



Agenda

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**PUBLIC WORKS/CIP & LAND USE COMMITTEE
MEETING
CITY COUNCIL CHAMBERS
MONDAY, FEBRUARY 8, 2010
5:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES FROM JANUARY 25, 2010 PUBLIC WORKS COMMITTEE MEETING

PUBLIC HEARING

6. REQUEST FOR APPROVAL OF THE MASTER PLAN AMENDMENT TO ALLOW DEMOLITION OF THE EXISTING (PARTIAL) BUILDING ON PARCEL F-1, AKA 545 CAMINO DE LA FAMILIA OF THE SANTA FE RAILYARD DEVELOPMENT SUBJECT TO THE CONDITIONS IMPOSED BY THE BCD/DRC AT THEIR MEETING ON DECEMBER 10, 2009 **(ROBERT SIQUEIROS)**
 - MASTER PLAN CLARIFICATION
 - REDEVELOPMENT PROCESS

CONSENT

7. CIP PROJECT #429C/470B – FRENCHY'S AND LARRAGOITE PARKS RENOVATION PHASE 2
 - REQUEST FOR APPROVAL TO AWARD BID #10/09/B AND AGREEMENT BETWEEN OWNER AND CONTRACTOR (ABOC) TO HEADS UP LANDSCAPE CONTRACTORS, IN THE AMOUNT OF \$434,241.41 **(BEN GURULE)**
8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES OF INDIVIDUALS FOR THE PURPOSE OF RENAMING LA RESOLANA PARK LOCATED ON CAMINO DEL GUSTO IN SANTA FE, NEW MEXICO **(COUNCILOR DOMINGUEZ)** **(FABIAN CHAVEZ)**
9. REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF A COOPERATIVE AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) AND THE CITY OF SANTA FE (CITY) FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF VARIOUS PEDESTRIAN AND BICYCLE TRAILS WITHIN NMDOT RIGHT-OF-WAY ON ST. FRANCIS DRIVE IN THE CITY OF SANTA FE **(COUNCILOR BUSHEE)** **(LEROY PACHECO)**

DISCUSSION

10. SANTA FE PLAZA ELECTRICAL EQUIPMENT UPDATE
 - REQUEST FOR DIRECTION (**CHIP LILIENTHAL**)
11. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO EXTEND LEASE AGREEMENT BY AND BETWEEN FIRST INTERSTATE PLAZA ASSOCIATES LIMITED PARTNERSHIP AND THE CITY OF SANTA FE REGARDING THE SPACE COMMONLY KNOWN AS SUITE 100 AT 125 LINCOLN AVE., SANTA FE, NEW MEXICO (**EDWARD VIGIL**)
12. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE RAILYARD STEWARDS EFFORTS AT THE RAILYARD PARK AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE RAILYARD STEWARDS TO PROVIDE SERVICES FOR THE RAILYARD PARK (**COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR ROMERO**) (**ROBERT SIQUEIROS**)
13. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING EXHIBIT B CHAPTER 21 SFCC 1987 REFUSE AND RECYCLING RATE AND FEE SCHEDULE IN ORDER TO INCREASE MONTHLY CHARGES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS BY 4.2% PER YEAR FOR FOUR YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (**COUNCILOR ROMERO**) (**BILL DEGRANDE**)
14. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO EXTENET SYSTEMS, INC. TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF (**MAUREEN REED**)
15. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING RULE 18 EXHIBIT A, CHAPTER 25 SFCC 1987 REGARDING WATER METERS (**COUNCILORS DOMINGUEZ AND BUSHEE**) (**BRIAN SNYDER**)
16. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR WATER DEMAND OFFSET REQUIREMENTS (**COUNCILOR CALVERT**) (**WENDY BLACKWELL**)
17. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO REVIEW THE EXISTING RATES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER IN ORDER TO ENCOURAGE LOCAL EVENTS (**COUNCILOR CHAVEZ**) (**KEITH TOLER**)
18. MATTERS FROM STAFF
19. MATTERS FROM THE COMMITTEE
20. NEXT MEETING: MONDAY, FEBRUARY 22, 2010
21. ADJOURN

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PUBLIC WORK, CIP & LAND USE COMMITTEE

February 8, 2010

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

MONDAY, FEBRUARY 8, 2010

1. CALL TO ORDER

A regular meeting of the Public Works/CIP & Land Use Committee was called to order on the above date by Chair Patti J. Bushee at approximately 5:15 p.m. in City Council Chambers, City Hall, 200 Lincoln, Santa Fe, New Mexico

2. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBER PRESENT:

Councilor Patti Bushee, Chair
Councilor Christopher Calvert
Councilor Rosemary Romero
Councilor Ronald S. Trujillo, Vice Chair

MEMBERS ABSENT:

Councilor Miguel Chávez

OTHER COUNCILORS PRESENT:

None

OTHERS PRESENT:

Mr. Chris Ortega, Public Works Director
Ms. Bobbi Mossman, Public Works Staff

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Public Works Department.

3. APPROVAL OF AGENDA

Councilor Calvert requested that they remove Item 14 and not consider it until after a hearing on the

general telecomm ordinance. He explained that they didn't have the public hearing at PUC because of the weather.

Councilor Calvert asked why the January 11 minutes were not on the agenda.

Chair Bushee said they would be on the agenda for the next meeting.

Councilor Calvert moved to approve the agenda as amended with Item #14 stricken. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

4. APPROVAL OF CONSENT AGENDA

Councilor Calvert requested Item #7 be removed for discussion.

Councilor Calvert moved to approve the Consent Agenda as amended with Item #7 transferred to the discussion agenda. Councilor Trujillo Seconded the motion and it passed by unanimous voice vote.

5. APPROVAL OF MINUTES FROM JANUARY 25, 2010, PUBLIC WORKS COMMITTEE MEETING

Councilor Romero moved to postpone consideration of the minutes of January 25, 2010 to the next meeting. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

PUBLIC HEARING

6. REQUEST FOR APPROVAL OF THE MASTER PLAN AMENDMENT TO ALLOW DEMOLITION OF THE EXISTING (PARTIAL) BUILDING ON PARCEL F-1, AKA 545 CAMINO DE LA FAMILIA OF THE SANTA FE RAILYARD DEVELOPMENT SUBJECT TO THE CONDITIONS IMPOSED BY THE BCD/DRC AT THEIR MEETING ON DECEMBER 10, 2009 (ROBERT SIQUEIROS)

- **MASTER PLAN CLARIFICATION**
- **REDEVELOPMENT PROCESS**

Chair Bushee said they had already heard the request for demolition. This was a request to amend the Master Plan (MP) just for the demolition. The Committee would like to have clarification on the redevelopment process and ability to take into account possible uses. The Plan was one of the best public processes the City had. She asked Ms. Brennan to clarify what they could consider with use and future redevelopment.

Ms. Brennan referred to page 27 of the MP that talked about amendments and shared what were more than minor amendments. It was a long list.

Chair Bushee asked if they could take into account future uses.

Ms. Brennan said the Council could.

Chair Bushee asked if Public Works could consider heights and size. She thought they would not look at the budget as much but was sure Richard Czoski would bring those up.

Ms. Brennan listed some of the design considerations and said they were included in the packets.

Chair Bushee asked why it came just as demolition.

Ms. Brennan said that somewhere in it demolition was called out. Demolition had to come before Council. She thought that was under general zoning.

Councilor Romero asked what the Public Works staff recommended on the amendment and the conditions from BCD-DRC.

Mr. Siqueiros said it was in the middle of the packet. Demolition wouldn't happen until an approved building plan was in place. He also noted that the building was not historic.

Ms. Brennan found in the document that the demolition requirement was under the lease and management agreement that required Council approval.

Chair Bushee asked if the redevelopment would be a separate amendment.

Mr. Siqueiros agreed. It would require ENN and DRC meetings. Previous demolitions hadn't been part of MP changes.

Chair Bushee thought the DRC wouldn't approve it until an approved plan was in place. That was not on this agenda but she was trying to set the parameters.

She asked how many wanted to speak. There were about 20 who raised their hands. She asked for them to speak about a minute each and to not repeat what had been said before.

PUBLIC COMMENT

Ms. Barbara Ingram - 24 Gen Sage Dr - She read her statement. Happy working with clay - one of many artists who benefit from Santa Fe Clay. Most everyone understands how difficult it was for a business to survey. Delaying puts Santa Fe Clay at risk. They just want to improve Santa Fe Clay. Please allow Santa Fe Clay to move now.

Ms. Avra Leonis, owner of Santa Fe Clay, said she began looking for a new building 20 months ago. She listed her need on the Railyard website and Craig's list. After several false starts they located a tenant

for this space. She had been there 17 years. It was unsuitable for any other business and would be unreasonably expensive to remodel. The others were firmly in the Railyard with long term leases. She urged the Committee to pass the amendment allowing the demolition of the building.

Rusty Spizer, 144 Mesa Verde said as a working artist, if she was not able to continue it would be too large a burden for any one artist to pick it up. Arva supplied all the equipment needed and he didn't know where one would turn without her downtown.

Debra Cee support them strongly as an incredible resource. She had referred teens there - many artists who came there were top artists. Her husband and daughter also went there. It was a good place to get grounded and centered. There was no place like this one. An incredible jewel in Santa Fe

Tony Temple 38 Griego in Tesuque recently retired and moved here because of Santa Fe Clay - it was a business that needed to thrive.

Barry Slaven 1500 Ave Rincon #6 support what those before him had said. This was vital to Santa Fe. He was a student and instructor. He supported Avra and this business. It needed to keep going and growing. Their gallery always featured famous artists from all over the world. It was a great place to study and work. If a move would help that happen, he supported it.

Doug said his wife had been very active at Santa Fe Clay. It was a national institution of world class. He said that Santa Fe reinvents itself. - People loved coming here. Santa Fe Clay was part of that.

Eric Gent had a building on the Railyard and a business there at 1611 Paseo Peralta. He thanked the Councilors for the programs they had on the Railyard. People had been coming and dancing and working with snow removal. The Railyard Community Corporation (RCC) had taken an unwarranted hit on this. That building used to be Southwest Distributing Company, a liquor distributor. He was not sure the use would be unwarranted or unallowable as it had operated in the past. His family had invested a lot in this project. This was an opportunity to upgrade the infrastructure. All these projects were investments in the future use. Who knew what would happen in 20 years. He didn't think it was being boxed in to a particular use. He urged moving ahead.

Lisa Gordon wholeheartedly supported the move. It was hard to find a space that would let her move.

Judy Cody 816 Waldo said this was four businesses: supply house for clay; renowned gallery; classes and a studio. The building didn't really transfer to other uses as configured now. It had no charm or grace - just a quonset house. She supported the demolition.

Cydney Garcia, Agua Fria, supported Santa Fe Clay but was against the demolition. People had worked on the MP so hard. Page 78 said the plan would maintain the character of the warehouses. She supported letting Santa Fe Clay do what they needed to do. It could be handled without demolition.

Roberto Mondragon had a 4-page letter that was sent to the New Mexican by Tomas Vigil - a person

very instrumental in current El Museo cultural. He wanted to highlight a few items.

He said when Debbie Jaramillo was mayor, she instituted a series of roundtable discussions and they had a lot of energy. One topic was the disappearance of the friendly ambience in the downtown area. The Railyard was to create such an environment. There was no place for local artists out of subsequent discussions came El Museo Cultural.

Tomas felt the Railyard Corporation needed to make sure they heard the voices of local people in their efforts. He wished El Museo would be given a one dollar/year lease as long as it existed.

Beatrice Vigil was in support. She thought if it was anywhere else, they would find the money to make the building look beautiful. She was against the demolition. They needed to fix it up to look beautiful and appreciate it.

Paul Bradshaw moved here 6 years ago because he took a class at Santa Fe Clay. Since then he had spent a great deal of money here. This was a benefit and hugely important and needed to be moved.

Suby Bowden shared information as the MP planner. They rarely had a black and white situation. She read from the MP. It needed to differentiate between old and new but needed to be industrial in nature. The City needed to protect old buildings. She shared a map of the historic district overlay and said El Museo was not one of the buildings on that map that could be demolished. Page 78 said the shape of the building should be retained. SHPO spent a lot of time from 1999 - 2001 with the planning team. Right now the new buildings exceed old by 15% and if this was demolished it would be 25%. The MP was to keep more old buildings than new ones. Santa Fe Clay should be allowed to break the lease and be reimbursed for the improvements they made.

Suby said Avra and her tenants were brave people. The difference between demolishing and building new vs. remodeling was significant. Avra and Santa Fe Clay were paying a very low rate but it would increase a lot in 2012. Therefore she felt to protect those two agreements with SHPO to maintain more old buildings and the agreement with Manhattan project that allowed REI to be higher in return for keeping this building should be honored.

The City of Santa Fe should come to the table and offer to assist with the difference between what Avra paid and what would be the rate in 2012. She asked the Councilors to discuss it with RCC and meet SHPO and community needs and keep this historic building.

Tom Romero, President of El Museo said at the last several meetings held he refused to speak because he didn't want El Museo to be seen in conflict with Santa Fe Clay. They would support her ability to break the lease. They had tried to be good neighbors with them and understood what she was trying to do. He thought it was a good business and they encouraged people to go there for classes or purchase.

They did have some concerns. The first was when you take a building and slice it; you were inevitably going to cause problems with it. It was just a partition so when it was torn it down there needed to be very good engineering studies done. Taking off the anchor meant it could shift sideways and affect their side.

So they wanted to be in a participating position on design and engineering.

Regarding MP issues many of their constituents were concerned that it was just the first of a series of things. There had been lots of changes and they didn't know what the next one would be. He asked who they could go to in 5 years if there was action to demolish more of it. They had invested over a million dollars in that building. It was just a shell when they started.

The issue of the MP variance was separate from Avra's lease. The building was not ugly - just gritty. El Museo wanted to stay there in that environment. They believed there were other uses for the building and those needed to be explored.

Robert Zinn, 453 Camino Don Miguel, worked there as a clay artist. He would love for it to stay in the Railyard but knew it was not possible. The pay parking caused a lot of things not to happen in community events in the Railyard. He was also a supporter of El Museo. It was the last holdout to show the Spanish culture in all its aspects and he would hate to see tearing off part of their building.

Cammy Leon, Sunlit Hills was present to give huge support to Avra and the Santa Fe Clay family. To her it was an incredible place. There was nothing anywhere like this facility she had provided. She couldn't understand how it could be cost effective to renovate the building. It wasn't that charming when the roof leaked. Demolition would be the most cost effective way to consider what would happen to Santa Fe Clay when they left.

Mr. Guzman had an exhibition at El Museo and it was a great exhibition. He loved art but whatever they decided to do there he hoped it came out okay. Next time when an art place was forced out, he hoped the City would put in another art place. His fear was that it would be made into offices. It was art that brought in the tourists.

Ian Rosenkrantz was under contract at El Museo with State money through the City to address facility needs to better serve the artists in the community and had been working on it 5 months. Previously he had a contract for dealing with electricity for the city. The El Museo Board asked him to look at this issue so he spoke to Avra and others and discovered this bag of worms. If you vote for demolition you should have a structural engineer unrelated to the parties to look at it. Remember it was one building; not two. The artists at El Museo would be impacted by any construction. The issue of Santa Fe Clay breaking the lease should be decoupled from the demolition issue.

Theses great artists bring energy to the Railyard - so before you consider tearing it down and replacing it with something that didn't attract the artists from being there think about artists. He asked them to allow her to break the lease and reimburse her for improvements - then the demolition.

Ann Russell said she and her son Ben were in support for Santa Fe Clay in its current configuration. It was an immense draw from all over the nation in the summer workshops. She was nervous about any move they might make but understood it was part of business. She asked them to look at what she brings to the community and to decouple these issues. Ben had nothing more to add.

Jerry Baca, long time Santa Fe resident noted that the Railyard was to be a destination to stimulate the economy. He had a business here and went to the Railyard a lot. The Railyard hasn't gotten close to the plans. He thought something like another REI would be great for the Railyard. He was not talking against them but that side could use a face lift.

Joe, an artist and graduate of CSF, was a professor of ceramics who retired early and moved back here. He worked on the National Council of Ceramic Arts who would have national conference in Santa Fe in October because of Santa Fe Clay. Also the World Assembly was talking of coming to Santa Fe in 2012 but if Avra was not allowed to prosper - that might not happen.

Frank Regano, member of the arts community, was producing a large show at El Museo. He felt it was most important to decouple the two issues. It was complex. He understood the desirability of having a new restaurant there but with this last little part of the arts community he wondered where it would stop if they gave the variance. He believed it should be kept intact.

Marilyn Bane seconded that statement and more importantly what Suby Bowden said. She would not like to see the demolition of the building. It was what it was and what the Railyard was designed to be.

Amy Slater, 52 Alto Lane and working at Santa Fe Clay said she came here because of the Opera and Santa Fe Clay. It was an amazing place. She watched their students leaving because of the parking costs. If it was just a gallery it would be different. People look at this part as a part not renovated. It was not a good place now. It was difficult to survive and they were losing their clients.

Rose Utton, 605 Alto, was present to support Avra and as a neighbor with her small business and to support her community. She also supported Tom and his wonderful work at El Museo. He needed to put on his work at El Museo. They all were trying to make it a community destination and a success. She had developed several buildings in the Railyard. To her dismay, Avra wanted to leave. Her first reaction was what she might do to keep Avra there and make it viable. But after looking at all the options they couldn't get enough space at a low enough rate.

Rose clarified that she would love to have yoga studios and gritty businesses in her buildings but financials drove everything. She had looked at the building seriously. She could put over a million dollars into it and it would be a band-aid. She couldn't interest anyone in being a tenant there with just fixing it up. There were many who wanted a gallery space. She worked with Creative Santa Fe over the last year. Devon and she looked at what could be done. It didn't work financially.

It was a temporary warehouse to begin with. The electrical and HVAC were patchwork and leaks were everywhere. She talked with people who wanted to bring shows to El Museo but wouldn't because it was unsafe there. When the Convention Center was down, El Museo was hopping and brought energy there. Tom could use support. He'd like to change some things about it. He would like an entrance on the east side.

Economics drove this. She was in support of demolition.

Donald Meyer, Vice Chair of RCC, said decoupling had been bandied around. He would like to decouple fact from fiction. He had been on the RCC board during the last 18 years of planning. He hoped everyone saw the NY times Travel section yesterday. It had a picture of the water tower in the Railyard. He asked people to read it because it was significant. The RCC Board had been in support of artists since the moment the City gave them the approval to go ahead with development. Artists were being taken care of there. Other professional people might not have spaces.

At no Board meeting did they ever take a position to move El Museo out. It was a prime tenant and extremely significant to RCC. They were on record to say El Museo was a prime tenant and they had underwritten their lease. But the RCC had an obligation to also be financially successful and return money to the City. The RCC did not ask Avra to leave - she came to the Board.

In conclusion, he said they had been friends to artists and the community and they asked permission to demolish the part of it that didn't affect El Museo.

Mike Stobara, Studio Manager at Santa Fe Clay, worked at similar centers in other parts of the country. So he knew what was needed and knew the building. He dealt with the infrastructure every day. He didn't think he could recommend another art center moving in there.

There were no other speakers from the public on this issue.

Chair Bushee asked Mr. Czoski to come forward and asked him about the lease increase in 2012.

Mr. Czoski agreed that the lease would go to market rate in 2012. Avra entered the lease in 2001 and it was based on pre development days. Each lease was negotiated separately. All of them were at some point adjusted to market rates (for the ground only). The frequency varied with each lease.

Chair Bushee asked if their board decided that the building was not in good enough shape to lease again.

Mr. Czoski said they advertised and there were no takers. He explained that he had been in real estate for a considerable time and his assessment was that it should not be kept.

Chair Bushee thought there needed to be another appraisal. She didn't want to delay Santa Fe Clay from moving on. She asked what it would take for them to get out of the lease without the demolition tied to it. The Railyard had been a good success. She felt they could use a mini MP plan. The hole in the ground for a movie theater - and in these economic times - they needed to talk about it. The City had no money. They needed to know more information and asked if it was because the building needed so much work. The City just bought a college. There had been talk about bonding for the hole in the ground. But everything needed to be looked at together. REI was one of the commercial anchors there and the locals used it. Uses mattered to her enormously. Those galleries there were pretty high end and not many locals

patronized them. It was sad to think about Avra's business leaving. They had been a community family art center and the City couldn't ask for better.

She thought they needed to reassess as a group - not to say they could subsidize it because the City didn't have any money. Maybe they didn't need another movie theater. She didn't know who was biting these days.

She felt they would not be adhering to the MP and not doing due diligence if they tied the demolition to the bottom line. They needed to go back and look at the missing pieces in the Railyard and consider those seriously. What went in there mattered and they had to honor the MP in that process. They were not thinking about conflicting uses there. The bottom line shouldn't drive completion of this process.

Mr. Czoski said the bottom line had never driven the work of the Board. They considered the use of every building very carefully.

Chair Bushee asked if he was prepared to talk about the uses now.

Mr. Czoski said they had not made a decision but could not move forward without firm direction on the building. If people had to use the existing building, it would limit those who were interested. If it could be demolished a prospective user could come tell the Board what was needed. The land use now was office, classes, office and warehouse.

Chair Bushee reminded him he just said they couldn't find a tenant for that building.

Mr. Czoski said they didn't think they could find one. They did the pro forma on what they had to pay back to the City. That would take until 2027. They would owe Avra \$55,000 but they didn't have the money and would not pay her if she broke the lease. For anybody who would take over the obligations - those would be six figures easily. So the Board couldn't let her out of the lease unless they had someone to step up including \$55,000 for Avra and paying rent on the ground almost as soon as she left.

Chair Bushee asked if they expected to get rent for the hole in the ground.

Mr. Czoski said the Board did and the tenant would be in default if they didn't pay it. And then they would find someone else to rent.

He added that even to make the existing building meet code and be habitable would cost \$850,000 to \$1 million. That was what it took for Creative Santa Fe and was not a palace.

Chair Bushee asked if he was saying the building was condemnable.

Mr. Czoski said he wasn't saying that but for a new tenant, they would have to make the build out meet code. With Avra - half of it was just open space.

Chair Bushee said it was rumored that the new tenant would bring in a restaurant and law offices and built it as a two-story building.

Mr. Czoski said the RCC didn't have anything in writing and no commitment had been made to that group.

Chair Bushee said the BCD indicated the BCC had a design in mind.

Mr. Czoski said they asked him to bring in a design for any building larger than 10,000 and he would. They didn't have any money to tear anything down until they had a new tenant. So demolition was first in the process.

RCC wouldn't know who the potential users would be until they got approval to demolish the building. But they would be happy to run any structural changes by El Museo. They had a lease for 80 years so the idea that this would be an entrée to get them out was not real.

Chair Bushee was stuck on the potential uses. Since land uses were a big part of amending the MP, she wanted to deal with it in a more holistic way. No one wanted to keep Santa Fe Clay from moving on. RCC wanted the green light and then would get back to the Committee. She didn't trust that.

Mr. Czoski commented that the BCD allowed a great number of uses.

Chair Bushee agreed but they had the MP restrictions.

Mr. Czoski said the zoning trumped the MP and the MP didn't dictate a use for that area.

Councilor Trujillo asked if RCC would owe her \$55,000 if Santa Fe Clay broke its lease.

Mr. Czoski said they would only owe it if she didn't break the lease.

Councilor Trujillo asked what a new tenant would be obligated to do.

Mr. Czoski said first to front \$55,000, then pay for the demolition and then commit to the new rental rate. They would have to bring the building design to BCD DRC and ENN.

Councilor Trujillo understood that Santa Fe Clay wanted to move but he had the same question about what would go there. There were plenty of galleries - a law office wouldn't bring locals there unless they were in trouble. He wanted to see something that would bring the locals to the Railyard. He didn't know who would rent it. This building was not contributing. This was the first time he heard people saying to tear down a building on the east side. He would be in favor of tearing it down and building something nice there but it should be something that would draw people there.

Councilor Romero asked clarification that El Museo was not contributing to the other building.

Mr. Czoski said they were both non-contributing.

Councilor Romero recalled that was the Premier Beer place. She asked if there was a different history they were trying to preserve.

Mr. Czoski said he was not aware of any other uses.

Councilor Romero said it was a beer warehouse for a long time. So once in a while they didn't connect things clearly. With CSF the City had one tenant - Laureate who was paying a premium rate and RCC would be doing the management. They were responsible to pay back the bond. Because the City chose the open space concept, it reduced the rent capacity in a choice a decade ago. The MP was a vision of what things could be and it was adaptable. She asked if that wasn't true.

Mr. Czoski agreed it was both in reality and in the language.

Councilor Romero added that the ordinance on zoning allowed a variety of uses - some that would bring more people to the Railyard - it was never just art. She asked what would get people there in his estimation.

Mr. Czoski said they needed the cinema - that would be a major driver. They also needed local serving retail.

Councilor Romero said that was not just an art and education component.

Mr. Czoski agreed.

Councilor Romero didn't see the historic value of that building. She was involved with the MP a decade ago but it was not set in stone - it was a guide for the future. So there could be many uses that wouldn't harm El Museo.

Councilor Calvert asked if there was consideration of El Museo expanding into that area. It would be an expense but did it enter into the discussion.

Mr. Tom Romero said they were not asked to bid on that - not that they were in a position to do so. The concern would be once it was demolished. This was a city building - the City's asset - so once it was sold what the City would be doing was cutting off a quarter of the building - not tearing it down and it would be available to the developer. If it did stay intact, there were many uses that could go in there. But unless it stayed intact, it would not be available to El Museo unless they developed a business plan for it.

Mr. Czoski said there was no bidding process. They had advertised publicly but there were no takers by a certain date.

Chair Bushee asked Mr. Robert Romero to come forward. She asked if the City had on contract

anyone who could do the assessment on this building and if so, what it would take.

Mr. Robert Romero said they had staff who could do that.

Chair Bushee thought 2027 seemed a long way from now. In 2027, all the buildings there would be pure profit for the City less wear and tear. So what they needed was to get there with some integrity to the MP. She thought they should consider some kind of creative financing for a couple of weeks. This was done under a lot of pressure to subsidize community uses. A dollar year lease - They also gave El Museo the HVAC from Sweeney and \$1 million to Warehouse 21. So she wondered how to satisfy this with a little more work. She suggest having a staff assessment and table it to next meeting.

Councilor Calvert asked to Mr. Czoski if the bond that purchased the land would be paid up this year.

Mr. Czoski said RCC's 30% wouldn't but the city's obligation would.

Councilor Calvert suggested that would basically free up \$2 million that the City was paying for that land purchase and the loans from NMMFA.

Mr. Czoski said they had made the debt service for NMMFA.

Councilor Calvert agreed but the City had been paying some of that NMMFA debt as well.

Mr. Czoski said the City borrowed it but it was RCC's responsibility to pay it off.

Councilor Calvert said that was not what he saw from Finance but it looked like the City would be off the hook for about \$2 million it had been paying. They also had given RCC debt forgiveness - with some policies that didn't reinforce their business model.

Mr. Czoski said it was not forgiven but spread out over a longer period of time.

Councilor Calvert thought those were things they still had at their disposal. Some of these things were community values and not strictly financial decisions.

He didn't want to be forced to choose one or the other but to reconcile business and community. He would like to explore that briefly like Chair Bushee said.

Councilor Calvert moved to table the decision in order to explore options the City would have in financing and preserving business and the values of the Railyard. There was no second to the motion.

Councilor Trujillo moved to approve the demolition as requested with the BCD-DRC amendments as recommended by staff. Councilor Romero seconded the motion.

Councilor Calvert noted on page four of the packet that there were three conditions in the third paragraph and read them.

The motion passed on a 2-1 voice vote with Councilor Calvert voting against.

CONSENT AGENDA LISTING

- 8. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES OF INDIVIDUALS FOR THE PURPOSE OF RENAMING LA RESOLANA PARK LOCATED ON CAMINO DEL GUSTO IN SANTA FE, NEW MEXICO (COUNCILOR DOMINGUEZ) (FABIAN CHÁVEZ)**
- 9. REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF A COOPERATIVE AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) AND THE CITY OF SANTA FE (CITY) FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF VARIOUS PEDESTRIAN AND BICYCLE TRAILS WITHIN NMDOT RIGHT-OF-WAY ON ST. FRANCIS DRIVE IN THE CITY OF SANTA FE (COUNCILOR BUSHEE) (LEROY PACHECO_**

DISCUSSION AGENDA

- 7. CIP PROJECT #429C/470B – FRENCHY’S AND LARRAGOITE PARKS RENOVATION PHASE 2**
 - REQUEST FOR APPROVAL TO AWARD BID #10/009/B AND AGREEMENT BETWEEN OWNER AND CONTRACTOR (ABOC) TO HEADS UP LANDSCAPE CONTRACTORS, IN THE AMOUNT OF \$434,241.41 (BEN GURULÉ)**

Councilor Romero moved to amend the agenda to hear items 10 and 11 before item 7. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

- 10. SANTA FE PLAZA ELECTRICAL EQUIPMENT UPDATE**
 - REQUEST FOR DIRECTION (CHIP LILIENTHAL)**

Mr. Lilienthal provided a brief update. His office was directed to get bid documents for reducing the size or to move the boxes across to the Burrito Company.

He took the bid documents and construction documents to the State Historic Preservation Office and got a letter with their opinion which they then took to the HDRB. The HDRB requested that they not do what they originally recommended to the Public Works Department back in March which was to remove all the electrical equipment out of sight off the plaza.

Since then, they wrote Councilor Calvert who asked that staff bring this information to the Committee to get direction on how to go forward with this project.

Councilor Calvert said at one point there was a third option that was trying to incorporate this under the

bandstand and was probably estimated at the time to be even more expensive than Option 2.

Mr. Lilienthal believed that was accurate. The bandstand would be extremely expensive from what was quoted in March. The option would be very expensive.

Councilor Calvert clarified that option 3 was looking at putting it right under the middle of the bandstand and he could understand how that would be expensive.

He asked if staff had looked at incorporating it at the ramp at the back to give access which costs might fall between Option #1 and Option #2.

Mr. Lilienthal said they could consider that. They could just put only the electrical panel there but would need a walkway and space around it with 3' front and back and 30" side to side and six foot clearance for a man to work without having to bend over. It would be ten feet wide by 8 feet deep and six feet tall. That would not work for the transformer or the disconnect or the meter.

Councilor Calvert asked if the electrical panel was the new piece.

Mr. Lilienthal explained that the new panel replaced the old one that was six feet long by four feet high and two feet wide. Also what had been there before was the transformer, the meter box and the disconnect.

Councilor Calvert thought that would be worth pursuing. He knew it might entail some of the same problems as #2 lots of archaeological. He could not recall off the top of his head but thought it would be worth looking at one more time. Option #1 was not a whole lot better than what was there now and #2 just moved it into someone else's yard.

Councilor Trujillo asked if Option #1 was smaller boxes.

Mr. Lilienthal said #1 was to reduce the electrical panel to 48 x 48 and 2 feet wide. Due to the new street lights along Palace Avenue, they would need to move the backflow preventer and irrigation control box and valve boxes smaller. But the electrical outlets they could not reduce any further and still meet code.

Councilor Trujillo noted it was \$75,000 for Option 1 and \$735,000 for Option #2. Two pocket parks could be built for that kind of money. "We want all these events on the Plaza. It's the reason we needed this transformer. We had meetings on it. But now that we see it, it's ugly. But yet we want to have the tourists there and it's good to go. Let's put a coyote fence around it. It's southwestern; it's Santa Fe. I cannot see spending this kind of money for something that is working now. We need to keep it as it is. Spending this kind of money that is taxpayers' money in the economy we are in is ridiculous."

Councilor Romero said it's hard to look back and figure out what went wrong. She agreed with Councilor Calvert that looking for one more way to minimize the problem would be in order. We have to

have the electrical connectivity so she liked looking for one more option. She agreed that \$735,000 made all of us gulp. It was out of reach. She liked the idea for one more way to minimize the problem by going under the bandstand. She guessed that dividing up the different structures they had in place.

Councilor Romero moved to direct staff to explore the third option. Councilor Calvert seconded the motion.

Councilor Romero asked if staff could have that option for the first meeting in March.

Mr. Lilienthal agreed. He had already done an estimate on moving all of it under the bandstand.

Councilor Calvert asked if he could bring that information too. Mr. Lilienthal agreed.

The motion passed by a 2-1 majority voice vote with Councilor Trujillo voting against.

11. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO EXTEND LEASE AGREEMENT BY AND BETWEEN FIRST INTERSTATE PLAZA ASSOCIATES LIMITED PARTNERSHIP AND THE CITY OF SANTA FE REGARDING THE SPACE COMMONLY KNOWN AS SUITE 100 AT 125 LINCOLN AVE., SANTA FE, NEW MEXICO (EDWARD VIGIL)

Mr. Robert Romero said they held off on this for awhile because the landlord wanted a minimum 3 year lease. This new lease was a minimum of one year - December 31, 2010. So they had options to move somewhere else if needed. The current lease said if the City stayed there they would have to pay the lease rate plus 50%. With the new lease, they would continue the same rate until December 31st. They got nowhere with the school system.

Councilor Calvert moved for approval. Councilor Romero seconded the motion and it passed by unanimous voice vote.

Councilor Trujillo asked how many staff would be there.

Mr. Romero said it would provide office space for ten staff.

12. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE RAILYARD STEWARDS EFFORTS AT THE RAILYARD PARK AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE RAILYARD STEWARDS TO PROVIDE SERVICES FOR THE RAILYARD PARK (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR ROMERO) (ROBERT SIQUEIROS)

Mr. Siqueiros said the resolution was primarily to assist compensating the stewards for public lands at about \$25,000 for the next three years.

Chair Bushee asked from where the money would come.

Mr. Siqueiros said it was GRT generated at the Railyard. A portion was already dedicated to the parks and part to RCC.

Chair Bushee asked if there was still room for \$25,000 more there.

Mr. Robert Romero said he believed there was about \$2 million generated there. At the end of the FY the City wouldn't have to pay any more for the land. That money would now pay for the garage. There was some surplus in that fund right now that probably could cover the \$25,000 each year. It would be brought forward through the budget process.

Chair Bushee said she was not against it but wanted to make sure. She asked what they would get for the money.

Through some discussion, it was clarified that the stewards would be maintaining the gardens of the Railyard Park.

Mr. Fabian Chávez clarified that the park there would be maintained by Parks staff.

Mr. Siqueiros clarified that it would be a contract for three years.

Ms. Eliza Cook, who was one of the stewards, said they took care of the special needs of the gardens. They had native wildflower meadows, xeriscaping, etc. and they worked in concert with the City Parks staff. The horticulturist was paid by TPL. They had a budget for each of their projects. The total budget greatly exceeded the \$25,000 provided by the City. They provided 1,300 person/hours of work on the Plaza at the Railyard.

Chair Bushee asked Mr. Chávez if this program saved the City money. She thought the community garden should be maintained by the community. That was lot of money each year.

Mr. Chávez said it did save money. They provided a lot of extra time on enhancements beyond what Parks staff would.

Ms. Suby Bowden said she was a board member of the stewards. The Railyard Park was a botanical garden and there was no other one in City parks that had the complexity of plants or the range of horticultural requirements. It required a higher level of maintenance than the other parks. The annual budget was \$98,000 in actual expenses. The remainder of the budget was provided by TPL who had committed to three years' funding, after which the RCC Board had committed to fund it. They provided \$200,000 worth of care each year. She clarified that volunteers maintained the community garden.

Councilor Romero moved to approve the request. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

7. CIP PROJECT #429C/470B – FRENCHY’S AND LARRAGOITE PARKS RENOVATION PHASE 2
• **REQUEST FOR APPROVAL TO AWARD BID #10/009/B AND AGREEMENT BETWEEN OWNER AND CONTRACTOR (ABOC) TO HEADS UP LANDSCAPE CONTRACTORS, IN THE AMOUNT OF \$434,241.41 (BEN GURULÉ)**

Councilor Calvert said his question on Frenchy’s and Larragoite was how the local preference was applied. Three of the companies were Albuquerque but one was able to apply local preference. He asked if it was just that Heads Up was the only one that applied for that preference and why they were able to do it and the other two were not.

Mr. Chávez said Heads Up also had an office here and qualified for local preference.

Councilor Calvert felt this was something they needed to look at with the procurement policy. It might meet the letter but not the spirit.

Councilor Calvert moved to approve the request. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

13. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING EXHIBIT B CHAPTER 21 SFCC 1987 REFUSE AND RECYCLING RATE AND FEE SCHEDULE IN ORDER TO INCREASE MONTHLY CHARGES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS BY 4.2% PER YEAR FOR FOUR YEARS; AND MAKING SUCH OTHER CHANGES AS WAS NECESSARY (COUNCILOR ROMERO) (BILL DEGRANDE)

Mr. DeGrande said 3 weeks ago an analysis was done that called for the rate increase over the next 4 years. - 51cents per month first year and 53 cents per month for the second, 55 cents the third year and 57 cents the fourth year. For a total of \$2.16 per month over four years. Those numbers were based on projections by SWMA for tipping fees and increases in those fees. Those projections were based on getting 180,000 tons of refuse. Currently they were running at 153,000 so it might mean a bigger rate increase from \$35/ton to \$37.5 /ton. At some point it could become \$52/ton. So this 4.2% was with their fingers crossed.

Councilor Romero said as chair of SWMA that they were actually projecting a little higher increases than he had noted. The County passed the resolution but the City did not. SWMA included Los Alamos and North Central. They had more reliable waste in earlier years because of more construction. He supported this resolution but they were looking at higher rates.

Councilor Calvert asked if the reduction in landfill economy had driven it or if part of the success was in recycling or a combination.

Mr. DeGrande said most was the lack of construction. Recycling was part. The unfortunate part was that to reduce what went into the landfill, their costs went up. Annexation was a minor thing.

Councilor Calvert understood. It was the same with water conservation.

Councilor Trujillo was okay with this.

Chair Bushee asked if they would not have to do this if the City went to every other week on recycling and cut back on costs.

Mr. DeGrande said going to weekly didn't increase their costs. He might be able to reduce some staff but they had built in redundancy from staff absences. 8 people was a quarter of my staff who were absent each day all for legitimate reasons. That was down from 13 when he took over.

Chair Bushee asked if there was no other way than to waste money.

Mr. DeGrande didn't see it as a waste. They had not expanded their division in the last five years. They got rid of the old incentive program so now they called in sick instead.

Chair Bushee said she could not support this. It was crazy making how that hadn't been able to change.

Mr. DeGrande said it wasn't just his division - It was city-wide.

Chair Bushee thought that was shameful.

Councilor Romero moved for approval of the request.

She said it was not just staff issues and she was not throwing rocks at staff.

Councilor Calvert asked when the last time for a rate increase was.

Mr. DeGrande said it was 8 years ago.

Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

14. REQUEST FOR APPROVAL OF AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO EXTENET SYSTEMS, INC. TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO AND FIXING THE TERMS AND CONDITIONS THEREOF (MAUREEN REED)

This item was stricken from the agenda under Approval of the Agenda.

15. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING RULE 18 EXHIBIT A, CHAPTER 25

SFCC 1987 REGARDING WATER METERS (COUNCILORS DOMINGUEZ AND BUSHEE) (BRIAN SNYDER)

Mr. Snyder said this bill would require any commercial building to be separately metered per tenant. On older commercial buildings it was cost prohibitive.

Councilor Romero said in the future it would be helpful to learn the background – to have a little synopsis. She did call and got her answer but that would be helpful.

Councilor Romero moved to approve the request. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

16. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR WATER DEMAND OFFSET REQUIREMENTS (COUNCILOR CALVERT) (WENDY BLACKWELL)

Ms. Blackwell presented this request. It was to have been presented for PUC on January 26th and used the presumptive city limits. Because of weather problem they had a whole new schedule. Finance was March 1st and would have this new draft based on Public Works' comments three weeks ago.

City limits meant all three phases of annexation.

The other thing Public Works pointed out was the unclear fee structure. The presumptive ac/ft fee was in first appendix I-A and was a spreadsheet. She was not sure of the page number. The first line described the \$16,000/ac/ft. In the revised document it would show the way they came up with the \$16,000. It would actually be 1.5 x \$16k plus the thousand dollar fee.

Councilor Calvert asked if that was part of the resolution they just passed .Ms. Blackwell agreed.

Chair Bushee asked what the thousand dollar fee was.

Ms. Blackwell said every time they would go out to negotiate for the City to purchase water rights it was always a different number but averaged \$15,000. So that was for the amount of staff time and legal fees they must use.

Chair Bushee asked that the justification for the fee be included when it went to Council.

Ms. Blackwell agreed.

Ms. Blackwell said the \$16,000 was only used when people came in for a building permit or a development plan where no water rights were brought in.

Councilor Calvert asked if water demand for commercial use was happening.

Ms. Blackwell said that would not occur until they rewrote the ordinance. Staff agreed that they should look at an older structure built prior to the retrofit program and came in for water fixtures - there was an exemption section. The City would require they bring all the water necessary for that property - 1.8/ac/ft - to make them current with code. And then they would not have to bring it again because they already met the requirement. The amounts were not per fixture but per square foot of the lot.

Councilor Calvert said when they got further into the green building code and existing uses they could probably address the upgrade of these things at some point and it would be better to wait until they came in with the new addition.

Ms. Blackwell said if it was an addition. They had no guidance from Council to assign a fee or use amount.

Chair Bushee remembered they gave an exemption to an older couple but they could no longer access an upstairs so they added on to the first floor. They needed a special bathtub and the City figured out their water use was not changing. Even on Corazon apartments they would be doing all this water harvesting - they got an exemption by doing other things.

Ms. Blackwell said there were currently exemptions in the land use code 8.13. Like the special tub.

Councilor Calvert asked if she had a way of estimating what would be required of them if they exceeded that.

Ms. Blackwell said they didn't have any guidance if or how much to charge those but had been requiring all of the retrofits.

Councilor Calvert said the problem with the elderly couple was when they transferred the house over to someone else the new occupants might use all (the second floor).

Chair Bushee asked if they had found very many who didn't come through with a retrofit.

Ms. Blackwell said they had several thousand still outstanding (2,000-3000). They applied the same concept to the new administrative procedures. She said she could email the one paragraph to the members.

Councilor Calvert explained that she needed to frame the issues for them. They would not decide on it tonight.

Ms. Blackwell agreed to work on it and bring it back on the 22nd.

Chair Bushee wanted to know about those who already did retrofits and the property changed hands.

Ms. Blackwell said the retrofit went with the lot. The property went in the database as meeting the requirement no matter if it was sold. If it was an addition, they could look it up to make sure it met the requirement. She explained that the requirement was based on lot size and not on house size. On the water bill, they could not determine the size of the house.

Councilor Calvert moved to approve the request. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

Ms. Blackwell agreed to follow up with an email.

17. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO REVIEW THE EXISTING RATES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER IN ORDER TO ENCOURAGE LOCAL EVENTS (COUNCILOR CHÁVEZ) (KEITH TOLER)

Mr. Keith Toler said he had not had a chance to speak with Councilor Chávez on this request but the work was going forward with the review of rates and policies. They were meeting with Risk Management and with Finance to come up with good models. It was about a 77% loss when they served local users. He agreed to report when it was done. It would be part of the budget process and would come in about two months.

Councilor Romero moved to not approve the request. Councilor Calvert seconded the motion and it passed by unanimous voice vote.

18. MATTERS FROM STAFF

None.

19. MATTERS FROM THE COMMITTEE

Chair Bushee asked about the curb cuts where telephone poles were in the middle of sidewalks on west Alameda. They were not passable.

Mr. Ortega asked if they were in the middle of existing sidewalks.

Chair Bushee agreed.

Councilor Calvert asked if when they did overlay (paving) they had to do the curb cuts. A lot of those were wholesale corrections and there were narrow sidewalks. All of those were in a transition plan.

Mr. Romero said with a lot of them they had to do creative things.

Councilor Romero commended Mr. Ortega on his hard work, noting that the crews had really been out doing a good job.

Councilor Trujillo said at the pedestrian walkway at corner of Corrodiz and Cielo there was a curb cut and water just puddled up there.

Mr. Ortega said he would check on it.

Chair Bushee said the bike riders were happy with clearing of the trails but were not happy with the coria on bike lanes.

Mr. Ortega explained they could not reuse it because of the possible contamination. It could not be recycled.

Councilor Trujillo offered to bring a poster for Mr. Ortega dealing with snow removal vehicle maintenance after snow storms.

20. NEXT MEETING: MONDAY, FEBRUARY 22, 2010

21. ADJOURN

The meeting was adjourned at 8:45 p.m

Approved by:

Patti J. Bushee, Chair

Submitted by:


Carl Boaz, Stenographer