I'm asking from the floor that the Council urge the City Manager and the City Attorney to seriously consider the settlement proposal that I have put forward. I keep getting told that next week I'll hear something, I don't. I believe that given the financial crisis the City's in, that the City should make every attempt to negotiate the settlement's lawsuits to avoid the cost of going to Court. It is proven that entities save money by doing negotiated settlements, rather than going through to lawsuits. In the case of my public records request, I think it's very clear that I waited over a year to get certain letters from outsiders to the City, and I have never received those, so I think I have a fairly strong case there. And, although we disagree on the appeal, I think I have a pretty strong case there, too. So, again I think I've made a very reasonable offer to the City, well under whatever they could possibly be spending to go to Court, and again, I would ask that you would urge the City Manager and the City Attorney to sit down and negotiate with me. Thank you."

G. APPOINTMENTS

Planning Commission

Mayor Coss made the following appointments to the Planning Commission:

Dolores I. Vigil – term ending 06/2011;
Reuben D. Montes – Reappointment – term ending 06/2011;
Matthew O'Reilly – Reappointment – term ending 06/2011;
John M. Salazar – Reappointment – term ending 06/2011; and
Angela Schackel Bordegaray – Reappointment – term ending 06/2011.

MOTION: Councilor Chavez moved, seconded by Councilor Romero, to approve these appointments.

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

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

Against: None

Absent: Councilor Bushee.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM GLOBAL WINES & SPIRITS OF NEW MEXICO, LLC, FOR A WHOLESALE (ALL ALCOHOLIC BEVERAGES) LIQUOR LICENSE TO BE LOCATED AT GLOBAL WINES & SPIRITS OF NEW MEXICO, LLC, 821 W. SAN MATEO ROAD, SUITE A. (YOLANDA Y. VIGIL)**

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

Public Hearing

There was no one speaking for or against this request.

John Silver, attorney for Global Wines & Spirits was sworn. Mr. Silver said he is here as attorney for Global Wines & Spirits, noting the President of Global is here to answer any questions.

The Public Hearing was closed

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

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

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

Against: None.

Absent: Councilor Bushee.

- 2) **REQUEST FROM GALISTEO 227 BISTRO, LLC, FOR A RESTAURANT (BEER & WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT GALISTEO BISTRO, 227 GALISTEO STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the location is not within 300 feet of a church or school, and staff is recommending 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

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee and Councilor Ortiz.

- 3) **REQUEST FROM THAI CAFÉ ENTERPRISES INCORPORATED FOR A RESTAURANT (BEER & WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT THAI CAFÉ, 329 W. SAN FRANCISCO STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the location is not within 300 feet of a church or school, and staff is recommending that this business be required to comply with all City Ordinances. Ms. Vigil noted that there currently is a liquor licence at this location, but it is owned by another entity. The

current owners have added new individuals and formed another entity, therefore requiring this resubmittal of their application. .

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee.

- 4) **REQUEST FROM RIO DE PECOS ENTERPRISES, LLC, FOR A TRANSFER OF LOCATION OF RETAILER LICENSE #4026 FROM PECOS CANYON STATION, HIGHWAY 63 – #86 COWLES HIGHWAY, PECOS, NM TO SUNFLOWER FARMERS MARKET, 199 PASEO DE PERALTA. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the business is not within 300 feet of a church or school and staff is recommending 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 Ortiz said during the past two weeks, as he was driving to the City Hall, he saw a sign saying there is some kind of labor dispute with Sunflower Market, and asked the representatives to address this issue.

Suzanne Odom, Montgomery & Andrews, was sworn. Ms. Odom said the signs you are seeing are about a labor dispute that even "the people can't describe what it's about, that it has absolutely nothing

to do with this license. From what I understand, it has something to do with the construction management company, but it has nothing to do with Sunflower Farmers Market.

Councilor Ortiz said then it has nothing to do with the actual operation of the market, and has everything to do with the contractor that Sunflower hired that refuses to have carpenters in the shop.

Ms. Odom said she is not aware that this is the dispute.

Councilor Ortiz asked her if she is aware of any part of the dispute.

Ms. Odom said she is not aware that that is the dispute.

Councilor Ortiz asked her if she is aware of any part of the dispute.

Ms. Odom said she is not aware of exactly what the dispute is, noting questions have been asked of the people who are picketing, and they couldn't explain what the dispute is about.

Councilor Ortiz asked if those picketing are with a particular union.

Ms. Odom said she doesn't know. She said Dave Bicket, the New Mexico Regional Director is in attendance as well.

Dave Bicket, New Mexico Regional Director, Sunflower Farmers Market, was sworn.

Councilor Ortiz asked Mr. Bicket if he knows whether the people picketing are affiliated with any kind of union.

Mr. Bicket said he believes they are affiliated with a particular union, but they have not done business with its union. He said their Legal in Colorado has tried to pursue some answers as to why they're picketing, but they can't give answers. He said Sunflower's customers have called them as well, and they can't seem to be able to give anybody answers to why they're out there. He said he doesn't believe they have done business with them in the past.

Councilor Ortiz asked who they are, and Mr. Bicket said they don't know, and can't get answers from them.

Councilor Ortiz asked if they have identified a bargaining representative for themselves, and Mr. Bicket said no.

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee.

- 5) **REQUEST FROM VICTORY BAKING COMPANY, INC., FOR A RESTAURANT (BEER & WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT CHOCOLATE MAVEN BAKERY AND CAFÉ, 821 W. SAN MATEO ROAD, SUITE C. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, noting the location is not within 300 feet of a church or school, and 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

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

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

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

Against: None.

Absent: Councilor Bushee and Councilor Dominguez.

- 6) **CONSIDERATION OF BILL NO. 2008-27; ADOPTION OF ORDINANCE NO. 2009- 27 (COUNCILOR TRUJILLO). AN ORDINANCE RATIFYING A LEASE OF APPROXIMATELY 1.57 ACRES OF LAND OWNED BY THE CITY OF SANTA FE, LOCATED AT THE SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)**

Jim Montman presented information regarding this matter to the Governing Body.

Items 6, 6(a) and 6(b) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2009-27.

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

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

Against: None.

Absent: Councilor Bushee and Councilor Dominguez.

- a) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – CITY OWNED LAND
1.57 ACRES LOCATED AT SANTA FE MUNICIPAL AIRPORT; SANTA FE AIR
CENTER, LLC.**

MOTION: Councilor Chavez moved, seconded by Councilor Trujillo, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee and Councilor Dominguez.

- b) **REQUEST FOR LANDLORD (CITY) APPROVAL OF “SECOND
SUPPLEMENTAL CONSENT AND ESTOPPEL” FOR THE BENEFIT OF U.S.
BANK NATIONAL ASSOCIATION.**

MOTION: Councilor Trujillo moved, seconded by Councilor Chavez, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee and Councilor Dominguez.

- 7) **CONSIDERATION OF BILL NO. 2009-25; ADOPTION OF ORDINANCE NO. 2009-28 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLE 24-4 SFCC 1987, THE SANTA FE TRAFFIC OPERATIONS PROGRAM OR "STOP," REGARDING VIOLATIONS OF THE TRAFFIC CODE DETECTED BY A CAMERA OR SPEED DEVICE. (ANTHONY ROBBIN) (Postponed at June 10, 2009 Council meeting)**

Captain Anthony Robbin presented information regarding this matter to the Governing Body, noting the proposed amendment by Councilor Ortiz, which is in the Council packet, saying staff requests approval of the amendment.

Public Hearing

Lisa Law, 811 Ninita Street, asked if this bill is to adopt a violations of traffic code detected a camera and speed device on the stop lights – are we about to pass a bill saying we can have these cameras.

Mayor Coss said that bill was passed previously, and the Council is about to pass a bill which makes the City ordinance consistent with the new State law passed by the last Legislature.

Ms. Law said then she can't speak against the ordinance because it will be extremely costly to the City.

Mayor Coss told Ms. Law she has three minutes to say whatever she would like.

Ms. Law said she is familiar with the cost of this effort in California, which is extremely costly, and doesn't believe this is a good idea for the City of Santa Fe.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Wurzburger, to adopt Ordinance No. 2009-28.

DISCUSSION: Councilor Chavez said intersections were chosen which are concentrated for the most part

in one part of the City. He asked if those locations were chosen because they are failing intersections, or because there's a high instance of accidents at those intersections.

Captain Robbins said these are the four worst intersections for crashes within the City and the reason they were chosen.

Councilor Chavez asked if it is fair to have all of them on one end of town, and he believes there are other intersections which would be comparable to those selected, and asked the reason the choice was made to focus only on these and not spread it around more.

Captain Robbins said they wanted to reduce the angle crashes at the highest crash intersections within the City and these four happen to be on Cerrillos Road. He said part of the program is to reduce injuries and crashes at intersections, and these four were chosen strictly on the high crash rate, and it wasn't about numbers of violations.

Councilor Trujillo said the ordinance does allow us to choose up to 20 different intersections, and the Police Department will be keeping statistics at all City intersections, and add others as deemed necessary.

Councilor Chavez said this is only if the revenue keeps coming in, if it's about public safety and not about revenue.

Councilor Trujillo said we keep saying its about revenue, but it's not. It's about the safety of this community, noting he was in a crash.

Councilor Chavez said it is about revenue, because we're talking bout revenue sharing.

Councilor Trujillo said no, this was the "State's deal" to take 50% of the money, and we agreed to it. He said if it was our revenue, he would have gone to the State to argue. He said this is about people running red lights, people who think their time is more important than others. He said he agrees with the cell phone ban ordinance 100%, but people don't obey that law.

Councilor Chavez said people don't obey half of the traffic laws we have, and enforcement is always a problem. He said if it is about public safety, and this works as a deterrent and changes peoples' behavior, then it's no longer need and the revenue will not be there to put cameras in different parts of town.

Councilor Trujillo noted the contract was reduced to four years, instead of five. He said it has worked in Albuquerque and he believes it will work here, commenting that people already are changing their habits because they think the cameras are operative now.

CLARIFICATION OF MOTION: Yolanda Vigil asked Councilor Trujillo if his motion includes the amendment in the packet, and Councilor Trujillo said that it does.

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

For: Councilor Calvert, Councilor Romero, Councilor Trujillo, Councilor Wurzbarger, and Mayor Coss voting because five votes are needed to adopt an ordinance.

Against: Councilor Chavez, Councilor Dominguez and Councilor Ortiz.

Absent: Councilor Bushee

Explaining his vote: Councilor Dominguez said he is voting no to be consistent with his disagreement with the contracts, although he believes the intent is absolutely correct. He is unsure about the contract as written, and therefore votes no.

Explaining his vote: Councilor Ortiz said he has seen this ordinance twice and has voted against it each time. He votes against it, not because of the safety aspects in it and not because there conceivably is an argument that the cameras on the red lights will cause a decrease in accidents. His objection is twofold. We're not just doing it for the red light cameras, we will also have a speed van and set up speed traps and the revenues will go primarily to an out of state corporation in Arizona. He said it is for these reasons that he has always opposed it, and to remain consistent with his position, he has to vote no.

Councilor Trujillo thanked Captain Robbins for his work over the past two years on this ordinance. He said, to Councilor Ortiz, these aren't speed traps and there will be signs prior to the speed lens.

8) CONSIDERATION OF BILL NO. 2009-28; ADOPTION OF ORDINANCE NO. 2009-29 (COUNCILOR ROMERO). AN ORDINANCE AMENDING SECTION 14-8.10 SFCC 1987, ESTABLISHING THE PURPOSE OF THE SIGN CODE; ESTABLISHING REQUIREMENTS FOR ELECTRONIC MESSAGING SIGNS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (JEANNE PRICE)

Jeanne Price presented information regarding this matter to the Governing Body from her Memorandum of May 4, 2009, which is in the Council packet.

Public Hearing

Stephanie Beninato said she supports this ordinance, and it is important, especially in the Historic District, not to have these electronic signs. However, her understanding is that is just on the outside of the building, and people can get around it by putting the sign on the inside, and believes it needs to be more inclusive, especially in the H-District, because there are several neon signs in the H-District which are incongruous, but are inside the building in the window and take away from the esthetics of the H-District. She urged adoption of the ordinance, but to regulate signs inside the window as well.

Rick Martinez, 725 Macia Road, likes the ordinance, saying if it's good enough for the East side and the historic districts, he believes it is good enough for the rest of the City.

The Public Hearing was closed

MOTION: Councilor Romero moved, seconded by Councilor Chavez, to adopt Ordinance No. 2009-29.

FRIENDLY AMENDMENT: Councilor Calvert said on page 4 of the ordinance, in paragraph V, it says one-half hour before sunset and one half hour after sunrise, and in paragraph IV the term dusk and dawn are used. He proposed to amend the ordinance to use the terminology in Paragraph V, because it is more precise. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

FRIENDLY AMENDMENT: Councilor Calvert would like to amend the ordinance, for night sky preservation and energy conservation, to insert language providing that signs will be lit with LED, compact florescent or similar energy conserving lighting. Councilor Chavez is concerned that florescent lighting might not meet the same standards, and would like the language to say this is encouraged. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS**

FRIENDLY AMENDMENT: Councilor Calvert would like to amend the ordinance to require that the lights are turned off when the business is closed to conserve energy.

DISCUSSION ON THE FRIENDLY AMENDMENT: Councilor Romero asked Ms. Price if it is okay to include this, or has it already been included in some way, and Ms. Price deferred to the City Attorney.

Mr. Katz said his concern about this is that we don't require someone with a non-electronic sign, with one message "forever," to turn those off at night when the business is closed, and he is concerned about a discrimination here.

Councilor Calvert said there are different types of signs and there is a choice. If you want something which is visible all the time, but not very good at night because it isn't lit, then you can go with that sign. If you want something which is lit which will be distracting or have other consequences, then there is a slightly separate, slightly distinguishing type of rule.

Mr. Katz said this deals only with electronic messaging signs, where the message can change. He said someone could have a sign which is illuminated, but it never changes and the letters are backlit, and those people aren't required to turn their lights out. He said if you want to do it for all of them, then that concern goes away for him.

THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.

DISCUSSION ON THE MOTION AS AMENDED: Councilor Dominguez asked how this pertains to Santa Fe Public Schools which has a number of illuminated signs, and asked whether or not the City has jurisdiction over the Schools. He said the Schools have lots of information to give, and it isn't just one piece of information. It is a series of pieces of information which need to be given. He asked how this ordinance impacts or affects the Schools.

Mr. Katz believes it does affect them, and believes it does apply to the Schools, although he suspects the Schools don't think so.

Councilor Romero said last night Kaune's school met, and discussed what its sign would look like, and based on the neighborhood concerns, they decided to limit the size of the sign when it would be lit, and that it would turn off at a certain time. She believes the Schools would be willing to work with the City

Councilor Dominguez said, as written, the Ordinance would prohibit the Schools from changing the message more than once every 24 hours. He believes there may be instances during the school day where they need to get out more than one piece of information. He would like to allow the schools to make changes just during the daytime, and at night the sign is turned off.

Councilor Romero asked Ms. Price if the schools changes its message more than once a day, saying this hasn't been her observation.

Ms. Price said in the Elementary School the message is only once a day, but she believes Santa Fe High's is a reader board on the wall, as well as DeVargas's. She said this ordinance would require them to freeze the message in the frame.

Councilor Romero said, similar to other safety issues the City has been addressing, one of the elements of this ordinance is around safety and distraction of drivers which is created by these kinds of messaging boards. Her preference is that if one of the key elements of the ordinance is around safety, it seems that those are distractions and the schools would obey, commenting that she doesn't see that it hinders the schools in any way from getting its message to the public.

Councilor Dominguez agrees. However, there are times when there is a lock-down and they need to get information to the public quickly, or school is letting out early for whatever reason. He said aside from activities the Schools want to advertise, they need to have the ability to get pertinent information out as quickly as possible. He doesn't want to under play the issues of safety, but sometimes the lack of ability to communicate can be a detriment as well.

FRIENDLY AMENDMENT: Councilor Dominguez proposed an amendment to allow the schools to give out more than one piece of information a day.

DISCUSSION ON THE FRIENDLY AMENDMENT: Councilor Romero asked if that would be on an emergency or special circumstance basis.

Councilor Dominguez said no, because he doesn't know what constitutes an emergency.

Mayor Coss suggested on an emergency or special circumstance basis.

Councilor Romero said emergency or special circumstance addresses what he is talking about.

Councilor Chavez said there are different ways to communicate and different ways to get the message out. He said the signage you see on the side of the building, is going to be read mostly by people who are passing by the school. He is unsure the information is going to be relative to that segment of the population. He is unsure they would need to announce a lock-down. If is early dismissal, you would think they would have to pick up the phone and let parents know, if they are available. He said if we accept this, we are going to have to have some kind of an MOU from the School which says it accepts the ordinance and understands that it is for safety purposes. He doesn't want to second guess what the Schools may need, and the MOU could tell us that when they need to use the emergency or special exception. He doesn't want to speak for the School or the School Board.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND WITH THE PROVISIO THAT WE NEED TO COMMUNICATE THIS ORDINANCE TO THE SCHOOL BOARD AND WORK ON THE MOU. THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.

Councilor Trujillo asked what if there are competing events on Friday and Saturday, noting the High School marquee also has graphics, and asked if this ordinance will prevent that. Ms. Price said this is correct.

Councilor Trujillo asked about the sign at Genoveva Chavez which announces various events.

Councilor Romero asked Ms. Price if her experience that Genoveva Chavez Center has the rotating signs with more than two activities.

Ms. Price said the Genoveva Chavez Center has limited its message to what is visible on its board at one time every 24-hours, so they have complied with the ordinance, and the sign no longer changes.

Councilor Trujillo noted a sign will be put at Kearney and he wants a time limit for the operation of the sign.

Councilor Romero said we are going to be hearing an ordinance on neighborhood planning NCODs later this evening, and these are great opportunities for the neighborhoods to come together with the Schools to decide about these things, noting this issue arose in the Casa Linda neighborhood planning efforts. She believes the Schools are willing to work with the neighbors on the kind and timing of signage, and believes this is an opportunity to get an understanding for the Schools to draft an MOU.

FRIENDLY AMENDMENT Councilor Ortiz would like to amend the motion to provide for a six month review on this bill, noting this is a straightforward bill about regulating an use that is right in its ascendency, if you believe the reasons to pass this bill. He said we should have a clear understanding of the impact within six

months or not. Councilor Romero believes six months is arbitrary as opposed to one year or eighteen months. Responding to Councilor Ortiz, Councilor Romero said she couldn't define the rationale for either one. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

MOTION: Councilor Ortiz moved, seconded by Councilor Trujillo, to amend the motion to do a six month review on the ordinance.

VOTE: The motion to amend was approved on the following Roll Call Vote:

For: Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzburger.

Against: Councilor Romero and Councilor Chavez.

Absent: Councilor Bushee.

VOTE: The main motion, as amended, was approved on the following Roll Call Vote:

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

Against: Councilor Trujillo and Councilor Dominguez.

Absent: Councilor Bushee.

Explaining vote: Councilor Dominguez said he is going to vote no, because he believes we are placing a public entity in the same standard as private, and this is not necessarily the intent.

MOTION: Councilor Chavez moved, seconded by Councilor Calvert, to hear Items H(10) and H(11) next on the agenda, and to approve the agenda as amended.

VOTE: The motion was approved on a voice vote, with Councilors Calvert, Chavez, Dominguez, Ortiz, Romero and Trujillo voting in favor of the motion, Councilor Wurzburger voting against, and Councilor Bushee absent.

- 10) **CONSIDERATION OF RESOLUTION NO. 2009- ____ . CASE #M 2008-35. 1413 AGUA FRIA STREET GENERAL PLAN AMENDMENT. DERRICK ARCHULETA, AGENT FOR RICHARD MacLAURIN AND KRISTEN LUNDGREN, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.22± ACRE FROM LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) TO OFFICE. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF AGUA FRIA STREET BETWEEN AVENIDA CRISTOBAL COLON AND HICKOX STREET. (LUCAS CRUSE)**

Items H(10) and H(11) were combined for purpose of presentation, public hearing and discussion, but were voted upon separately.

Memorandum dated June 15, 2009, for the City Council Meeting of June 24, 2009, with attachments, to City Council, from Lucas Cruise, Senior Planner, is incorporated herewith to these minutes as Exhibit "1."

The staff report was presented by Lucas Cruse which is contained in Exhibit "1."

RECOMMENDATIONS:

Case #M-2008-35. 1413 Agua Fria Street General Plan Amendment, and Case #ZA-2008-14, 1413 Agua Fria Street Rezoning.

On February 5, 2009, the Planning Commission moved to recommend the City Council deny the requested General Plan Amendment and Rezoning. [Minutes & Findings in Exhibit B]

Staff recommends denial of the requests for General Plan Amendment and Rezoning.

Public Hearing

All those speaking were sworn en masse

Presentation by the Applicant

Derrick Archuleta, P.O. Box 25911, Albuquerque, NM 87125, agent for the applicants, was sworn. Mr. Archuleta presented information using the overhead projector. He said the application is to rezone the property to C-1 which also necessitates the need for a General Plan amendment to reflect the underlying proposed use. He said the applicants are local business owners who are interested in having a home occupation. Mr. MacLaurin is a local contractor and Ms. Lundgren is an interior decorator. He said, unfortunately, they definitely exceed the requirements of home occupation, and even though they will be living in the house, they would not meet the minimum 25% which would allow them to follow the home occupation requirements, which is the reason this application is before you,

Mr. Archuleta said, throughout the process, staff has had concerns with the inconsistencies with the general plan, future land use designation, and the zoning for surrounding properties, even though there is a concentration of uses as well as zoning in this immediate area. Within the immediate area, there are a variety of zonings such as R-7 PUD, C2 PUD, C2, RM PUD and most recently, three blocks away, this body approved a rezone for the same thing, R5 to C1. The general plan itself calls for mixed uses, provide a mixed use of land uses in all areas of the City, it describes uses as more advantageous to the community in addition to the policies of infill development and the disbursement of housing options. For these particular reasons, they feel the proposed land use and zoning is not inconsistent and completely appropriate for this particular portion of the City.

Mr. Archuleta said another concern, and basis for the denial, is that the proposed application for general plan amendment and rezone would affect a single small portion or single property. The map along the corridor and probably numerous other locations along Agua Fria, show there have been rezones and general plan amendment approvals for one single property. Although the size of property seems to be the focus, it is the intent of the general plan to respond to changing conditions and to be a fluid document. The General Plan also has policies that cover urban form, which intend to promote a compact and urban form. The intent of the supporting compact and urban form is to minimize distances between different parts of the City, between job centers and residential areas. This particular property is very close to public transportation, existing infrastructure, center of the City, along a major corridor, adjacent to existing mixed uses of not only residential but also commercial activity.

Mr. Archuleta said the proposed zone change is for the benefit of a single property owner and not the community at large. This particular staff concern throughout the process has not been a major concern of the community, based on the amount of neighborhood support they've gotten. He said, as you see in the packet, the applicants have had overwhelming neighborhood support for this, and most specifically by those properties that are directly affected by this zone change have no problem with it. It's also reflected by no attendance at the ENN. In terms of community support beyond this, you also have in the packet, comments from City staff, the individuals responsible to be sure the applications going through the City process are serving the best interest of the entire City, and there hasn't been any concern beyond that.

Councilor Bushee arrived at the meeting

Mr. Archuleta said staff also mentioned the ability to accommodate access and easement. He said they have been working with a site plan person to help them to assure that they will be able to accommodate that, but they want to ensure that zone change and general plan amendment have been taken care of before proceeding with accommodating commercial requirements.

Those speaking to the request

Lucille Gallegos, 1417 Agua Fria [previously sworn] said she is opposing that this would be changed from residential to commercial, and wants it to stay residential. She has lived there all her life, and it has always been residential. She is concerned about the traffic that this would bring. She said the

Agua Fria Nursery has its own private parking, which would not impact them. However, this would bring traffic to the back areas where they live – into their back yard.

Bob Pennington, 1407 Agua Fria [previously sworn], said he owns and operates the Agua Fria Nursery which was mentioned previously. He is here to speak in favor of the requested zoning change so they can build a home office where they are. If they can't, ultimately they will end up with more houses, and there will be even more commotion later in the evening, rather than less. The applicants' property abuts his, and they have been excellent neighbors and a new asset to the community. He said to grant them the change would be a positive addition to the community. He said Agua Fria as a street already has many mixed uses. He said in their block there is Critters and Me, across the street is a flooring store, Trinney's market was on the corner of Agua Fria and Baca for years, and the Agua Fria Nursery. Within the same block there is a daycare center and a home office recording studio. There is a lot of history of mixed uses in this block alone. He said the mixed uses extend back to the time when this was part of Mexico and there was a roadhouse across the street which figured historically in the execution of a former New Mexico Governor. Additionally, the Council permitted the development of the LaJoya Street project which is on the other side of his property, which includes many work/live situations. He respectfully requested the Council favorably consider their request and believes it is a reasonable use of the land.

The Public Hearing was Closed

MOTION: Councilor Chavez moved, seconded by Councilor Dominguez, to support staff's recommendation and deny this request.

DISCUSSION: Councilor Chavez stated that in this case, the applicant could have done a better job on two points. The ENN meeting was held at the Santa Fe Public Library, but believes the ENN needs to accommodate the neighborhood and make it easier for them to attend. There are places in the area where the ENN meetings can be held. Councilor Chavez said he did drive by the property, and the yellow poster was on the porch and not on the fence that abuts Agua Fria, and most of the traffic won't see that from Agua Street. He said he couldn't slow enough to really get a look at it. These are his reason for the denial in addition to staff's recommendation.

Councilor Dominguez asked about the 20 ft. access road, and if this was a condition of the lot split. Mr. Archuleta said this is correct. Councilor Ortiz said in looking at the map, everything surrounding the subject property is zoned low density. Mr. Archuleta said this is correct.

FRIENDLY AMENDMENT: Councilor Dominguez is unsure how the applicant or the City would define immediate, but in his opinion there really aren't any zoning designations immediate to the property which are consistent with the property and those are part of the Findings identified which are in the packet. He believes the Findings of Fact and Conclusions of Law need to be included as part of the motion. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS**

Councilor Calvert clarified that the motion includes the Findings of Fact and Conclusion of Law from the Planning Commission..

VOTE: 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, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

- 11) **CONSIDERATION OF BILL NO. 2009-28; ADOPTION OF ORDINANCE NO. 2009- ____.**
CASE #ZA 2008-18. 1413 AGUA FRIA STREET REZONING. DERRICK ARCHULETA,
AGENT FOR RICHARD MacLAURIN AND KRISTIN LUNDGREN, REQUESTS
REZONING OF .22± ACRE FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE)
TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED ON
THE NORTH SIDE OF AGUA FRIA STREET BETWEEN AVENIDA CRISTOBAL COLON
AND HICKOX STREET. (LUCAS CRUSE)

MOTION: Councilor Chavez moved, seconded by Councilor Dominguez, to support staff's recommendation and to deny this request and accept the Findings of Fact and Conclusions of Law from the Planning Commission.

VOTE: 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.

- 9) **CONSIDERATION OF BILL NO. 2009-12; ADOPTION OF ORDINANCE NO. 2009-30**
(COUNCILOR CHAVEZ). AN ORDINANCE AMENDING SECTION 14-5-10 SFCC 1987,
REGARDING NEIGHBORHOOD OVERLAY DISTRICTS; AND MAKING SUCH OTHER
CHANGES AS ARE NECESSARY. (JEANNE PRICE) (Postponed at March 11, 2009
City Council Meeting)

A copy of a handout prepared with attached amendments proposed by Councilor Romero, is incorporated herewith to these amendments as Exhibit "2."

A copy of a proposed amendment submitted by Councilor Wurzbarger, is incorporate herewith to these amendments as Exhibit "3."

A copy of a proposed amendment submitted by Councilor Chavez, is incorporated herewith to these minutes as Exhibit "4."

A statement for the record submitted by Carla Romero, is incorporated herewith to these minutes as Exhibit "5."

Jeanne Price presented information regarding this matter to the Governing Body, noting the following in the Committee packet:

- Councilor Chavez's original bill; and
- Councilor Romero's amendments which establish a procedure for preparing a neighborhood plan as a step prior to the rezoning creating a neighborhood conservation overlay district;

She noted the following items were placed on the Councilors' desks prior to the meeting:

- *An updated version of Councilor Romero's amendment sheet which was in the packet, and the differences between what was in the packet and the update is to simplify the vote for the neighborhood ballot approving the neighborhood plan, and simplifies it that 50% of the property owners would need to approve the neighborhood plan and sets up an 18 month review of this ordinance, both the neighborhood plan provisions and the neighborhood conservation district provisions [Exhibit "2"];*
- An amendment proposed by Councilor Wurzbarger which requires the neighborhood plan to follow City-wide policies and priorities [Exhibit "3"]; and
- An amendment sheet proposed by Councilor Chavez which is an amendment to Councilor Romero's Amendment in Exhibit "2" [Exhibit "4"]. She explained two pieces of that amendment:
 1. The first amendment provides more detail on the steering committee, provided that the Land Use Director would formally appoint the steering committee from those nominated by the neighborhood, so a little more detail on that.
 2. This is a two-step amendment, but one concept where, should a neighborhood plan come to the City Land Use Department and within 60 days the City is unable to begin the actual process of adopting the neighborhood plan, the neighborhood would not have the neighborhood plan, and proceed to the original provisions of the bill from Councilor Chavez allowing the neighborhood to petition and go through the Neighborhood Conservation Ordinance steps.

Ms. Price said there are amendments from Public Works and a staff clarification amendment in the packet.

Councilor Bushee asked if "they're unable to start within 60 days, does there need to be a specified reason, and do they get to then skip that process."

Ms. Prices said this would be if the City is unable to start the adoption of the neighborhood plan, that the Neighborhood Conservation District Ordinance as originally proposed by Councilor Chavez, would now be the procedure. There would still be a petition of at least 50% and then go on to the 67% and all the original steps that we had.

Councilor Bushee said her question is the reason the City would be unable to begin the process.

Councilor Chavez said over the last year and a half, because of budget and time constraints on staff, we don't have the available resources to spend on the neighborhood plans that might be coming forward. He said not every neighborhood will need to go through the full blown neighborhood plan if they only want to focus on one or two issues relating to land use. In this case, if they are allowed to move forward, they still need 67% support to do the Conservation Overlay District, which is a pretty high threshold, so it doesn't give them a free pass to go to the Neighborhood Conservation Overlay District. They still have to go through the full process outlined by the Ordinance and get 67% support to get this done.

Councilor Bushee said, "Three following it, says the following procedure shall apply."

Councilor Chavez said this is correct and those are the policies he mentioned earlier, that they would still have to petition, go through the whole process, and gather 67% support to move that forward, noting this is in the original ordinance.

Councilor Bushee asked Councilor Chavez what is the piece that the City would have to sanction which he feels that we can't do because we don't have staff – the review, assistance – noting we are planning to fill the Neighborhood Planner position.

Responding to Councilor Bushee, Ms. Price again detailed what happens if the City is unable to move forward on the plan within 60 days.

Councilor Bushee said, "Then it's going to now allow, I guess this thing with yellow on it... it disavows that." Responding to Councilor Chavez, Councilor Bushee said, "Well, this here is about a neighborhood plan process."

Councilor Chavez said they can still go through the process, and the only change made there is on line 8 on the first page, so they can still go through the neighborhood planning process, and reiterated the "only thing that we changed on this are the things that are highlighted in yellow."

Ms. Price noted the acceptance of the petition starts the 60 days, so this is very specific.

Councilor Wurzbarger said the responsibility is really put on the neighborhood to do the plan and she likes that, and thinks there has been great evolution and we won't be caught in a 1½ year process because we didn't have a planner to go out into the community to do the plan. She said she still is unclear on what basis the City is unable to begin the process for adopting the plan once it's been done by the community – because of the way it is written.

Ms. Price said, "Where we're sticking this sixty days is in paragraph (d) of Councilor Romero's first portion, where it's acceptance of the petition, so in the neighborhood planning process, if they have 40% of the neighborhood signs petitions, they submit that. Then, it's in the hands of the City to accept the petition by reviewing the boundaries, making recommended changes, appointing formally the steering committee members, verify that it's complied with the things it need to comply with. The Land Use Director may prioritize the process, based on resources. But, if they haven't been able to do that part within 60 days, then they move directly to their own NCOD."

Public Hearing

Robert Hake, 2068 Calle Sombra, said he is mystified how complicated something simple can become, but he supposes it is necessary to fit within Chapter 14 which also is mystifying to him. He said adding to Chapter 14 in any way to protect the neighborhood is good. He said it is difficult to pull a neighborhood together in any fashion and it generally falls on 1-2 people to do this. He said it is good to have something to hand to the neighborhood in gathering support. He said many things he's done was in an adversarial and confrontational position against developers and staff, and he has relied on the good intentions of the Councilors and support of people such as Rick Martinez to see a change that could develop. He said what a neighborhood wants is what they have and they don't want it torn apart by something from the outside. He believes getting 45% signatures would be fairly easy. He said giving the City Planning Department the ability to appoint a steering committee sounds political to him. He commented on the current situation where there isn't a planner to support the neighborhood. He likes the idea of any changes being made which are necessary. He supports this as a beginning to codify something in Chapter 14 that "tells neighborhoods we're on your side and we would like to help you make any changes palatable which is important and a step in the right direction."

Carla Romero 2068 Calle Sombra, read her statement into the record in favor of the Ordinance, and submitted it for the record [Exhibit "5"].

Karen Heldmeyer, 325 E. Berger, said there were more people here this evening, but they had to leave for various reasons. She said we have heard about the specifics and she wants to talk about the process. She supports the preservation of existing neighborhoods. She said it may or may not be a core belief. She said we haven't had an open public discussion about the core beliefs and ideas about what we want for the neighborhoods in the City. She said if you support neighborhood preservation, you might or might not agree with the specifics in this ordinance, which is okay. She said the Planning Commission

supported the general philosophy, but wanted to change some of the details. The Planning Commission formed a task force which worked quickly and hard to get the changes they wanted, some she agreed to, while others were more bureaucratic, but she agreed with those as well in the spirit of compromise. She thanked those who Chaired the Planning Commission over this period of time, Chair Gonzales and Chair O'Reilly for their work. She said public discussion would be a good thing, but since the last postponement, there has been very little public discussion. Councilor Heldmeyer said Councilor Romero wants a totally different approach, and while she doesn't agree with that approach, she thanks her for at least looking into this.

Former Councilor Heldmeyer said this has been "dragged out" for almost two years. The ordinance needs certainty and resolution. She doesn't want to see a process which drags things out forever. She said, "if you're talking about a process where you have to have a complete full-blown neighborhood plan before you can look at a neighborhood conservation district, your own staff report says minimum two years for a full blown neighborhood plan, and that's if it's really a bottom up, from the grass roots kind of plan. It suggests that it might take even longer if what you have is a top down, imposed upon the neighborhood, plan. And something that's going to take two years before you can even ask, pretty please, Council can I have a neighborhood conservation district, is basically just a symbolic gesture. A gesture saying, you know, we like neighborhoods, we really do, and do all this work, spend all this time. Oh, and by the way, we may not have any money or people to help you."

Former Councilor Heldmeyer continued, "And I think the questions that were asked about the section about the power that's given to the head of Planning & Land Use, who in the Romero version, can pick the people on the steering committee, doesn't even say the people on the steering committee have to live in the neighborhood, can also change the boundaries, delay the whole thing, not only if there's not resources, but if it's for the general good of the City, whatever the heck that is. I mean, this is not something that's going to encourage people to participate. Because, they're gonna say, as many people have said to me in emails in the last couple of days, it's the same old thing. It's the same old thing. Everybody says they like neighborhoods, they want to help neighborhoods, they want to protect neighborhoods, but when it comes down to concrete action, it doesn't happen."

Former Councilor Heldmeyer continued, "As I said, there may be changes in this bill that you are more comfortable with and you're the Council. That's fine. But, if you're going to pass something, make sure it's something that is real, that is actually going to provide neighborhoods the protection that they need, because, if this goes along for several years, they're not going to need that protection. They're going to be gone, a lot of them, and they know it. A few of them are gone already, and all of you have areas in your district that are being affected by this. Whether it's because the train's coming through, or there's pressure for million dollar casitas, whatever the problem is in your particular district. People are crying out. And those of you who are running for office, or thinking of running for office and have run polls, and I know some of you have, know that this is a crucial issue for people in this city and they feel like they're not being listened to on this issue, and so, do something real. At this point, I'm not particularly wedded to any particular thing, but it's got to be real and it can't just be a nice pat, pat pat symbolic gesture, because we've had way too many of those already."

The Public Hearing was closed

MOTION: Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-30, creating a new Section 14-5.10 SFCC regarding Neighborhood Conservation Overlay Districts as are necessary.

FRIENDLY AMENDMENT: Councilor Chavez said he would like to focus on the amendment sheets, first the neighborhood plan process highlighted in yellow, and the changes made in that document are on line 8, and Section C Review and Report, which requests an 18 month review, and requested that the entire process on page 1 be friendly to the second. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COUNCIL.**

FRIENDLY AMENDMENT: Councilor Chavez asked the Council to look at Councilor Romero's amendments [Exhibit "2"] and his proposed amendments [Exhibit "4"], which have 3 points and adds or changes the language to Councilor Romero's 3-page amendment sheet [Exhibit "2"]. Councilor Chavez asked to incorporate the amendments in Exhibits "2" and "4," as well as the amendments proposed by Councilor Wurzbarger [Exhibit "3"], Staff and the Public Works Committee which are in the Council packets. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Dominguez asked if the NCOD will appeal a decision to the Planning Commission.

Ms. Price said as written, it will appeal to the Board of Adjustment. Responding to Councilor Dominguez, Ms. Price said the Governing Body sets the costs for all appeals, but she doesn't know that fee. She said there is a difference between a variance and an appeal, and explained the difference, noting there is a fee to file for a variance.

DIRECTION TO STAFF: Councilor Dominguez would like, as a part of the 18 month review, that this is something to pay particular attention to. **THE DIRECTION TO STAFF WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Ortiz asked if the Public Works amendments struck the language that 10 parcels is a neighborhood and inserted language in lieu that 2 city blocks equals a neighborhood.

Ms. Price said Public Works Amendment #4 was to delete the original and insert language, "At a minimum, a Neighborhood Conservation Overlay District shall include all residentially zoned parcels within an area no less than two city blocks or four block faces unless the Land Use Director determines that the blocks are unusually long or that the neighborhood characteristics are significantly different within the blocks."

Councilor Ortiz said then it deletes c(1) and incorporates (b) into the amendment, and Ms. Price said it replaces all of c(1) both (a) and (b) with the Public Works amendment.

Councilor Ortiz asked if all versions of this bill have been related to residential parcels, noting there are commercial uses within residential neighborhoods.

Ms. Price said the Public Works amendment addresses only residential zone parcels.

Councilor Ortiz said one of the amendments from Public Works is they were going to add uses to structures as one of the allowable portions and Ms. Price said this is correct.

Councilor Ortiz said he would have opposed this bill on 10 parcels being a neighborhood, because 10 parcels, a cul de sac or a street are not a neighborhood, but 2 city blocks does come closer. He asked if it is conceivable that a neighborhood plan could be conceived and adopted which talks about prohibiting uses in an area within the district that has commercial uses – can a neighborhood come up with a plan which outlaws commercial uses within a neighborhood which has residential and commercial parcels within it.

Ms. Price said if those were uses and not zoning. For example, the commercial use was located on a residentially zoned parcel, that commercial use would still be covered by the neighborhood conservation district, but they would have a non-conforming use.

Councilor Ortiz said then a neighborhood conservation district could set this up – a restriction on commercial uses, irrespective of the underlying zoning.

Ms. Price quoted from Page 6, paragraph 2, of the ordinance, "Neighborhood Conservation Overlay Districts may regulate the following: (a) Building design including, but not limited to, scale, mass; and distinctive architectural characteristics, such as front porches, height or roof styles; (b) Streetscape including, but not limited to, lot frontage; fences, walls, parking, lighting and landscaping..."

Councilor Ortiz pointed out that the Public Works amendment on page 3, line 15, and page 3, line 16, provides "after the word "structure," to add the words "or use." He asked if this is conflicting language, noting this is the public works amendment which was accepted as friendly.

Mr. Price doesn't believe there is conflicting language because it could have a non-conforming use.

Councilor Ortiz said his question still stands: Is it conceivable that in a district, if there could be a prohibition on commercial uses for commercial parcels.

Ms. Price said if the Neighborhood Conservation District prohibited commercial uses, which means new commercial uses and not non-conforming ones, if someone wanted to rezone to commercial, it would be necessary to amend the boundaries of this Neighborhood Conservation District.

Councilor Ortiz said then it would be the responsibility of the affected property owner to either amend the Neighborhood Plan or do the rezoning, and they wouldn't be able to continue a non-conforming use if the neighborhood plan has prohibited it.

Ms. Price said no, it works basically the same as the regular zoning district, so if it is non-conforming to the current residential zoning, and it is non-conforming to the Neighborhood Conservation District, it can continue under the *non-conforming rules, noting there are rules*. She said if they want to go to C-1, they could come to the City for a rezoning, but they would have to deal with the Neighborhood Conservation District as an amendment to it.

Councilor Ortiz said then if a use is allowed as a non-conforming use, the Neighborhood Plan cannot address, or touch or prohibit that non-conforming use.

Ms. Price said yes, because there was an amendment that any structure or use located in a district which doesn't meet the requirements of the new Neighborhood Conservation District, are considered non-conforming, just like they would be under regular zoning.

Councilor Ortiz said then the District has to be at least two City blocks, and Ms. Price said it is whatever was said in Public Works.

Councilor Ortiz asked how we decided on two City blocks being a neighborhood.

Councilor Chavez said it is just a starting point and it can be expanded if he would like. He said ultimately it is up to the neighborhood, as they organize, to determine, with staff, where the boundaries really need to be. He thinks it is a little arbitrary for some neighborhoods, but believes the boundaries will be defined if we are able to adopt this, and will be done in a bottom up process.

Councilor Ortiz said, as he understands the process, if he has a 5 acre parcel within a neighborhood, that he has one vote. If his neighborhood is zoned R-5, people with 1/4 acre lots all have one vote. Ms. Price said each property owner gets one vote per residential parcel.

Councilor Ortiz said it is necessary to have 40% of the owners who want to do a plan. If accepted, then the larger, more comprehensive, more ground-up process proposed by Councilor Romero, will get initiated. Ms. Price said this is correct.

Councilor Ortiz said if we accept Councilor Chavez's amendments, if there is a sort of "pocket veto," by the Land Use Director, that project can still proceed through a Neighborhood Conservation District procedure, as originally described in the bill. Responding to Councilor Ortiz, Ms. Price said it starts with a petition by 50%, and then goes to a final vote which requires 2/3 of the property owners or 67% .

Councilor Bushee asked if the uses are defined. She asked how home occupations will be treated as uses.

Ms. Price said the Neighborhood Conservation District can't deal with home occupations, and can't supersede the basic home occupation rules.

Councilor Bushee asked what uses can be regulated and are applicable under this ordinance.

Ms. Price said at one point we would say those would be prohibiting commercial uses.

Councilor Bushee said that would only discourage people thinking of a rezoning.

Ms. Price said the NCOD is not to be used as a substitute for covenants. She said animals are allowed everywhere, for example.

Councilor Bushee is concerned about keeping this provision, saying she is unsure what it is giving, other than the illusion that we're going to restrict something.

Councilor Bushee said given the current staffing in the LUD, who would take this up.

Mr. Hiatt said, given any circumstance of staffing, they follow policy adopted by the Governing Body. He said in whatever form the Governing Body adopts this Ordinance, they would staff it. If there is no neighborhood planner on board, he would use one of the other Senior planners to assist. He said the Neighborhood Planner is the person he would anticipate doing this, when and if that person is hired.

Councilor Bushee asked who would do this, if the Neighborhood Planner isn't hired.

Mr. Hiatt said there are five different senior planners and managers available, and he would choose whoever who has time available, or the least work load at the time.

Councilor Bushee reiterated she is concerned about "uses," and that we have a real handle on that and what uses we intend to restrict.

Councilor Chavez said it is his understanding that the Neighborhood Conservation Overlay District will not trump any ordinances on the current books related to home occupation or having small farm animals.

Councilor Bushee said nobody has pointed to a use that it would restrict.

Mayor Coss said the language says to him, that if a conservation district is adopted and the district expressly said they don't want commercial use, it would set up an additional hurdle to rezone a residential parcel to commercial.

Ms. Price said she doesn't think the Public Works amendment deals with the uses as something the Neighborhood District can regulate, and the amendments are for structures and uses which have to do with non-conforming which she thinks is important to include.

FRIENDLY AMENDMENT: Councilor Bushee said perhaps the motion should be amended to say non-conforming uses. Ms. Price said it does where it is placed. Councilor Chavez said it would be legal, non-conforming. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Wurzbarger said she is stuck on the selection of the steering committee, noting she believes it is an anathema for a neighborhood group to have to come to the City to apply to have a committee appointed by the Planning Director. She suggested changing the language under the neighborhood plan process, where it says that 40% of the residents petition the Land Use Department for a neighborhood plan and included in the petition is the designation of the steering committee, which should be chosen by the neighborhood.

Councilor Chavez said his amendment proposes, "The Land Use Director shall formally appoint the steering committee nominated by the neighborhood..."

Councilor Wurzbarger said she inserted that under the process where it provides you send in your petition with the names of the steering committee.

Councilor Chavez said that would take the Land Use Director out of the equation and the steering committee doesn't have to be appointed, and they will be volunteering.

Councilor Romero said her experience from Casa Linda is that those who are self-appointed may not be the appropriate people to lead the group. She believes steering committees are important to help guide the process to help do some of the work. She said if there had been more vetting they would have people who had lived in the neighborhood since 1952. She disagrees with a self-appointed steering committee.

Councilor Chavez believes the neighborhood should identify the steering committee.

Councilor Wurzbarger believes it is the role of the City, based on experiences we collect over time, to suggest criteria, and believes it is the responsibility of the neighborhood to send names forward and keep the process going at the neighborhood level.

FRIENDLY AMENDMENT: Councilor Wurzbarger said the language she is suggesting is on page 11, under the neighborhood plan process A(1), "40+% of property owners in a neighborhood petition Land Use Department (LUD) for neighborhood plan. Included in this petition is a list of the neighborhood steering committee who will be running the process." Councilor Romero asked if these are based on criteria. Councilor Wurzbarger said this is the next thing she wants to talk about.

DISCUSSION ON THE FRIENDLY AMENDMENT: Ms. Price said Councilor Romero's amendment talks about that, and Step #3 on that same petition are the names and contact information for the steering committee of no less than five people to work with the LUD.

Councilor Bushee said she doesn't feel it is the Land Use Director's job to decide and determine who are the self-appointed leaders, and this should be done by the neighborhood.

AMENDED FRIENDLY AMENDMENT: Ms. Price suggested amending Councilor Romero's amendment, Section (3)(d)(ii) as follows: ~~"The Land Use Director shall formally appoint the steering committee members."~~ She suggested striking Councilor Chavez's amendment #1 dealing with the appointment of the steering committee members by the Land Use Director. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

DIRECTION TO STAFF: Councilor Wurzbarger said it seems that the purpose of the neighborhood planner is to be a facilitator, and the planner isn't going to write or collect the plan, and the neighborhood is going to do this. The first step in the process is to come up with a template of the kinds of things you need to consider in deciding on a neighborhood plan. She said then there could be a meeting with, for example, ten neighborhood groups at one time and provide that information. She said we need to move toward a role of technical assistance and moving more toward having a public meeting with 10-30 neighborhoods to get the process moving forward. She doesn't know how to put that into "here," but it is a way of saying that the process needs to be set up right away in a manner that can do many more than one plan per year. She would like this as a condition of the entire ordinance. Councilor Chavez believes this could be part of the 18 month review. **THE DIRECTION TO STAFF WAS ACCEPTED AS FRIENDLY BY THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED. Councilor Bushee believes this is achievable if driven from the bottom up, and "these folks" are in charge. She said there are some neighborhood plans in place, but unenforceable because those are treated like covenants.

Councilor Wurzbarger said, under lessons learned, item #4, page 18 of the packet, it suggests that we require neighborhood boundaries as sufficient to include many zoning types and classifications, such as multi-family, residential, commercial, mixed use, etc., and avoid subdivision of single zone, and avoid provision for public facilities. She said all of the other lessons learned, described by Mr. Nicholson were incorporated into the ordinance, and asked where this was incorporated. She asked if this is superseded with the change to two blocks.

Mayor Coss believes it only applies to residential parcels right now.

Councilor Romero believes those were strictly lessons learned specific to the Casa Linda neighborhood which didn't have much commercial. She believes the encouragement was for NCODs to be more diverse. She doesn't believe it needs to be included in the neighborhood planning effort, and it is specific to the NCOD which should be diverse and include commercial, a variety of uses.

Councilor Wurzbarger presumes we will have administrative guidelines as to how to go about doing this, but this might be the appropriate place to look at that point, noting it is a good point.

Councilor Trujillo said he is concerned there will be neighborhoods which could be in conflict with each other, and spoke about neighborhoods in his District.

Ms. Price said the Public Works amendment means, even if you split two different neighborhoods, on each side, each neighborhood would have to meet the minimum area of no less than two city blocks, with four block faces. Responding to Councilor Calvert, Ms. Price said a City block is defined as between streets, intersections of streets. She said, for example, on Siringo one was to the north and one was to the south, both sides, if they wanted to be independent neighborhoods and have their own rules, would have to be large enough going north and south to meet the definition under the Public Works amendment.

Councilor Trujillo said there are cross streets where he believes there could be conflicts, such as one wanting two-story houses and the other not wanting two-story houses. Ms. Price said there could be a street that splits with one neighborhood district on one side and one on the other with completely different rules, provided that each neighborhood district is large enough to meet the definition, and each would do its own thing.

Councilor Trujillo said then there would be a conflict, and Ms. Price said yes.

Councilor Romero asked, for example, if one district already had a two-story house, nothing can be done about that. She asked if the zoning allows two-stories, if the NCOD would allow the two-story because the underlying zoning allows for two-story in a particular area.

Ms. Price said if the NCOD says no more stories, and this is what the Council approves after the public hearing – after everything is done – it could happen that they would then make the existing two-story non-conforming and no new two-story house could be built.

Councilor Romero said it could, but it is after all of the steps and after it has been approved by the Council, noting there are a whole lot of steps even after the NCOD, so there is still a stop-gap measure within the Council to say no, or a particular district to say this doesn't make sense for this district, based on what the neighbors have all "come out of the woodwork" to say. She said the NCOD is based on what the neighborhood thinks is important, but then the stop gap is the Council.

FRIENDLY AMENDMENT: Councilor Ortiz would like to amend Public Works amendment #4 on page 15 of the packet, as follows: "(1)... Land Use Director determines that the blocks are unusually long or short or that..." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

FRIENDLY AMENDMENT: Councilor Ortiz would like to amend the ordinance on Ordinance page 7, noting there is a new (3)(a) and subsequent renumbering, and would like to amend language as follows: "~~(a)~~ (b) Dwelling units marketed to or occupied by any certain income, including but not limited to any residential units covered or proposed under the City's Homes Program." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

VOTE: 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, Councilor Trujillo, and Councilor Wurzburger.

Against: None.

Mayor Coss thanked Councilors Chavez and Romero, Jeannie Price and all the community members who worked on this, and Councilor Heldmeyer for being with the City through this two-year process.

- 12) **CONSIDERATION OF BILL NO. 2008-29; ADOPTION OF ORDINANCE NO. 2009- ____ (COUNCILOR WURZBURGER). AN ORDINANCE REPEALING SECTIONS 14-8.11(G)(3), 14-8.13, 14-8.16 AND 14-8.17 SFCC 1987, REGARDING ANNUAL WATER BUDGET, WATER RIGHTS TRANSFER REQUIREMENTS AND WATER BANKING; CREATING A NEW SECTION 14-8.13 SFCC 1987 REGARDING DEVELOPMENT WATER BUDGET REQUIREMENTS, A NEW ARTICLE 25-9 SFCC 1987, REGARDING THE CITY WATER BUDGET, A NEW ARTICLE 25-10 SFCC 1987, REGARDING THE CITY WATER BANK, A NEW ARTICLE 25-11 SFCC 1987, REGARDING THE WATER RIGHTS TRANSFER PROGRAM, AND A NEW ARTICLE 25-12 SFCC 1987, REGARDING THE WATER CONSERVATION CREDIT PROGRAM; MAKING SUCH OTHER RELATED CHANGES AS ARE NECESSARY. (FRANK KATZ) (Postponed to July 29, 2009 City Council Meeting)**

This item is postponed to the meeting of July 29, 2009.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY.

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of June 24, 2009, is incorporated herewith to these minutes as Exhibit "6."

Councilor Calvert

Councilor Calvert said he is introducing a Resolution requesting the PRC to find that third party developers using solar power service agreements are not public utilities. A copy of the Resolution is

incorporated herewith to these minutes as Exhibit "7." Councilor Ortiz and Mayor Coss asked to cosponsor the Resolution.

Councilor Calvert said in Committee when Councilors request something before it gets to Council, that doesn't mean "five seconds before the gavel hits," and he would like those at least one day prior to the Council, so we aren't trying to do something "on the fly."

Councilor Dominguez

Councilor Dominguez said he had complaints about the noise in Las Acequias Park this weekend. The police showed up and the people had a permit to use the park, but they didn't have a noise permit. He said there has to be coordination between the Police Department and Code Enforcement to be sure things are taken care of in Parks.

Councilor Dominguez said the City has an MOU with the Schools, and the Cesar Chavez Park is really looking bad, and he is unsure what the use is now that school is out. He asked Mr. Buller to do whatever is possible to spruce up that park.

Councilor Dominguez wished a Happy 21st Birthday to his oldest son today.

Councilor Dominguez introduced a Resolution to prepare updated landscaping standards. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Wurzbarger

Councilor Wurzbarger said City Hall looks great, noting all the flowers which have been added.

Councilor Wurzbarger will be reporting, along with Sabrina Pratt, at the next Council meeting on the UNESCO network, noting at the UNESCO meeting, 16 cities world-wide were represented. This network is evolving into something which will be beneficial to Santa Fe.

Councilor Trujillo

Councilor Trujillo asked for an update on Franklin Miles Park, noting he is receiving calls as to when the construction will begin. He hopes construction will begin this month and will be complete by September 2009.

Councilor Trujillo asked if there is a chance that we could move the softball games back to Herb Martinez Park next year. He said residents on Las Casitas are complaining about people parking in their driveways and speeding in the area.

Councilor Ortiz

Councilor Ortiz said, "I wanted to let the Council know and they are invited. In light of what we passed, in terms of the budget, and in light of the report that came in that shows that we are short to close out the year, at the Finance Committee, we are going to have, as ongoing repeated items, starting next Monday, and I haven't gotten the draft agenda yet, we're going to track all three of the conditions that were passed by the Council. We are going to ask for the City Manager and the Finance Director to give updates, regular updates, on the contingency plan. As you know, the condition that was given was if the General fund drops 9% or if the mid-year forecast falls below 1%, and it seems to me like we're headed in that direction, so we should start sooner rather than later, that we need to have a budget contingency plan in place. I read in the paper the comments from the Finance Director on when he wants to come to Finance, and that's just another month away, and so we're going to start next Monday and we're going to continue every month on that item."

Councilor Ortiz continued, "We're also going to talk about the restructuring committee and have regular reports on what that organizational and service restructuring options are going to be. As you know, you are required to present to us, by the end of November, alternative approaches to how we have City Hall organized and examination of duplicated functions within City Hall which we've got and a centralized versus a decentralized approach."

Councilor Ortiz continued, "And the other thing that we're going to have, is we're going to have a report on those personal and professional service agreements. There was a condition added that for those that have balances of over \$25,000, that there is a request made to have a 5% reduction for the remaining work for the new fiscal year. And, so we're going to have a report on that next meeting and we're going to make sure that we have regular reports on all three conditions to see that we're in compliance. These are lean times and the Finance Committee is not going to take the kind of back seat that we've had in the past with regard to the budgets."

Councilor Ortiz continued, "I do want to say on the positive side, I'm also going to ask for an update on the status of our request to get out to our local vendors – that is to get some of the money that we have had, it's a resolution that we passed. And I want to see a status update on where we're at in regard to getting that money into local contractors and local vendors hands and the obstacles that we need to overcome, not just identify, but actually overcome to get some of those funds into the local economy."

Councilor Ortiz continued, "And, so with those three items and with the College of Santa Fe, hopefully we have more information that what we got in executive session on for public hearing. I think that we have a busy month ahead of us. And so, please, Finance Committee members, come."

Councilor Ortiz said Lucy Romero passed away after a number of health problems, and his heart and prayers go out to Lucille and family, commenting that she was a really wonderful lady and a parishioner at Santa Maria, as well as a State employee for many years.

Councilor Bushee

Councilor Bushee said she has had complaints around the SOFA event and others recently that the air conditioning is not functioning properly at the Community Convention Center, and that the parking garage closure policies have trapped people in the garage because the Flying Star closes at midnight and the garage closes at 9:45 p.m.

Councilor Bushee has a constituent who is interested in the Bridge of the Hidalgos on Grant and Rosario and would like the face plate on the CCA bridge updated/upgraded.

Councilor Romero

Councilor Romero thanked Jeannie for her great work on the NCOD, as well as the work done by Patrick while he was here..

Councilor Romero will be representing the City in Silver City on Friday for a presentation on the Green Building Code, and invited other Councilors to attend if they would like.

Councilor Romero will be cosponsoring a meeting with Senator Wirth, Representative Varela and NMDOT in July, regarding Rail Runner issues affecting hers and other neighborhoods.

Councilor Romero reminded people of the Increase in domestic violence, noting last year, she and Carol Horowitz prepared a Resolution to the Legislature to look at an Excise Tax on alcohol to help fund some of the domestic violence programs.

Councilor Romero suggested Councilors look at paying their own cell phone bills which she estimates would save the City approximately \$16,200 annually.

Councilor Romero said Alan Jordan passed away and he was actively involved in the community, and extended condolences to the family.

Councilor Chavez

Councilor thanked Jack Hiatt and Tamara Baer for helping with the Hickox neighborhood meeting.

Councilor Chavez spoke about the SOFA conflict between the organizers and the Community Gallery, noting the decision was made to ask the Community Gallery people to leave. He said we need clear policy on how the Gallery needs to function.

Councilor Chavez introduced an Ordinance amendment clarifying ownership of accessory dwelling

units and requiring recording of restrictive covenants for those units. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "9."

Mayor Coss

Mayor Coss congratulated the Rodeo on 60 successful years and asked everyone to attend the Rodeo this weekend.

Mayor Coss introduced two Resolutions as follows:

1. A Resolution declaring the 3rd full week in July as Spanish Arts and Culture Week. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
2. A Resolution declaring the 3rd full week of August as Indian Arts and Culture Week. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

H. ADJOURN

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

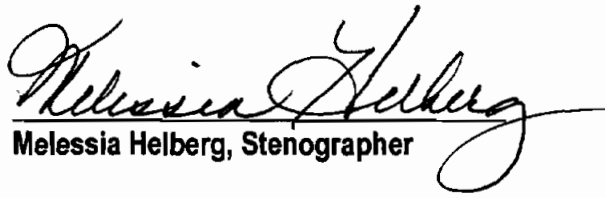
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer