



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 28, 2010
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4-22-10 TIME 2:00

SERVED BY _____

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 – April 14, 2010.
9. PRESENTATIONS
 - a) Donation of K9 Ballistic Vests. (Susie Jean, Vest N.P.D.P.) (5 minutes)
 - b) Muchas Gracias – Arts Commissioners Cynthia Graves and Andrea Poole. (5 minutes)
 - c) Leadership Santa Fe Program. (JD Bullington and Lucy River) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 1 to Professional Services Agreement – Recruit, Train and Supervise Youth Workers to Implement River and Water Shed Improvements (RFP No. 09/16/P); Youthworks! Inc. (Brian Drypolcher)
 - 1) Request for Approval of a Budget Adjustment – Project Fund.
 - b) Request for Approval of Amendment No. 5 to Municipal Arterial Program Agreement – Old Pecos Trail Reconstruction Project – Cordova to Berger St.; New Mexico Department of Transportation. (John Romero)



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- c) Request for Approval of Signalization and Lighting Agreement – Installation of Traffic Signals and Intersection Lighting at the Intersections of Cerrillos Road/Herrera Drive and Cerrillos Road/Las Soleras Drive; New Mexico Department of Transportation. (Rick Devine)
- d) Request for Approval of Change Order No. 1 – Additional Costs for East Apron Reconstruction at Santa Fe Municipal Airport; Albuquerque Asphalt, Inc. (Jim Montman)
- e) Request for Approval of Procurement Under State Price Agreement and Professional Services Agreement – Purchase and Install Energy Efficient Heating Equipment; Welch’s Boiler Service, Inc. (Cary Weiner)
- f) Request for Approval of Professional Services Agreements – Affordable Housing Trust Fund Applications for Fiscal Year 2010. (Melissa Dailey)
 - 1) Santa Fe Community Housing Trust – Down Payment Assistance
 - 2) Santa Fe Community Housing Trust – Foreclosure Counseling
 - 3) Santa Fe Community Housing Trust – Construction of Two Net Zero Energy Homes
 - 4) Homewise – Down Payment Assistance
 - 5) Youthworks – Energy Conservation Loans
 - 6) St. Elizabeth Shelter – Assist In Purchase of Building
- g) Request for Approval of Legal Services Agreement – Represent City in Legal Matters; Sheehan, Sheehan & Stelzner, P.A. (Marcos Martinez and William S. Cassel)
- h) Request for Approval of Procurement Under Federal Price Agreement - Purchase of One (1) Police S.W.A.T. Rapid Deployment Vehicle; The Armored Group, LLC. (Police Chief Aric Wheeler)
 - 1) Request for Approval of Budget Increase – Police Property Tax Fund.
- i) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Bushee)
Request for Approval of A Resolution Naming the Park Located on Alto Street Across from The Boys & Girls Club as “Louis Montano” Park. (Fabian Chavez)
- j) Request for Approval to Fill Vacant Positions. (Robert Romero)



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- k) Request for Approval of CIP No. 872 – Airport Road Safety Improvements Project. (Eric Martinez)
 - 1) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Dominguez)
Request for Approval of a Resolution in Support of the Airport Road Safety Improvements Project Funded through a Cooperative Project Agreement with the New Mexico Department of Transportation. (Eric Martinez)
 - 2) Request for Approval of a Cooperative Project Agreement with the New Mexico Department of Transportation for Appropriations from the FY 2009/2010 Highway Safety Improvement Program in the Amount of \$870,500.
 - a) Request for Approval of Budget Increase – Project Fund.
- l) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Bushee)
Request For Approval of a Resolution Directing Staff to Locate Funding Sources for Design and Construction of the Proposed Multimodal Center Located at the Corner of Montezuma and Guadalupe Streets, and Intended to Serve Passengers of the Rail Runner Express. (Jon Bulthuis)
- m) Request for Approval to Publish Notice of Public Hearing on May 26, 2010:
 - 1) Bill No. 2010-14: An Ordinance Amending Section 7-1.6 SFCC 1987 and Creating a New Section 14-2.2 (A) (4) SFCC 1987 Regarding the Governing Body's Authority to Temporarily Suspend the Enforcement of those Sections of Chapter 7 and Chapter 14 Regarding the Expiration of Building Permits and Development Approvals. (Councilor Wurzburger) (Matthew O'Reilly)
 - a) CONSIDERATION OF RESOLUTION NO. 2010-____.
Request for Approval of a Resolution Suspending the Enforcement of those Sections of Chapter 7 and Chapter 14 SFCC 1987 Setting Forth the Expiration of Building Permits and Development Approvals Due to Severe Economic Conditions. (Councilor Wurzburger) (Matthew O'Reilly)



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- 2) Bill No. 2010-15: An Ordinance Amending Paragraph I of Section 23-7.4 SFCC 1987 Requiring Leagues Using the Municipal Recreation Complex and Municipal Parks Sports Fields to Submit Bylaws and Financial Statements. (Councilor Trujillo) (Fabian Chavez)

- n) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Calvert)
A Resolution Amending Resolution No. 2009-124, Adopted December 9, 2009; Authorizing the Execution and Delivery of an Amended and Restated Loan and Subsidy Agreement (“Loan Agreement”) By and Between the City Of Santa Fe, New Mexico (The “Governmental Unit”) and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of Two Hundred Ten Thousand Seven Hundred Seventy-Seven Dollars (\$210,777), Together with Interest and Administrative Fees Thereon, and to Accept a Subsidy of Four Hundred Ninety-One Thousand Eight Hundred Thirteen Dollars (\$491,813), for the Purpose of Financing the Costs of a Project Consisting of Upgrades to the City’s Water Utility System, Including a Micro-Hydroelectric Generation Project; Providing For the Payment of the Principal of, Interest and Administrative Fees Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Dale Lyons)

- 1) Request For Approval Of Drinking Water State Revolving Fund Loan Agreement (No. 2382–ADW Amended); New Mexico Finance Authority.
 - a) Request for Approval of Budget Increase – Grant Fund.

- o) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Chavez and Councilor Bushee)
A Resolution Authorizing the Submission of a Grant Application to the New Mexico Energy, Minerals and Natural Resources Department for the Acequia Trail and Trail Crossing at St. Frances Drive. (David Chapman)



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- p) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Calvert)
A Resolution Amending Resolution No. 2009-126, Adopted December 9, 2009; Authorizing the Execution and Delivery of an Amended and Restated Loan and Subsidy Agreement ("Loan Agreement") By and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of One Hundred Twenty-Seven Thousand Five Hundred Dollars (\$127,500), Together with Interest and Administrative Fees Thereon, and to Accept a Subsidy of Two Hundred Ninety-Seven Thousand Five Hundred Dollars (\$297,500), for the Purpose of Financing the Costs of a Project Consisting of Upgrades to the City's Water Utility System, Including a Rebate Program to Promote Water Conservation Technologies; Providing for the Payment of the Principal of, Interest and Administrative Fees Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Dan Ransom)
- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement (No. 2389 –ADW Amended); New Mexico Finance Authority.
- a) Request for Approval of Budget Increase – Grant Fund.
- q) CONSIDERATION OF RESOLUTION NO. 2010-____. (Councilor Wurzburger)
A Resolution Authorizing and Approving Submission of an Executed Agreement for Financial Assistance to the New Mexico Environment Department, Construction Programs Bureau, for the Upgrade and Improvements to the Santa Fe Water Treatment Facility; SAP 09-3817-STB Community Treatment Plant in the Amount of \$700,000. (Stephanie Reynolds)
- r) Request for Approval of Sole Source Procurement to Amendment No. 1 to Professional Services Agreement – Provide Technical Support Services; TST Consulting. (Caryn Fiorina)



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- s) Request for Approval of Sole Source Procurement to Amendment No. 1 to Professional Services Agreement – Provide Technical Application Support Services; Mike Lancaster. (Caryn Fiorina)
 - t) Request for Approval of Sole Source Procurement to Amendment No. 1 to Professional Services Agreement – Provide Technical Application Support Services; Kevin Yeaman. (Caryn Fiorina)
11. MATTERS FROM THE CITY MANAGER
 12. MATTERS FROM THE CITY ATTORNEY
 13. MATTERS FROM THE CITY CLERK
 14. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Mangiamo Pronto, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Mangiamo Pronto!, 228 Old Santa Fe Trail, Suite D, Santa Fe. (Yolanda Y. Vigil)



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- 2) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcoholic Beverages at El Museo Cultural de Santa Fe, 1615 B. Paseo de Peralta, which is Within 300 Feet of Alvord Elementary School, 551 Alarid. The Request is for Abeyta/Meyer Wedding Reception to be Held on June 5, 2010 from 6:00 p.m. to 11:00 p.m. (Yolanda Y. Vigil)
- 3) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcoholic Beverages at El Museo Cultural de Santa Fe, 1615 Paseo de Peralta, which is Within 300 Feet of Alvord Elementary School, 551 Alarid. The Request is for Santa Fe Prep Parents' Association Annual Fundraiser to be Held on May 14, 2010 from 6:00 p.m. to 9:30 p.m. (Yolanda Y. Vigil)
- 4) Consideration of Adoption of 2010/2011 Community Development Block Grant (CDBG) Annual Action Plan and CDBG Contracts. (Melissa Dailey)
 - 1) Homewise – Down Payment Assistance
 - 2) Homewise - Rehab
 - 3) Santa Fe Community Housing Trust – Down Payment Assistance
 - 4) Casas De Buena Ventura – Pre-Construction of Low Income Senior Housing
 - 5) Santa Fe Public Schools – Adelante Program
 - 6) Faith at Work Community Outreach, Inc. – Emergency and Rental Assistance
 - 7) Kitchen Angels – Delivery of Meals
- 5) CONSIDERATION OF RESOLUTION NO. 2010-____.
Case #2010-07. The Pavilion Office Complex General Plan Amendment. Santa Fe Planning Group Inc., Agent for Richard Cook, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 285.186± Acres in Santa Fe County to Business Park. The Area is Located in Santa Fe County, East of the Santa Fe Municipal Airport and West of NM599; and

Case #2010-08. The Pavilion Office Complex General Plan Amendment. Santa Fe Planning Group Inc., Agent for Richard Cook, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 76.179± Acres Located within the City Boundaries from Business Park to Community Commercial and an Adjacent 10.834± Acres Located in Santa Fe County to Community Commercial. The Area is Located East of the Santa Fe Municipal Airport and West of NM599. (Tamara Baer)



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- 6) CONSIDERATION OF BILL NO. 2010-12: ADOPTION OF ORDINANCE NO. 2010-_____.
Case #2010-09. The Pavilion Office Complex Annexation. Santa Fe Planning Group Inc., Agent for Richard Cook, Requests Annexation of 296.020± Acres of Land, Located West of NM599 and South and East of the Santa Fe Municipal Airport. (Tamara Baer)
- 7) CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-_____.
Case #2010-10. The Pavilion Office Complex Rezoning. Santa Fe Planning Group Inc., Agent for Richard Cook, Requests Rezoning of 285.186± Acres of Land from County Residential to Business Industrial Park (BIP). The Property is Located West of NM599 and South and East of the Santa Fe Municipal Airport; and
Case #2010-11. The Pavilion Office Complex Rezoning. Santa Fe Planning Group Inc., Agent for Richard Cook, Requests Rezoning of 76.179± Acres from Residential/1 Dwelling Unit Per Acre (R-1) to General Commercial (C-2) and 10.834± Acres Adjacent from County Residential to General Commercial (C-2). The Property is Located West of NM599 and South and East of the Santa Fe Municipal Airport. (Tamara Baer)
- 8) CONSIDERATION OF BILL NO. 2010-10: ADOPTION OF ORDINANCE NO. 2010-_____. (Councilor Wurzburger and Councilor Romero) (Melissa Dailey)
An Ordinance Amending Various Sections of Article 26-1 Regarding the Santa Fe Homes Program in Order to Increase the Maximum Income of Eligible Buyers to 120% of Area Median Income; to Allow the Grouping of Santa Fe Homes Program Units; and to Make such other Changes as are Necessary. **(Postponed to May 12, 2010 City Council Meeting)**
- a) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Wurzburger and Councilor Romero)
A Resolution Amending the Administrative Procedures for the Santa Fe Homes Program in Order to Increase the Maximum Income of Eligible Buyers to 120% of Area Median Income; to Allow the Grouping of Santa Fe Homes Program Units; to Eliminate the First-Time Homebuyer Status Requirement; and to Make Such Other Changes as are Necessary. (Melissa Dailey) **(Postponed to May 12, 2010 City Council Meeting)**



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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.

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April 28, 2010**

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REQUEST FROM MANGIAMO PRONTO, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT MANGIAMO PRONTO!, 228 OLD SANTA FE TRAIL, SUITE D, SANTA FE	Partial approval w/conditions	14-16
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REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615 B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID. THE REQUEST IS FOR THE SANTA FE PREP PARENTS' ASSOCIATION ANNUAL FUNDRAISER TO BE HELD ON MAY 14, 2010, FROM 6:00 P.M. TO 9:30 P.M.	Approved	17
REQUEST FOR APPROVAL OF 2010/2011 CDBG ANNUAL ACTION PLAN AND CDBG CONTRACTS:	Approved	18-19
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Appr.[amend] w/staff conditions 19-29

CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76.179± ACRES LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL AND AN ADJACENT 10.834± ACRES LOCATED IN SANTA FE COUNTY TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599

Appr.[amend] w/staff conditions 19-29

CONSIDERATION OF BILL NO. 2010-12; ADOPTION OF ORDINANCE NO. 2010-7. CASE #2010-12. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296.020± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT

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<p>CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-8. <u>CASE #2010-10</u>. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285.186± ACRES OF LAND FROM COUNTY RESIDENTIAL TO BUSINESS INDUSTRIAL PARK (BIP). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT; AND</p>	<p>Appr. [amend] w/staff conditions</p>	<p>36-38</p>
<p><u>CASE #2010-11</u>. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 76.179± ACRES FROM RESIDENTIAL/1 DWELLING UNITS PER ACRE (R-1) TO GENERAL COMMERCIAL (C-2), AND 10.834± ACRES ADJACENT FROM COUNTY RESIDENTIAL TO GENERAL COMMERCIAL (C-2). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT</p>	<p>Appr. [amend] w/staff conditions</p>	<p>36-38</p>
<p>CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-9. AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 26-1, REGARDING THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY</p>	<p>Postponed to 05/12/2010</p>	<p>38-39</p>
<p>CONSIDERATION OF RESOLUTION NO. 2010-31 A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; TO ELIMINATE THE FIRST-TIME HOMEBUYER STATUS REQUIREMENT; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY</p>	<p>Postponed to 05/12/1010</p>	<p>38-39</p>

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ADJOURN

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 28, 2010**

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 April 28, 2010, 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 Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to approve the agenda as published.

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Calvert asked to be added as a sponsor on Item 7 (I).

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, 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 Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Absent: Councilor Chavez

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RECRUIT, TRAIN AND SUPERVISE YOUTH WORKERS TO IMPLEMENT RIVER AND WATERSHED IMPROVEMENTS (RFP NO. 09/16/P). !YOUTHWORKS!, INC. (BRIAN DRYPOLCHER)**
 - 1) **REQUEST FOR APPROVAL OF A BUDGET ADJUSTMENT – PROJECT FUND.**

- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO MUNICIPAL ARTERIAL PROGRAM AGREEMENT – OLD PECOS TRAIL RECONSTRUCTION PROJECT – CORDOVA TO BERGER ST.; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JOHN ROMERO)**

- c) **REQUEST FOR APPROVAL OF SIGNALIZATION AND LIGHTING AGREEMENT – INSTALLATION OF TRAFFIC SIGNALS AND INTERSECTION LIGHTING AT THE INTERSECTIONS OF CERRILLOS ROAD/HERRERA DRIVE AND CERRILLOS ROAD/ LAS SOLERAS DRIVE; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (RICK DEVINE)**

- d) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – ADDITIONAL COSTS FOR EAST APRON RECONSTRUCTION AT SANTA FE MUNICIPAL AIRPORT; ALBUQUERQUE ASPHALT, INC. (JIM MONTMAN)**

- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – PURCHASE AND INSTALL ENERGY EFFICIENT HEATING EQUIPMENT; WELCH'S BOILER SERVICE, INC. (CARY WEINER)**

- f) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – AFFORDABLE HOUSING TRUST FUND APPLICATIONS FOR FISCAL YEAR 2010. (MELISSA DAILEY)**
 - 1) **SANTA FE COMMUNITY HOUSING TRUST – DOWN PAYMENT ASSISTANCE.**
 - 2) **SANTA FE COMMUNITY HOUSING TRUST – FORECLOSURE COUNSELING.**
 - 3) **SANTA FE COMMUNITY HOUSING TRUST – CONSTRUCTION OF TWO NET ZERO ENERGY HOMES.**
 - 4) **HOMEWISE – DOWN PAYMENT ASSISTANCE.**
 - 5) **YOUTHWORKS – ENERGY CONSERVATION LOANS.**
 - 6) **ST. ELIZABETH’S SHELTER – ASSIST IN PURCHASE OF BUILDING.**

- g) **REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT – REPRESENT CITY IN LEGAL MATTERS; SHEEHAN, SHEEHAN & STELZNER, P.A. (MARCOS MARTINEZ AND WILLIAM S. CASSEL)**

- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – PURCHASE OF ONE (1) POLICE S.W.A.T. RAPID DEPLOYMENT VEHICLE; THE ARMORED GROUP, LLC. (POLICE CHIEF ARIC WHEELER)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – POLICE PROPERTY TAX FUND.**

- l) **CONSIDERATION OF RESOLUTION NO. 2010-25 (COUNCILOR BUSHEE). REQUEST FOR APPROVAL OF A RESOLUTION NAMING THE PARK LOCATED ON ALTO STREET ACROSS FROM THE BOYS & GIRLS CLUB AS “LOUIS MONTANO” PARK. (FABIAN CHAVEZ)**

- j) **REQUEST FOR APPROVAL TO FILL VACANT POSITIONS. (ROBERT ROMERO)**

- k) **REQUEST FOR APPROVAL OF CIP NO. 872 – AIRPORT ROAD SAFETY IMPROVEMENTS PROJECT. (ERIC MARTINEZ)**
 - 1) **CONSIDERATION OF RESOLUTION NO. 2010-26 (COUNCILOR DOMINGUEZ). REQUEST FOR APPROVAL OF A RESOLUTION IN SUPPORT OF THE AIRPORT ROAD SAFETY IMPROVEMENTS PROJECT FUNDED THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ERIC MARTINEZ)**
 - 2) **REQUEST FOR APPROVAL OF A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR APPROPRIATIONS FROM THE FY 2009/2010 HIGHWAY SAFETY IMPROVEMENT PROGRAM IN THE AMOUNT OF \$870,500.**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

- l) **CONSIDERATION OF RESOLUTION NO. 2010- 27 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO LOCATE FUNDING SOURCES FOR DESIGN AND CONSTRUCTION OF THE PROPOSED MULTIMODAL CENTER LOCATED AT THE CORNER OF MONTEZUMA AND GUADALUPE STREETS, AND INTENDED TO SERVE PASSENGERS OF THE RAIL RUNNER EXPRESS. (JON BULTHUIS)**
- m) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 26, 2010:**
- 1) **BILL NO. 2010-14: AN ORDINANCE AMENDING SECTION 7-1.6 SFCC, AND CREATING A NEW SECTION 14-2.2(A)(4), SFCC 1987, REGARDING THE GOVERNING BODY'S AUTHORITY TO TEMPORARILY SUSPEND THE ENFORCEMENT OF THOSE SECTIONS OF CHAPTER 7 AND CHAPTER 14, REGARDING THE EXPIRATION OF BUILDING PERMITS AND DEVELOPMENT APPROVALS (COUNCILOR WURZBURGER). (MATTHEW O'REILLY).**
 - a) **CONSIDERATION OF RESOLUTION NO. 2010- ____ . REQUEST FOR APPROVAL OF A RESOLUTION SUSPENDING THE ENFORCEMENT OF THOSE SECTIONS OF CHAPTER 7 AND CHAPTER 14 SFCC 1987, SETTING FORTH EXPIRATION OF BUILDING PERMITS AND DEVELOPMENT APPROVALS, DUE TO SEVERE ECONOMIC CONDITIONS (COUNCILOR WURZBURGER). (MATTHEW O'REILLY)**
 - 2) **BILL NO. 2010-15: AN ORDINANCE AMENDING PARAGRAPH I OF SECTION 23-7.4 SFCC 1987, REGARDING LEAGUES USING THE MUNICIPAL RECREATION COMPLEX AND MUNICIPAL PARKS SPORTS FIELDS TO SUBMIT BYLAWS AND FINANCIAL STATEMENTS (COUNCILOR TRUJILLO). (FABIAN CHAVEZ)**
- n) **CONSIDERATION OF RESOLUTION NO. 2010-28 (COUNCILOR CALVERT). A RESOLUTION AMENDING RESOLUTION NO. 2009- 124, ADOPTED DECEMBER 9, 2009; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF TWO HUNDRED TEN THOUSAND SEVEN HUNDRED SEVENTY SEVEN DOLLARS (\$210,777), TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A SUBSIDY OF FOUR HUNDRED NINETY ONE THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS (\$491,813), *FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY'S WATER UTILITY SYSTEM, INCLUDING A MICRO-HYDROELECTRIC GENERATION PROJECT*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN;**

APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (COUNCILOR CALVERT). (DALE LYONS)

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2382-ADW AMENDED, NEW MEXICO FINANCE AUTHORITY.**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- o) CONSIDERATION OF RESOLUTION NO. 2010-29 (COUNCILOR CHAVEZ AND COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT FOR THE ACEQUIA TRAIL AND TRAIL CROSSING AT ST. FRANCIS DRIVE. (DAVID CHAPMAN)**

- p) CONSIDERATION OF RESOLUTION NO. 2010-30 (COUNCILOR CALVERT). A RESOLUTION AMENDING RESOLUTION NO. NO. 2009- 126, ADOPTED DECEMBER 9, 2009; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED LOAN AND SUBSIDY AGREEMENT (“LOAN AGREEMENT”), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF ONE HUNDRED TWENTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$127,500), TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A SUBSIDY OF TWO HUNDRED NINETY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$297,500), *FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY’S WATER UTILITY SYSTEM, INCLUDING A REBATE PROGRAM TO PROMOTE WATER CONSERVATION TECHNOLOGIES*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (DAN RANSOM)**
 - 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2389-ADW AMENDED]; NEW MEXICO FINANCE AUTHORITY.**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- q) **CONSIDERATION OF RESOLUTION NO. 2010-31 (COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF AN EXECUTED AGREEMENT FOR FINANCIAL ASSISTANCE TO THE NEW MEXICO ENVIRONMENT DEPARTMENT, CONSTRUCTION PROGRAMS BUREAU, FOR THE UPGRADE AND IMPROVEMENTS TO THE SANTA FE WATER TREATMENT FACILITY; SAP 09-3817-STB COMMUNITY TREATMENT PLANT IN THE AMOUNT OF \$700,000. (STEPHANIE REYNOLDS)**
- r) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT TO AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PROVIDE TECHNICAL SUPPORT SERVICES; TST CONSULTING. (CARYN FIORINA)**
- s) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT TO AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PROVIDE TECHNICAL SUPPORT SERVICES; MIKE LANCASTER. (CARYN FIORINA)**
- t) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT TO AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PROVIDE TECHNICAL SUPPORT SERVICES; KEVIN YEAMAN. (CARYN FIORINA)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 14, 2010

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to approve the minutes of the Regular City Council meeting of April 14, 2010, as presented.

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

9. PRESENTATIONS

a) DONATION OF K9 BALLISTIC VESTS. (SUSIE JEAN, VEST N.P.D.P.)

Susie Jean, with Dustin Police Dog Protection, presented the Santa Fe Police Department with three K-9 ballistic vests. She is working on legislation to protect police dogs with vests, and hopes to get it passed this year.

Mayor Coss thanked Ms. Jean and spoke about the importance of the K-9 dogs to the force.

Deputy Chief expressed thanks and appreciation for the vests, and spoke about the importance of the K-9 dogs to the Police Department and the work that they do. He presented Ms. Jean with a Muchas Gracias from Aric Wheeler, Chief.

Officer Mark Barnett, Senior K-9 handler, introduced Asher one of the K-9 dogs on the Santa Fe Police Department, and Officers Brian Hidalgo and Paul Castillo who also work with K-9 dogs.

Councilor Chavez arrived at the meeting

b) MUCHAS GRACIAS – ARTS COMMISSIONERS CYNTHIA GRAVES AND ANDREA POOLE.

Mayor Coss Presented Muchas Gracias Certificates to Cynthia Graves and Andrea Poole for their work on the Arts Commission..

Ms. Graves said she will miss the Commission and thanked staff, Sabrina Pratt and Deborah Garcia for their good work and assistance to the Commission.

Ms. Pool thanked the City for the opportunity to serve, and staff for their hard work and assistance to the Commission.

b(1) MUCHAS GRACIAS – MAGGIE MONROE CASTLE

Mayor Coss said he and Councilor Wurzbarger presented a Muchas Gracias Certificate to Maggie Monroe Castle, the leader of Habitat for Humanity, who is leaving Santa Fe.

c) LEADERSHIP SANTA FE PROGRAM. (J.D. BULLINGTON AND LUCY RIVER).

Lucy River, Program Director, spoke about the work of the Program, noting that it serves 25 people per year – 40% non-profit representatives, 20% business representatives and 20% local government representatives , noting 24 people will be graduating from the 2009-2010 program in June. She said Councilors Romero and Dominguez are alumnus, and Councilor Chavez's wife currently is in the program, noting Councilor Romero formerly served on the Board, and Mayor Coss has addressed the program participants twice, and hopes he will again.

Ms. River introduced Lisa Clark, one of the participants to speak further about the Program. Ms. River noted that participants develop leadership skills through the program, as well as being provided networking skills they wouldn't otherwise have.

Ms. Clark spoke about her participation, what she learned from the program, and urged others to apply to the program.

Councilor Romero said she has been involved with the program since the late 1980s, and is glad to see it growing into a vibrant organization with staff. She said when they did the strategic planning in the early 1980's, they thought anyone running for public office should list participation in the program as a

"seal of greatness," and more than qualified and should run for office. She thanked them for their great work.

Councilor Dominguez echoed Councilor Romero's work. He said the program provides the community the opportunity to learn about how government works, and the skills to ask the right questions. He thanked them for providing this opportunity.

11. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

12. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

14. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body – Revised," for the Council meeting of April 28, 2010, is incorporated herewith to these minutes as Exhibit "1"

Councilor Dominguez

Councilor Dominguez said he is sponsoring a Resolution in support of the Cerrillos Road Reconstruction Project through a cooperative project agreement with NM-DOT. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Dominguez asked the City Manager to ask the Police Chief to coordinate a meeting of the residents on Calle Carmelita who are concerned about the tragedy that happened at Easter, as well as other issues of concern in the community.

Councilor Dominguez asked the City Manager to announce that he will be holding open hours on the first Saturday of the month at Miklos', 10:00 a.m. to 12:00 noon.

Councilor Dominguez said data at the Annie E. Casey website indicates that 1/4 of the children in New Mexico live in poverty.

Councilor Dominguez said on May 10, 2010, just prior to the Public Works Committee meeting, he would like to hold a CIP/Governing Body study session at 4:00 p.m., to discuss the Governing Body's expectations as to how to spend those funds, and perhaps come up with a process for making that decision.

Councilor Calvert

Councilor Calvert wished an early happy birth to Mary Lou Cook who has a birthday tomorrow.

Councilor Calvert asked the City Manager to coordinate with the schools because of impending closure of some of the schools and consolidation, and how we interface with schools and what that will mean and make sure we support whatever is done.

Councilor Calvert asked the City Manager to look at moving the dumpster that sits in front of the City Hall 24/7, which probably is a violation of our own ordinance. He realizes it is a convenient spot, but it isn't appropriate.

Councilor Trujillo

Councilor Trujillo asked the City Manager to meet with the Police Chief about some early morning activity at Franklin Miles, noting he has received emails in this regard. He would like staff to work on some of the fields, especially the girls' softball fields, ASAP, noting the season starts very soon, and the fields have been devastated by prairie dogs. He also wants to ensure that the gates are locked every night at 10:00 p.m., at Herb Martinez and Franklin Miles Parks.

Councilor Wurzbarger

Councilor Wurzbarger introduced an ordinance regarding membership requirements for the Business and Quality of Life Committee. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "3."

Councilor Wurzbarger introduced a Resolution directing staff to implement a new strategy for operating the Community Gallery as an Artist Business Development Center – to look at something to utilize the space as visualized originally, without running a gallery in competition with other galleries. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Wurzbarger asked the City Manager for an update on bills which were passed which are moving toward the one year annual review.

Councilor Bushee

Councilor Bushee listed the following communications:

1. Request to the City Manager to investigate constituent complaints that half of the alarm registration fees are going to Albuquerque.
2. Thanked the City Manager and Police Chief for dealing with the issue over the weekend with four-wheelers which were using the River Trail by Barrio la Canada.
3. Complaint that we are requiring people who have a special trash pick-up because they are seniors and/or handicapped to get an annual physical examination and provide a note from the physician to the City.
4. Do the frequent power outages, especially in the area of Barrio la Canada, have to with the drilling of the wells.
5. Complaints that the City doesn't update its website, and a lot of the information is from 2009 – basic information isn't there when we refer people to the website.
6. She will be working with Jeanne Price for a review of the Animal Services Ordinance.
7. She will be providing names to the Mayor for consideration of appointment to BTAC.
8. She will be working with Jeanne Price on a Resolution supporting the President's Nuclear Non-Proliferation Treaty efforts.

Councilor Bushee said often she doesn't hear back from staff on individual complaints from constituents, and would like to see the City Manager to develop a system for follow-up.

Councilor Ortiz

Councilor Ortiz said the budget process will begin with hearings on Tuesday May 4th and Tuesday May 11th, 10:00 a.m. to 2:00 p.m. He said this will be a tough time, but all of the work which has been done over the past year, hopefully will smooth some of the rough edges. Additionally, at the Finance Committee meeting on Monday, the City Manager will present his recommendations for addressing the current year shortfall of \$2 million. He urged all members of the Governing Body, not serving on the Finance Committee, to attend these meetings as well.

Councilor Ortiz is concerned that Franklin Miles Park isn't open, noting he received Fabian Chavez's email, but there are still no firm dates for completion of that Park, and when the items identified will be fixed by Parks staff.

Councilor Ortiz said he has received complaints about political candidate signs in the public right-of-way. Staff researched the statutes, and these signs have to be removed consistent with City Code. He thanked staff who are in the process of contacting those candidates who have signs in the public right-of-way.

Councilor Bushee said some of the Mayor's signs are still standing.

Councilor Ortiz noted that the Mayor removed the sign near his office as soon as he alerted him.

Councilor Chavez

Councilor Chavez thanked Robert Romero and the staff for the post winter cleanup of the ascoria, especially on the sidewalks. He saw the crews switch from blowers to brooms, which provides a better result, although it is more work.

Councilor Chavez thanked staff, especially the City Attorney's Office, Matthew O'Reilly, Jeanne Price and Terese Prada CA for assisting with the Town Hall meetings on telecommunication.

Councilor Chavez announced that the Santa Fe High Musical Theater 2010, will be moving into another production this week. The production is "You are in Town." The performances begin tomorrow at the High School, Thursday through Saturday at 7:00 p.m. Additional performances: May 6th at the Lensic Theater 8:00 a.m., 9:00 a.m., and 8:00 p.m; May 7-8th at the High Schools at 8:00 p.m. He encouraged the Governing Body and the public to attend a performance.

Councilor Chavez said there is a request from citizens in the Salazar/Hickox/Cortez area to have some sort of neighborhood meeting. There is interest as well from the Casa Alegre area which perhaps could be combined with the Carmelita neighborhood watch meetings. He has received calls from a number of people in these different areas, and suggested some of the neighborhood meetings could be combined.

Councilor Chavez requested that the City Manager post these dates on the public access channel ticker tape to inform the public of the various meetings.

Councilor Romero

Councilor Romero thanked the City Manager for his rapid response to issues which she has given him to research/act on.

Councilor Romero introduced a Resolution for a City Historian Laureate, noting she introduced a Resolution in the fall 2009, but it didn't move forward. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Romero said she attended a Juvenile Justice Advisory Board meeting recently, commenting that there wasn't a quorum in attendance. She said it is timely to look at all of our commissions and task forces to see if there are things we can do to help those bodies to attain quorums.

Councilor Romero said Kaune School is holding a community/neighborhood meeting on May 20, 2010, 6:00 to 8:00 p.m., to discuss the closure of Kaune School and its impact on the neighborhood. A flyer will be sent out, and School Board members will be attending. She said this is a similar meeting which will be held in other schools which have been targeted for closure.

Councilor Chavez requested that the City Manager post these and other dates on the public access channel ticker tape to inform the public of the various meetings.

Mayor Coss

Mayor Coss introduced a Resolution supporting the efforts of the Santa Fe Community College in seeking authority to issue General Obligation Bonds for the purpose of making real property improvements or purchases. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Mayor Coss said he has been wondering what to say, regarding the new Arizona immigration law. He said the idea came up today to invite who is considering boycotting Arizona because of the law, to come to Santa Fe to hold their meetings. Mayor Coss introduced a Resolution reaffirming Santa Fe's welcome to all. A Copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Mayor Coss congratulated staff for the cleanup of Ascoria and the street sweeping, and said there is a request that this be done on the Plaza as well.

Mayor Coss welcomed Isaac Pino and Kathryn Raveling back to the City Hall.

Geno Zamora said, regarding the requests of Councilors Dominguez and Ortiz to the other members of the Governing Body to attend as many of their meetings as possible, regarding CIP allocation or on the budget, staff needs to keep the City Attorney's office informed on the numbers attending these meetings, to be sure we abide by the Open Meetings Act in holding those meetings.

END OF AFTERNOON SESSION AT 5:50 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

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

A copy of the 2010 Event Schedule at the Railyard is incorporated herewith to these minutes as Exhibit "8."

Sandra Brice, staff with SF Railyard Corporation, highlighted the information in Exhibit "8," and invited the Governing Body and the public to attend and participate in these events. Ms. Brice invited members of the Governing Body to call her personally with any questions or suggestions.

Donato Coviello said he here to mention the census, noting the numbers are picking up. He suggested the Council adopt a Resolution asking for cooperation with census workers knocking on doors. He thanked the Complete Count Committee which should be honored. He said the Governor did a PSA about the census and would like the Governing Body to do one for public access television. He thanked Joe Abeyta for his cooperation and assistance. He said he has a concern about the attitude of the City police toward the immigrant community.

G. APPOINTMENTS

Transit Advisory Board

Mayor Coss made the following appointments to the Transit Advisory Board:

Don Bell – Reappointment – term ending 03/2011;
Susan Maslar – Reappointment – term ending 03/2011;
Beverly Post – Reappointment – term ending 03/2011;
Carol Raymond – Reappointment – term ending 03/2011;
Colin Messer – Reappointment – term ending 03/2012; and
Keith Toler – Reappointment – term ending 03/2012.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzburger, to approve these appointments.

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 none against.

Santa Fe Regional Juvenile Justice Board

Mayor Coss made the following appointment to the Santa Fe Regional Juvenile Justice Board:

Judge Michael E. Vigil – to fill unexpired term ending 10/2010.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve this appointment.

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 none against.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM MANGIAMO PRONTO, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT MANGIAMO PRONTO!, 228 OLD SANTA FE TRAIL, SUITE D, SANTA FE. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting there is updated information which is not in the Council packet. Ms. Vigil said the business is within 300 feet of the Loretto Chapel, but the 300 ft. restriction for the sale of alcoholic beverages does not apply to the Loretto Chapel, because it is

designated as a historical site by the Cultural Properties Review Committee and does not have a regular congregation.

Ms. Vigil said, after a site visit it was discovered that the patio area where alcohol would be served and consumed, didn't have a sufficient barrier between the licensed and unlicensed premises. She said she spoke with Deborah Lopez and Gary Tomada, Director, at Alcohol and Gaming, and they informed the applicant, Frederick "Fritz" Holland, that he must enclose the patio area to be in compliance.

Ms. Vigil said Mr. Holland has agreed to enclose the patio area with a semi-permanent physical structure that cannot be moved or changed at will, noting that the enclosure must be at least 3 ft. high and there may not be any gaps in the structure, such as currently are in place with planters. She said the entrance to the patio and to the main entrance of the business must have a gate to allow for ingress and egress, but which will prevent alcohol from leaving the area. The request for the semi-permanent physical structure must be approved by the Historic Design Review Committee.

Ms. Vigil requested that this evening, the Governing Body approve only the interior portion of the proposed premises for alcoholic beverage sales, and have the applicant file an application for a change of floor or expansion of licensed premises with Alcohol & Gaming prior to the City or the State approving the outdoor seating and serving area.

Ms. Vigil said Alcohol & Gaming has agreed to allow the City to conduct this public hearing this evening, with the assurance that Mr. Holland will make application to the Historic Design Review Board [hereinafter "H-Board"] for review of his enclosure, and if the H-Board approves the enclosure, the enclosure shall be completed prior to the City releasing the approved documents to Alcohol & Gaming. She said Alcohol & Gaming has assured her that it will not grant approval of the outdoor seating and serving area until the H-Board has approved the application for the enclosure, the City has approved the new application and the patio area has been enclosed.

Ms. Vigil requested that Mr. Holland, the applicant, who is in the audience, come forward to state that he is in agreement with these conditions.

Public Hearing

Frederick "Fritz" Holland, the applicant was sworn.

Mayor Coss said, "So you know of the conditions that the Clerk just read and you are okay with those if we approve it that way."

Mr. Holland said, "Yes, I am. This was sort of an eleventh hour... I had submitted months ago a plan of the patio with the outside enclosure, and it was, until today, never disclosed to me that it was inadequate and that I would need H-Board approval. But, I'm perfectly fine with the process, and Yolanda

has been very good and indulgent about this, and I have no problem with it. Tomorrow morning I will be upstairs at the H-Board and I'll be in touch with Gary Tomada too."

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, *to approve the request from Mangiamo Pronto, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Mangiamo Pronto!, 228 Old Santa Fe Trail, Suite D, Santa Fe, for the interior only, at this point, with the foregoing conditions as stated by the City Clerk.*

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.

- 2) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615 B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID. THE REQUEST IS FOR ABEYTA/MEYER WEDDING RECEPTION TO BE HELD ON JUNE 5, 2010 FROM 6:00 P.M. TO 11:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is within 300 feet of Alvord Elementary School.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the request for a waiver of the 300 foot location restriction and to permit the sale/consumption of alcoholic beverages at El Museo Cultural de Santa Fe, 1615 -B Paseo de Peralta for the Abeyta/Meyer wedding reception to be held on June 5, 2010, from 6:00 p.m. to 11:00 p.m.

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.

Councilor Calvert asked if Alvord School is consolidated or closed, if it will be necessary to continue to approve these requests since there isn't an active school.

Ms. Vigil said if there is not an actual school there, with children/students, that she believes it will not be necessary to bring these requests to the City Council.

- 3) **REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615 B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID. THE REQUEST IS FOR THE SANTA FE PREP PARENTS' ASSOCIATION ANNUAL FUNDRAISER TO BE HELD ON MAY 14, 2010, FROM 6:00 P.M. TO 9:30 P.M. (YOLANDA VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is within 300 feet of Alvord Elementary School.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee disclosed that she will be attending this event as a guest, and asked if she should participate on this agenda item. There were no objections by the other members of the Governing Body to her participation.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to grant the request for a waiver of the 300 foot location restriction and to approve the sale/consumption of alcoholic beverages at El Museo Cultural de Santa Fe, 1615 Paseo de Peralta, for the Santa Fe Prep Parents' Association Annual Fundraiser to be held on May 14, 2010 from 6:00 p.m. to 9:30 p.m.

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.

- 4) **REQUEST FOR APPROVAL OF 2010/2011 CDBG ANNUAL ACTION PLAN AND CDBG CONTRACTS. (MELISSA DAILEY)**
- A. **HOMEWISE – DPA**
 - B. **HOMEWISE – REHAB**
 - C. **SANTA FE COMMUNITY HOUSING TRUST – DPA**
 - D. **CASAS DE BUENA VENTURA – PRE-CONSTRUCTION OF LOW INCOME SENIOR HOUSING.**
 - E. **SANTA FE PUBLIC SCHOOLS – ADELANTE PROGRAM.**
 - F. **FAITH AT WORK COMMUNITY OUTREACH, INC. – EMERGENCY AND RENTAL ASSISTANCE.**
 - G. **KITCHEN ANGELS – DELIVERY OF MEALS**

The staff report was presented by Melissa Dailey. She said the Finance Committee asked her to provide a Memorandum and a break-down of the Administrative budget which is included in the Memorandum dated April 20, 2010. She said since the last time they met, they were informed of the official budget so the April 20, 2010 Memorandum also shows the updated recommendations from the Community Development Commission, noting she just met with them last week, so these are the most up-to-date recommendations available.

Councilor Bushee asked about the shift from Homewise to the Housing Trust.

Ms. Dailey said she was unable to attend the final allocation meeting in February or March, and she misunderstood the wishes of the Community Development Commission, and when she met with them there was more discussion. She said the entities which are not bolded were fully funded, and the additional funding was distributed to the entities not fully funded, based on the percentage of the total grants they are receiving, so it was done in an equitable manner.

Councilor Bushee asked if the \$28,000 to Faith at Work Community Outreach was about what they had last year, and asked if this means if they are going to try to rent the Pete's Pet building.

Ms. Dailey said the Faith organization was not previously funded from CDBG, and this funding is for safety net services for people who can't their pay rent.

Councilor Bushee asked about the \$33,480 to Casa de Buena Ventura.

Ms. Dailey said it is to build five more units of low income, ADA accessible, senior housing units in the La Cienegita Senior Housing complex

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

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

DISCUSSION: Councilor Bushee said she understands the break-down and that is for staffing.

Ms. Dailey said in looking at this year's current budget, her position has been moved to oversee the Santa Fe Homes Program, and there will be left over funding from this fiscal year. The Finance Department has advised it is best to wait until August when the budget has been finalized and reconciled, to do a mid-year allocation up to \$60,000 for this current year, if this is what the Council would like to do.

Councilor Bushee would like paperwork to precede this as it goes forward to the Finance Committee.

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.

5) **CONSIDERATION OF RESOLUTION NO. 2010- 32. CASE #2010-07. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 285.186± ACRES IN SANTA FE COUNTY TO BUSINESS PARK. THE AREA IS LOCATED IN SANTA FE COUNTY, EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599; AND**

CASE #2010-08. THE PAVILION OFFICE COMPLEX GENERAL PLAN AMENDMENT. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 76.179± ACRES LOCATED WITHIN THE CITY BOUNDARIES FROM BUSINESS PARK TO COMMUNITY COMMERCIAL AND AN ADJACENT 10.834± ACRES LOCATED IN SANTA FE COUNTY TO COMMUNITY COMMERCIAL. THE AREA IS LOCATED EAST OF THE SANTA FE MUNICIPAL AIRPORT AND WEST OF NM 599. (TAMARA BAER)

Items H(5), (6) and (7) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum with attachments, dated April 16, 2010, for the Santa Fe City Council meeting of April 28, 2010, to the Mayor and City Council, from Tamara Baer, Planning Manager, Current Planning

Division, regarding Case #2010-07, Case #2010-08, Case #2010-09, Case #2010-10 and Case #2010-11, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Tamara Baer. Please see Exhibit "9" for specifics of this presentation. Ms. Baer requested that the Council approve the revised Table of Conditions which removes anything which has been done, and the conditions have been reorganized into which Department or Division is requesting them. She said the new conditions are on page 52 of the packet.

Questions from the Governing Body

- Councilor Chavez asked how many acres are in the upper portion which is already annexed.

Ms. Baer said the maps begin on page 85 of the packet, and there is a big blue line outlining the entire parcel. Using the enlarged map, Ms. Baer said, "This little piece right here that's purple is part of the larger 371 acres which is here, and this piece was annexed into the City – it's 76 acres. The lot split that was requested and approved by the Planning Commission actually adds 10 acres below that. So, this piece is ready in."

- Councilor Calvert said the original conditions required certain things to be done before coming to the Council, and asked if this the Revised Table of Conditions.

Ms. Baer said, in answer to Councilor Calvert's question, almost all of the approvals which were recommended, and are recommended, apply to the time when a development plan is considered by the Planning Commission. She said none of the approvals this evening will result in any construction, noting the development plans and/or subdivision plats will be considered by the Planning Commission in the future.

- Responding to Councilor Bushee, Ms. Baer said the open space buffer along 599 is 250 ft. along the BIP or the southernmost portion, and then goes down to 100 ft. on the C-2 portion which is the upper or northernmost portion.

- Councilor Bushee asked if this is in compliance with the Highway Corridor Plan.

Ms. Baer said the Highway Corridor Plan dates back to 1999, but it was never officially adopted by the City.

Councilor Bushee said she understands that, and reiterated her question as to whether it is in compliance with that Highway Corridor Plan.

Ms. Baer said that Plan sets a number of requirements. The requirements for a setback in this particular district in the Plan are 150 ft. to 375 ft., and vary. She said, "In that case no." She said the Plan also recommends a residential land use in this area.

Councilor Bushee said she understands, but thought perhaps the setback requirements were the same, but she is saying these are less than what is required in the Highway Corridor Plan.

Ms. Baer said not necessarily, because the Highway Corridor Plan varied.

Councilor Bushee said she is speaking specifically to this section of 599. Ms. Baer reiterated that the Plan provides for 150 and 375 ft.

Councilor Bushee said it is based on a noise contour and asked Ms. Baer if she has a map specific to this site so she can see where the setbacks vary.

Ms. Baer said she only has the actual Highway Corridor Plan, and she couldn't read it well enough to be able to answer that question.

- Councilor Bushee said changes were made in the Tierra Contenta area. She asked to look at that map.

Ms. Baer approached the Councilors' dais and indicated the locations on the map. Councilor Bushee said then it's just the part that's the narrow little hotel feature. [Ms. Baer's answer was inaudible because she wasn't speaking into a microphone.]

- Councilor Chavez noted there is language in the original Condition #36 which provides, "The applicant shall provide a construction schedule for NM 599 interchange including current approval progress before the MPO, Department of Transportation and Federal agency, 30 days prior to requesting placement on Governing Body agenda for analysis." He said then the interchange at Jaguar and #599 is the responsibility of the developer for the permitting process and the cost of the interchange.

Ms. Baer said this is absolutely correct, and the construction schedule is part of additional material the applicant has submitted which is at the very end of the Council Packet. She said the Applicant has agreed in public hearings to do so, and it is also a condition of approval from the Traffic Engineering Department.

Councilor Chavez said it isn't a condition of approval on the list in the packet.

Ms. Baer said it is in Revised Condition #6 on page 53 of the packet..

- Councilor Bushee said then it is an interchange and overpass. Ms. Baer said this is correct.

- Councilor Bushee asked if the overpass will be designed for use by pedestrians and bicyclists.

Ms. Baer said two pedestrian and bicycle crossings are proposed – one is over and one is under. There are two places where proposed trails cross #599 at the overpass, and then there are culverts south of that where the Arroyo Chamiso goes under the road. These connections tie into all of the trails in Tierra Contenta and County trails on the other side and into La Cienega.

Councilor Bushee asked if the developer is making all of these connections and Ms. Baer said this is correct.

Councilor Bushee said then they will be crossing in a culvert. Ms. Baer said yes, noting it is safer than an at grade crossing.

- Councilor Bushee asked if there will be bicycle lanes on the overpass itself, such as those on Siler Road.

Ms. Baer said there will be bicycle lanes but she hasn't seen the design, but she has seen a plan showing bicycle and pedestrian crossings on the bridge.

Councilor Bushee would like to see specifics of how these are separated from automobile traffic.

- John Romero, City Engineer, said the proposal is for 5 ft. bike lanes and 5 ft. sidewalks on each side, and this is on top of curb and gutter.

- Councilor Bushee asked if the sidewalk or bicycle lane is the one closest to traffic.

John Romero said the bicycle lane is closest to the traffic, and the sidewalk will be on top of curb and gutter.

- Councilor Bushee asked if the City will have responsibility for maintenance once it is annexed into the City and John Romero said this is correct.

- Councilor Calvert quoted from the last sentence on page 104, "It is the desire of this applicant to provide connectivity to the Tierra Contenta trails network." He would like this to be made a condition of approval, because it isn't there.

Ms. Baer said the City requested a Trails and Open Space Plan as a condition of approval, noting that has been provided and is on page 7 of Appendix D.3.5 which is a pull-out color map.

Councilor Calvert said he would like this to be listed as a condition of approval as opposed to just having a map which implies that.

- Councilor Dominguez asked what control the City has on the appearance of the interchange and what landscaping requirements will there be along the sidewalk over 599.

John Romero said, "I'd say we have complete say in how we want the interchange to look. There will be no buffer space between the sidewalk and the curb and gutter, only because it will be over a bridge. But, you know, if there's something that can be worked in there, we can of course do that."

- Councilor Dominguez said he wants to be sure that we spend time looking at the standards for overpasses and interchanges to be sure those are esthetically pleasing, and not the "typical" interchange which isn't always the safest.

John Romero said the Applicant as well as the DOT has asked him how he wants the interchange to look, but he isn't comfortable in making that decision.

- Councilor Dominguez asked John Romero at what point he gets to review the design.

John Romero said he currently is reviewing it and "we have complete control of that, and I would be more than happy to receive recommendations from anybody as to how it should look."

- Councilor Romero said then it isn't like what NM-DOT has done in other areas.

Ms. Baer said the applicant has proposed a bridge that would be similar to the one at Ridgetop in Santa Fe Estates, and she believes the Applicant has graphic material to show this evening as part of its presentation. She said since it is at the expense of the Applicant, the Applicant will also have something to say about its appearance.

- Ms. Baer said the staff is assisting the Applicant in transferring water rights from the County into the Buckman Direct Diversion, so staff believes there will be sufficient water for the project.

- Ms. Baer asked that Fabian Trujillo, Economic Development, be allowed to speak to the issue.

- Councilor Trujillo said he understood John Romero to say that the City would have full control over the design and appearance of the interchange/overpass. He said he truly doesn't believe that the Highway Commission would allow that.

John Romero said the interchange/overpass will, of course, have to meet DOT structural guidelines. He said currently it is proposed to use pre-stressed beams similar to Ridgetop, noting there is a Zia symbol at Ridgetop.

Councilor Trujillo said then once it goes before the Highway Commission for approval, and meets the standards, the City won't have to go back to the Highway Commission.

John said this is his understanding as far as the esthetic features on it, such as the color and things like that. He said, "Right now the Department of Transportation is asking us what we would like it to look like."

- Fabian Trujillo, Economic Development, said this project will meet the City's Economic Development Implementation Plan as proposed. He said the businesses they are looking to attract and built out are all in the five clusters – green technology, knowledge based, media, arts and culture. He said we view consistently through our passive recruitment strategy a number of requests from the State to send proposals. These are usually bigger requests in excess of 50,000 sq. ft. He said this particular project will give us the opportunity to compete for those projects that are looking at the State which meet our implementation strategy.
- Councilor Wurzbarger said she has a proposed amendment, because she was concerned that there was no reference in the Council packet to the City's Economic Development language, and she will be adding this language as a condition of approval.
- Mr. Trujillo said he has been working with Pavilion and they have agreed to meet our Economic Development Implementation Plan.

Public Hearing

Presentation by the Applicant

Mayor Coss gave Scott Hoeft, representing the Applicant, 15 minutes to present information on the project..

Scott Hoeft, Santa Fe Planning, was sworn. Mr. Hoeft said he and Bruce Poster will be presenting information, noting Mike Gomez, Civil Engineer, is available to answer questions, as well as the Attorney Nancy Long and Phil Sena the developer.

Mr. Hoeft said Ms. Baer highlighted all of the benefits, so he won't be speaking to those. Mr. Hoeft identified the subject site of the project and the interchange/overpass on the enlarged map, noting they will be completing Jaguar Drive to the interchange and extending "Pavilion Air," to the Airport, and the right-of-way [hereinafter "ROW"], was determined years ago and nothing new is added there. It is bounded by the Airport, Komis property and Tierra Contenta. He said the City owned Aviation Business Park is at the top of the site. He said the southern part of the 371 acres is not in the City at this time, and the upper part is in the City. He explained this was a mistake, and it existed as one parcel when the presumptive City Limits was prepared. He said they decided to bring the entire parcel into the City, and notified the County, noting the five requests before the Council this evening.

Mr. Hoeft said his firm has been involved in this project for ten years. He said in initial meetings there was a concern by the residents that the project would put traffic on County Road #54 in the La

Cienega community. He said this plan shows "those two roads as emergency access only," and will be maintained. He said primary access is to the north to the interchange.

Mr. Hoefft said there is a lot of open space, with open space buffers along #599, open space buffers along the south, and there is an arroyo which runs through the middle of the site which is maintained as open space. He said there are significant open space buffers to the south, noting those were part of the earlier plans with the La Cienega community and have been maintained in the new plan. Mr. Hoefft said there is a topography change with the buffers. He said when you are in La Cienega, you aren't looking at the site and there is a significant step-up "at this point here," to the site and that is "open space from a buffer standpoint, but it's also poor topography. It's elevation. There's steep slopes there. And that's also one of the reasons why the buffer was maintained to the south. He said there is open space "north of 40%." He said there are buffers along 599, and a road that comes in that is circular and comes out and the balance of the land is where we have the building pads. He said the density, uses and such, of the building pads will be determined at the development plan submittal which is the next step if this is approved this evening.

Mr. Hoefft presented an artists' rendition which he believes is helpful in seeing how the project will look when complete, with the interchange in the middle and the site to the south, the new Airport entrance and the connectivity to Jaguar.

Mr. Hoefft said the Planning Commission asked him to meet with the Police Department in terms of police protection. He met with Chief Wheeler and his Deputy, explaining this will be serviced by a private security company such as Akal, and they felt the distance from Valdez Business Park was a reasonable distance, especially with the Jaguar extension.

Mr. Hoefft said a few neighbors attended the last meeting to talk about several things, one of which is a fence. A gentlemen was concerned that people were accessing the property illegally, partying and also dumping. At the request of the Planning Commission, we strung a fence from his property to the arroyo so that activity would cease. They also cleaned the site of debris which has been dumped for the last 10 years.

Mr. Hoefft met with Bob Siqueiros and Mr. Wilson to discuss the plans for the trails, noting that connectivity to Tierra Contenta and La Cienega is important, which has been maintained through the arroyo system which runs through the property as well as the trails around the property. There will be two access points from both sides of the highway. He said one option is a box culvert with plenty of room for pedestrians, and the second option is the walkway on the overpass.

Mr. Hoefft said the overpass is modeled after the one at Ridgetop, saying that is an esthetically pleasing design. He said they have been working with NM-DOT for about 8 months to get approval for the bridge, noting they have received access approvals. He said about half of the bridge design is underway and will continue that process based on "their direction. They are guiding the process. We're following their direction."

Mr. Hoeft said, with regard to the water, it is not a transfer it is an exchange. He said, "The water rights... the City wants them in one location, we put them in the other location – the BDD versus the Buckman Well Field. And what we are doing there is not going through a whole new transfer. We're going to work with the City and the County, and we already have letters from both attorneys stating that we can do so to essentially exchange the water rights, not go through a whole new transfer. And Marcos [Martinez] has been heading that up for the City."

Mr. Hoeft, using an enlarged map, spoke to the questions regarding the highway corridors. He said, "What we have shown right here, Councilor, is a buffer of 250 feet, and then we have buffer at the north here shown as 100 ft. But, I believe is what Tamara was getting to is that the buffers that are on the Highway Corridor, and you have the plan in front of you, I believe are 150 ft. required, and up to 375 ft. preferred, if I'm not mistaken. I'm not sure on those distances. But what we have shown here is 250 ft., and then to the north is another 100 ft. If you carry that through, and keep in mind that where we've actually bent it is right where the interchange is at, so there's a considerable distance there from where the cars travel. Also keep in mind that this interchange and the Highway Department shows that location for the interchange going back 15 years, because this is where the elevation changes. It's the higher topography. It's the place that you can naturally put a bridge across without having to do a lot of dirt work, unlike at County Road 62 where it's relatively flat in the area. And so, keep in mind that you're back quite a bit, plus, in terms of visibility, you are again having to work with the elevation, so it's not as visible as what it would appear."

Bruce Poster, Southwest Planning & Marketing, was sworn. Mr. Poster said he prepared an independent assessment of the market analysis for the Pavilion as well as the economic and fiscal impacts. He said they analyzed the site and feel it is a good location for this project in term of the market being near residential growth, major transportation nodes, the Rail Runner Station, and other business parks in the area. It seems like a good place for it, and Mr. Trujillo has said it fits with the City's economic development strategy. He said he attended a meeting yesterday where the Mayor and Councilor Wurzbarger spoke about the need to create 4,000 jobs in the next 4 years, and he believes this project will go a long way toward achieving that goal.

Mr. Poster said he looked at the market for the project, and there is evidence the economy is starting to move into the positive. The primary market for the project would be large office manufacturing users in both the public and private sectors, light manufacturers, regional distributors who need this kind of transportation access near highways and an airport, suppliers serving LANL. They spoke with realtors and economic developers about requests, which include an insurance processing company looking for 125,000 sq. ft., a packaging plant for 120,000 sq. ft., three businesses looking for 50,000 to 75,000 sq. ft. for executive headquarters and secondary users such as retail and restaurant to serve the area and persons flying in or out of the Santa Fe Airport.

Mr. Poster said they have looked at competition, and there are other sites which could handle office, but none of them can handle a project of a major size. He said Las Soleras has 100 plus acres of office space which is a lot less than this project; Hart Business Park has 50 acres; the City's Santa Fe

Industrial Park has 40 acres, but no utilities; Komis Business Park 58 acres; and Oshara and Zia Station are smaller projects and not as well located for this use.

Mr. Poster said the City has absorbed 95,000 sq. ft. of office and 40,000 sq. ft. of industrial warehouse per year within the City, but that doesn't include all the development along State Road 14, along the I-25 frontage roads, noting the estimate is 300,000 sq. ft. of office/industrial absorbed per year in the metropolitan area. He said over 15 years, the Pavilion will absorb 70,000 sq. ft., or 23% of the historical absorption rate which they believe is reasonable and achievable.

Mr. Poster said the project will generate 2,700 construction jobs, or 183 per year over 15 years, and \$100 million in construction wages, \$71 million in indirect wages, 2,600 direct jobs, with another 2,400 indirect jobs, with annual wages of more than \$175 million at buildout over 20 years. They estimate \$8 million in GRTs from construction, plus \$10 million annually from operations, plus \$1.5 million in property taxes to the City and the Schools, plus Lodger's Taxes. They believe with the market starting to turn around that the project will be successful and a net benefit to the community.

Speaking to the request

James Hicks, Executive Director, Tierra Contenta, was sworn. Mr. Hicks said they are excited about the plan and that it will be good for the community and Tierra Contenta. He said the new interchange is one of 7 access points established in the master plan, and this is a great thing for them to be able to address traffic problems within Tierra Contenta and on Airport Road and Cerrillos.

Mr. Hicks said the employment opportunities are huge, and Tierra Contenta was designed so people could live close to where they work and the project will help. It will remove obstacles they've had for years because there was no access to #599. In December 2009, Tierra Contenta sold a major piece of Tierra Contenta commercial property on the east side of 599. He said it will be developed to their design standards. He said there is a new fire station to serve the Airport and the interchange will provide a straight shot to the development from the station on Jaguar Drive. He said the Airport Business Park will become a reality. He said there is a big loop road in Tierra Contenta that connects to Jaguar and 599, which will help them jump start the remainder of the development within Tierra Contenta. He urged approval.

Mayor Coss noted there is a Fire Station at the Airport that is fully staffed, although we do appreciate the connectivity.

The Public Hearing was closed

Councilor Dominguez said he lives in Tierra Contenta, and he appreciates the attempts to promote economic development for this area as well as the entire City. He drives the roads daily and understands the congestion along Airport Road and in Tierra Contenta. He said this proposal helps fulfill the various

transportation plans and the Tierra Contenta plan in terms of connectivity. He said this is a project which totally and completely supports the various plans which exists in this part of Santa Fe. He anticipates that people in Tierra Contenta might have work in the area, which is something he wants to see.

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2010-32, approving Case #2010-07, and Case #2010-08, the General Plan Amendments, with the Amended Conditions of Approval as recommended by staff.

FRIENDLY AMENDMENT: Councilor Wurzburger proposed the following amendment to the motion, pursuant to her previous remarks:

Page 2, after line 8, add a new WHEREAS as follows: "... and WHEREAS, it is important for development of the subject property to be consistent with the City's Economic Development Plan;
and

Page 2, line 20, add new language as follows: "...attached hereto. FURTHERMORE, the Governing Body requests that the City's Economic Development Plan be fully considered when developing the Pavilion parcels.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

POINT OF CLARIFICATION: Councilor Calvert asked if the motion, as amended, is for the two General Plan Amendments. Mayor Coss said it is for the adoption of Resolution 2010-32 which approves Case #2010-7 and Case #2010-8.

Mr. Zamora said it would be cleanest if the Motion was amended to included Councilor Wurzburger's language so there is one motion accepting the amended language, and the revised conditions of approval as recommended by staff.

RESTATED MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2010-32, approving Case #2010-07, and Case #2010-08, the General Plan Amendments, with the Amended Conditions of Approval as recommended by staff, and with the following amendment to Resolution No. 2010-32:

Page 2, after line 8, add a new WHEREAS as follows: "... and WHEREAS, it is important for development of the subject property to be consistent with the City's Economic Development Plan;
and

Page 2, line 20, add new language as follows: "...attached hereto. FURTHERMORE, the Governing Body requests that the City's Economic Development Plan be fully considered when developing the Pavilion parcels.

VOTE: The restated 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.

- 6) **CONSIDERATION OF BILL NO. 2010-12; ADOPTION OF ORDINANCE NO. 2010-7. CASE #2010-12. THE PAVILION OFFICE COMPLEX ANNEXATION. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS ANNEXATION OF 296.020± ACRES OF LAND, LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

MOTION: Councilor Dominguez moved, seconded by Councilor Chavez, to adopt Ordinance No. 2010-7, approving Case #2010-12 the Pavilion Office Complex Annexation, with the Revised Conditions of Approval as recommended by staff which are applicable to the annexation.

DISCUSSION: Responding to Councilor Bushee, Ms. Baer said the Applicant stated earlier that they will provide private security services. Councilor Bushee asked if this would be provided permanently, and the City would never have to patrol this. Ms. Baer said this is correct, during construction, but probably not prior to construction.

Councilor Wurzburger asked what will happen on the 372 acres in the meantime, presuming construction will take more than a year. She said the City has now annexed the property and now has an additional 372 acres to which the City will respond.

Ms. Baer said the land has been there forever, and the only problems, to her knowledge has been some partying, a little bit of trash dumping and some trespassing involving ATV vehicles. She said access to the property has been fenced on the southern portion where the previous access was happening.

Councilor Bushee doesn't have to worry the Police Department if the Applicant is going to offer security services, and asked if that will be provided throughout construction.

Mr. Hoelt said yes.

FRIENDLY AMENDMENT: Councilor Bushee asked to add a condition of approval that the Applicant will provide security services throughout construction **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY, WITH THE MAKER STATING THAT THE POLICE DEPARTMENT IS ALREADY DOING SOME OF THAT.**

DISCUSSION: Councilor Dominguez said he wants to point out that the Police Department has been wonderful and active in patrolling some of the open space just east of #599. He understands the police often go underneath the box to the western part of #599, where the proposal is to patrol some of that area as well.

Councilor Bushee said construction sites are graffiti magnets, as well. She said the City can assist, but we need "you guys" to cover it.

Councilor Calvert asked, since the Archaeological Review Committee [hereinafter "ARC"] has not met and will meet after this meeting, how will we incorporate their findings as a condition of this project.

Ms. Baer said the Committee did consider a report on this project by Stephen Post, Archaeologist, and the ARC had changes it wanted made to the Report. She understands he has made those changes, noting there is a letter in the back of the packet. She said, "It is absolutely the City's understanding that this won't go ahead without ARC approval."

Councilor Calvert asked if we could add a condition of approval, that the approval is subject to conditions imposed by the ARC, but we may not know what those are at the time we make that a condition. He asked if we want to "write that blank check, or how do you want to deal with it."

Ms. Baer said the Revised Conditions of Approval are very specific with regard to what they were looking for.

Mr. Hoefft said archaeological reports were done 15 years ago, and those were rejected by the ARC when presented to them. He said it was necessary for Mr. Post to revisit all of the sites. He said Mr. Post prepared the updated Report, and went to make a presentation to the ARC, but they didn't have a quorum. He said Mr. Post needs to make another presentation, and the ARC will either concur or disagree with his recommendation. He said there are two sites on the project which are significant. At that point, we will need to develop a mediation plan – to either keep them in an easement for preservation or mediate them. He said archaeological clearance from the ARC is required to obtain a building permit. He said they can't proceed until this issue is resolved.

Councilor Calvert asked Mr. Hoefft if the Applicant would be okay with a condition of approval providing that he will follow the recommendations of the Archaeological Review Board.

Mr. Hoefft said this is correct.

FRIENDLY AMENDMENT: Councilor Calvert asked that the motion be amended to provide a condition of approval that the Applicant will follow the recommendations of the Archaeological Review Committee.

DISCUSSION ON THE FRIENDLY AMENDMENT: Ms. Baer said this already is a condition, in that the Applicant can't get development plan approval or a building permit unless they comply with all of the conditions stated by the ARC.

WITHDRAWAL OF THE FRIENDLY AMENDMENT: Councilor Calvert withdrew his request for a friendly amendment.

Councilor Calvert said there was discussion about the water rights, and he would be more comfortable with a condition of approval about what is going to have to happen, so the transfer and such is in place, and not just as a "gentlemen's agreement."

Mayor Coss said it is just moving the diversion point, and it isn't a transfer of water rights.

Councilor Calvert said the City and County have water rights at different locations and we're just going to "swap."

Mr. Zamora said this is correct, it is an exchange of water rights and being handled by our attorney Marcos Martinez.

Councilor Calvert asked Mr. Hoeft if the Applicant is amenable to this being a condition of this annexation, and Ms. Baer said it already is.

Councilor Calvert said he doesn't see it in writing anywhere as described – the exchange between the City and County of water rights so they are at the right location.

Mr. Hoeft said the Applicant is amenable to such a condition.

FRIENDLY AMENDMENT: Councilor Calvert asked to amend the motion to provide that the exchange of the water rights between the City and County must be completed as a condition of the approval of the annexation. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert referred to page 93, D.3.8, which discusses connection to the 599 Railrunner Station. He asked if the Applicant is willing to provide that connection or to help the City with its funding.

Mr. Hoeft said he is uncertain to what Councilor Calvert is referring.

Councilor Calvert said this is under "Expansion of Services," and the section on Annexation discusses when a project comes forward and wants to "push the boundaries," and there is an extension of services. He considers the transit referenced in the reports as an extension of services, and asked Mr. Hoeft if the Applicant is willing to pay for or to assist in funding that connectivity, noting he is referring to it as something that will happen. Councilor Calvert wants to know who will pay for this. He said throughout the

section it talks about providing services such as water and sewer and the Applicant will pay for that infrastructure. He said this is another extension of services, and would like to know what the Applicant would be willing to do on this connectivity.

Mr. Hoefft asked Councilor Calvert if he is referring to an extension of the Rail Runner or Santa Fe Trails program.

Mayor Coss said he is speaking about the transit service to connect.

Mr. Hoefft said he met with Santa Fe Trails to ask if it would be willing to service the project, and they said yes, they would run a route from the Rail Runner Stop to the site.

Mayor Coss asked who would pay for the route.

Councilor Calvert asked again if the Applicant would be willing to help fund the extension of City transit services for this project.

Mr. Hoefft said he has no sense of what that would cost month-to-month and year-to-year.

Councilor Bushee said there have been discussions at RPA with regard to the Las Soleras buildout, and with this build-out. She said it is a shifting of the City's funding and priorities, and to ensure that traffic and congestion are alleviated. She believes this is a government service that will be offered there, saying she understands Councilor Calvert's good intentions. She said the City has never conditioned a private development to provide bus service.

Councilor Calvert said we have required some to provide the station or for the connection to be made.

Councilor Bushee said the station is there, and she is speaking to the fact that the RPA has had this discussion, and as we move through shifts and changes of buildouts we will be directing services there.

Councilor Calvert agreed that we have had this discussion at RPA, and found that the need for expansion for rail connectivity will exceed the budget. He said the City will continue to have demands on connections to the Rail Runner service, many which will be south of that station. He is glad the Applicant spoke with Transit, and Transit will be glad to provide the service. However, will that be funded by the RPA or the City.

Councilor Bushee said, "All I'm going to amplify is that it was never our intention to pay for the Rail Runner service, but it was always the plan to pay for the services to get to and from the train, which she believes is "our obligation."

Mayor Coss said as they build out, they will pay the 1/8% RTD tax which might cover the cost.

Councilor Chavez said one benefit of the buildout in addition to GRTs, would be the collection of Impact Fees, which, added to any GRTs, should help pay for some of the future services we're expected to provide.

Councilor Dominguez agreed with Councilor Chavez. He said as the development plan comes forward, there will be a need to identify bus stops and shelters, and such.

Ms. Baer said this is absolutely correct, and those will be specified and reviewed in the development plan review.

Councilor Romero said the RPA is the entity that makes decisions on how the GRTs will be spent, and submits that plan to the NCRTD. In this situation, she feels it is premature to make them do anything extra when we don't know the amount of the GRTs. She said the RPA has committed to look at any of the additional services which will be required, including Las Soleras, the Zia Station, to be sure funds are set aside for some of the future activities which may occur. She said we do evaluate the needs, through our service plan, so there is a continual evaluation. She would hesitate to hinge anything right now on a requirement when we don't know what it will look like, and she is comfortable in leaving it as is.

Councilor Calvert said she helps his argument in saying we don't know what the GRTs will be. He said the need for transportation will be from day one when something opens. This plan goes over 15 years, so it will take a while to accumulate GRTs which might pay for the transit, so we won't have those funds from day one.

Councilor Calvert said he would withdraw his request for this amendment.

FRIENDLY AMENDMENT: Councilor Calvert asked to add a condition of approval regarding the Applicant's willingness to provide the connectivity to the Tierra Contenta Trail. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said generally conditions of approval added by the Council come under rezoning, and asked if it appropriate to do this under the annexation.

Mr. Zamora deferred to Mr. O'Reilly or Ms. Baer.

Mayor Coss believes we can impose conditions on annexation or the ordinance, but we generally don't do this on the general plan.

Ms. Baer said the conditions of approval are exhibits to each of these cases, so they will repeat and be the same.

FRIENDLY AMENDMENT: Councilor Calvert said he would like to amend the motion to require compliance with the Night Sky Ordinance because of the proximity of the project to our neighbors to the south which is not densely populated, as well as to the airport for reasons of flight safety. He also would like to require the use of LED lighting for streetlights. **THE AMENDMENT WAS FRIENDLY TO THE MAKER.**

DISCUSSION ON THE FRIENDLY AMENDMENT. Councilor Dominguez said we have gone through a processing in dealing with lighting and how it affects neighbors to the south, east and north. He fully expects the applicant would comply with our ordinances, and that we will enforce that ordinance.

Councilor Bushee believes the two issues should be separated. She said they have to comply with the Night Sky Ordinance. However, the City has been trying to pursue LED lights for streetlights, and she understands it is cost prohibitive at this point, and the reason the City hasn't pursued it. She said the technology may be cheaper by the time this project happens, but LED lighting isn't in our Night Sky Ordinance.

Councilor Calvert said it is being done in some locations, and Councilor Bushee said she understands it is very costly, and we're doing this with the traffic lights. She asked Mr. Romero to comment.

Robert Romero, City Manager, said we are hearing about concerns about LED lights in climates like Santa Fe, so we haven't selected a light which we believe is a standard and with which PNM will work with us to place. He said until that technology gets to the place where we're comfortable and makes sense, we're probably not going to go there.

Councilor Calvert asked when there will be groundbreaking on his project.

Mr. Hoefft said it will be April 2011, with 15 years to buildout.

AMENDED FRIENDLY AMENDMENT: Councilor Calvert asked to add a condition of approval that the Applicant comply with the Night Sky Ordinance and that it is desirable that the applicant include LED lighting at the appropriate time. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

CLARIFICATION OF THE FRIENDLY AMENDMENT BY COUNCILOR WURZBURGER: Councilor Wurzburger said the issue for her, as you come down La Bajada Hill, are the security lights people put around commercial buildings. She said, "I am inferring that under the technological improvements you could have motion sensors, because right now I can imagine 372 acres all lit up until they destroy our night sky. I don't know if our Night Sky Ordinance talks about that, but that's what you see when you come up La Bajada Hill." She would like to add this as clarification, and if it isn't in the Night Sky Ordinance and we need to look at that.

Councilor Dominguez understands the intent. He said this is something to be addressed at the development plan phase, noting we don't know the locations of the buildings, etc. He said we just went through this issue with the FedEx building, and they've done a lot to tone-down the lighting and the neighbors are happy with that.

Councilor Calvert reiterated his concern that the lighting could be a flight safety issue as well.

Mr. Zamora said he has heard conditions of approval to comply with certain ordinances with which he has a legal concern. He said if you start enumerating the ordinances with which they must comply, are you setting up for an argument that they don't have to comply with the Ordinances you didn't name, and in the future with other developments if you remembered to include them this time around, but you didn't remember to include them six months down the line, will they argue that they don't have to comply with Night Sky.

AMENDED FRIENDLY AMENDMENT: Councilor Calvert would like to amend the previous condition to drop the Night Sky Ordinance provision, and ask that the Applicant work to achieve the most downwardly focused lighting technology possible at time of implementation. **THE AMENDED FRIENDLY AMENDMENT WAS FRIENDLY TO THE MAKER AND THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Calvert said the enumeration of the financial impacts from this project was very impressive. However, his concern is, especially during construction, how we know if any of this will be local expenditures. He asked if there is a way that we will come to some reassurance by the Applicant, that the Applicant will try to work with local firms, especially over 15 years. He wants a reassurance and/or commitment by the Applicant to work with local development firms and local supply firms to keep the revenue in Santa Fe's economy. This is as opposed to hiring a firm from Albuquerque, and bringing its workers, so Albuquerque gets the employees and the infusion of funds.

Councilor Wurzbarger agreed with Councilor Calvert in this regard.

Mr. Hoefft said, "Councilor, we would make this commitment, as long as it isn't required. We will do our best to follow your advice, certainly."

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.

- 7) **CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-8. CASE #2010-10. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 285.186± ACRES OF LAND FROM COUNTY RESIDENTIAL TO BUSINESS INDUSTRIAL PARK (BIP). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)**

CASE #2010-11. THE PAVILION OFFICE COMPLEX REZONING. SANTA FE PLANNING GROUP, INC., AGENT FOR RICHARD COOK, REQUESTS REZONING OF 76.179± ACRES FROM RESIDENTIAL/1 DWELLING UNITS PER ACRE (R-1) TO GENERAL COMMERCIAL (C-2), AND 10.834± ACRES ADJACENT FROM COUNTY RESIDENTIAL TO GENERAL COMMERCIAL (C-2). THE PROPERTY IS LOCATED WEST OF NM 599 AND SOUTH AND EAST OF THE SANTA FE MUNICIPAL AIRPORT. (TAMARA BAER)

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Ordinance No. 2010-8 approving Case #2010-10 and Case #2010-11, the Pavilion Office Complex Rezonings, with all Amended Conditions of Approval as recommended by staff.

DISCUSSION: Councilor Bushee asked the Applicant to delineate the open space buffers to adjoining properties for the project in greater detail..

Mr. Hoeft asked if she is speaking to the open space here or the open space along the southern edge.

Councilor Bushee said, "Not along the highway."

Mr. Hoeft said, "We've maintained open space buffers along the southern portion here, that's approximately 250 ft. by this measure here. Over here, it's an even greater distance, and all along here, this is shown as open space."

Councilor Bushee said then, at maximum, it is 400 ft. and 100 ft. minimum.

Mr. Hoeft said the minimum here looks as though it is 250 ft. and it only goes up from there.

Councilor Bushee understands the compliance around C-2 zoning would be impossible, but believes they already closely comply with the remaining portion of the site which would be a business park.

FRIENDLY AMENDMENT: Councilor Bushee asked that a condition of approval be imposed requiring the Applicant to comply with the Highway Corridor Plan as mapped out, just in that stretch. **THE AMENDMENT WAS FRIENDLY TO THE MAKER THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS, WITH THE MAKER COMMENTING THAT IT APPEARS THAT THEY ARE TRYING TO ACHIEVE THAT AS IS..**

Ms. Baer asked Councilor Bushee if she is speaking only to the setbacks for the Highway Corridor.

Councilor Bushee said yes, and not for land use, because we are changing the potential land uses with the rezoning, "or any of the other standards. "

Mr. Hoeft said, "Just a clarification. I believe we were talking about roughly 310 feet in this area here, which we more than meet. And I believe in this area we're talking about 285 ft., what we saw on the map. And again, it's difficult, because we can't transpose this, and this scares me a little bit. But 285 ft., I mean if we're 250 ft. here, it's not that big of a..."

Councilor Bushee said, "And in the upper, you can't comply, so I didn't make that part of the amendment.

Councilor Dominguez asked, "We're within the range. You feel comfortable that we are within that range. "

Councilor Bushee and Mr. Hoeft said yes.

Councilor Bushee said, to be clear, she's not asking for the uses to change, and asked staff to describe the other standards that they're not having to meet.

Ms. Baer said, "The ones that come to mind, is that there's a height restriction of 17 ft. There's also a maximum building site of 5,000 sq. ft., which probably wouldn't work either."

Councilor Bushee asked staff to send the Trails and Open Space Plans through the Bicycle and Trails Advisory Committee, noting they may have some good suggestions.

Councilor Bushee said this is a good project and the economy needs the help. She likes the location and that the interchange will be user-friendly and will be an amenity to that part of town. She with the rezoning it looks like this plan puts the City's idea of a business park "to rest."

FRIENDLY AMENDMENT: Councilor Romero asked to amend the motion to add a condition of approval that any construction debris from the site will be taken to the Caja del Rio Landfill. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS..**

Mr. Hoeft said the Applicant concurs with this condition of approval.

Councilor Chavez asked if the Applicant will have to comply with all current land use requirements and Ordinances, such as the Big Box Ordinance, which would limit commercial properties to 150,000 sq. ft.

Ms. Baer said, "They would have to comply with all City ordinances, period."

Councilor Bushee would like the Applicant to take advantages of any options for water harvesting and filtration in the parking lot. She said it is a thought and not a condition.

Councilor Calvert said it would be helpful to him, when staff prepares a packet, if they could use different letters for the Planning Commission, and the Council. He asked that the latest information be put closer to the front of the packet so they can see the most recent information, rather than at the back of the packet.

CLARIFICATION OF THE MOTION: Councilor Dominguez said he wants to be sure the motion includes approval with all of the Amended Conditions of Approval as recommended by staff.

Councilor Wurzburger thanked everyone for their hard work on this project. She is hopeful that Tierra Contenta can be recharged from this. She said the trend of people working in Santa Fe and living in Albuquerque remains of concern to her. She hopes there is something we can do to in terms of housing in Tierra Contenta to make this happen.

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.

Explaining his vote: Councilor Ortiz said he wants to encourage this developer who has gone through a process not to give up hope to land the State Government Complex. He realizes the so-called "fix is in," with regard to the State purchase in Las Soleras and that people in this administration are trying to get things developed during this administration. He said the State has ignored the fact that they have to bring water rights to that complex for which it has not accounted nor budgeted. He said this project provides a perfect opportunity for the State expansions about which it has been talking. It is his hope that this developer is not dissuaded by the kinds of politics which are happening at this time, and that the developer continue to act aggressively to try to get that complex for this side of town, given all of the amenities it has put forward in benefit of the community, and voted yes.

Mayor Coss thanked the staff and the developer for a job well done, commenting it is nice to have a development to approve, because we haven't had one for a while.

- 8) **CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO. 2010-9 (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (MELISSA DAILEY). AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 26-1, REGARDING THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE**


GROUPING OF SANTA FE HOMES PROGRAM UNITS; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY. (POSTPONED TO MAY 12, 2010 CITY COUNCIL MEETING)

- a) **CONSIDERATION OF RESOLUTION NO. 2010-31 (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; TO ELIMINATE THE FIRST-TIME HOMEBUYER STATUS REQUIREMENT; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY. (MELISSA DAILEY) (POSTPONED TO MAY 12, 2010 CITY COUNCIL MEETING)**

I. ADJOURN

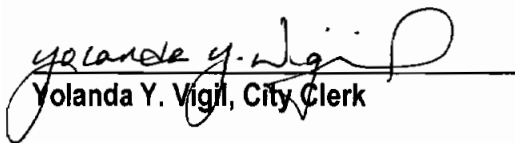
The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:20 p.m.

Approved by:



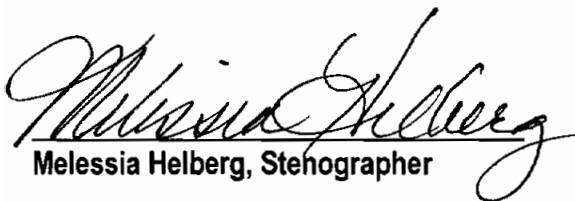
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer