

Thereupon the following proceedings, among others, were had and taken:

PUBLIC HEARINGS

CONSIDERATION OF BILL NO. 2008-26

ADOPTION OF ORDINANCE NO. 2008-22

Issuance of General Obligation Bonds, Series 2008

Ms. Kathryn Raveling, Finance Director and Treasurer, presented Bill No. 2008-

26

The Mayor announced that the City Council would take action awarding the City of Santa Fe General Obligation Bonds, Series 2008 in the amount of \$20,000,000 in conformity with the Notice of Sale issued by the City Council on April 9, 2008.

Councilor Rebecca Wurzburger thereupon moved that the City Council accept the bid of Morgan Stanley for the purchase of the Bonds, said bid being the best bid received for said Bonds.

Said bid is as follows:

| <u>Amounts Maturing</u> | <u>Years Maturing (August 1)</u> | <u>Interest Rate (Per Annum)</u> |
|-----------------------------|--------------------------------------|--------------------------------------|
| \$ 600,000 | 2009 | 5.000% |
| 750,000 | 2010 | 4.000% |
| 775,000 | 2011 | 3.750% |
| 805,000 | 2012 | 3.750% |
| 835,000 | 2013 | 4.000% |
| 865,000 | 2014 | 4.000% |
| 900,000 | 2015 | 4.000% |
| 935,000 | 2016 | 4.000% |
| 970,000 | 2017 | 4.000% |
| 1,015,000 | 2018 | 4.000% |
| 1,060,000 | 2019 | 5.000% |
| 1,105,000 | 2020 | 4.100% |
| 1,155,000 | 2021 | 4.200% |
| 1,210,000 | 2022 | 4.250% |
| 1,270,000 | 2023 | 4.250% |
| 1,335,000 | 2024 | 4.250% |
| 1,400,000 | 2025 | 4.375% |
| 1,470,000 | 2026 | 4.400% |
| 1,545,000 | 2027 | 4.500% |

plus a premium of \$160,000.

The motion was duly seconded by Councilor Patti J. Bushee and carried on a vote of 8 for and 0 against.

Councilor Rebecca Wurzburger thereupon introduced and moved the adoption of the following ordinance:

CITY OF SANTA FE, NEW MEXICO
ORDINANCE NO. 2008-22

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF \$20,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

WHEREAS, at the general obligation bond election held for the City of Santa Fe (the "City"), State of New Mexico, on the 4th day of March, 2008, the electors of the City authorized the City Council of the City (the "City Council") to contract bonded indebtedness on behalf of the City and upon the credit thereof by issuing general obligation bonds of the City (the "Bonds") to secure funds for the following purpose (the "Project"), in the following amount:

| <u>Purpose</u> | <u>Amount Authorized At Election</u> | <u>Amount Previously Issued</u> | <u>Amount To be Issued</u> |
|--|--|---|--------------------------------|
| To acquire land for, and to improve, public parks, trails and open space for recreational purposes | \$20,000,000 | \$-0- | \$20,000,000 |

WHEREAS, the City Council has determined, and does hereby determine, that it is necessary and in the best interest of the City and the inhabitants thereof that the entire amount of the general obligation bonds authorized at the election (the "Bonds"), be issued at this time, provided, however, that a satisfactory price be obtained therefor upon a public sale; and

WHEREAS, the City Council has received and publicly opened sealed bids for the purchase of the Bonds and the City Council has determined and hereby does determine to accept the bid and award the Bonds to Morgan Stanley, the best bidder for the Bonds;

WHEREAS, the City Council has determined and does hereby determine that the Bonds shall be issued at this time under the authority of the New Mexico Constitution and applicable law as hereinafter set forth, and desires to fix the form and details of the Bonds and to provide for the levy of taxes for the payment of the principal of and interest on the Bonds; and

WHEREAS, the net effective interest rate on the Bonds is not more than ten percent (10%) a year; and

WHEREAS, no action or suit has been commenced by any person or corporation contesting the validity of any of the proceedings directed toward the issuance and sale of the Bonds heretofore taken by the City Council and the officers of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA FE:

Section 1. All actions heretofore taken by the City Council and the officers and employees of the City directed toward the issuance and sale of the Bonds to secure funds for the purposes stated above be, and the same hereby are, ratified, approved and confirmed, including the awarding of the Bonds in the amount of \$20,000,000 to Morgan Stanley.

Section 2. In order to provide funds for the purposes stated above, the City Council, on behalf of the City and upon the full faith and credit thereof, shall issue the City's general obligation bonds maturing and bearing interest as follows:

| <u>Amounts</u> <u>Maturing</u> | <u>Years Maturing</u> <u>(August 1)</u> | <u>Interest Rate</u> <u>(Per Annum)</u> |
|-----------------------------------|--|--|
| \$ 600,000 | 2009 | 5.000% |
| 750,000 | 2010 | 4.000% |
| 775,000 | 2011 | 3.750% |
| 805,000 | 2012 | 3.750% |
| 835,000 | 2013 | 4.000% |
| 865,000 | 2014 | 4.000% |
| 900,000 | 2015 | 4.000% |
| 935,000 | 2016 | 4.000% |
| 970,000 | 2017 | 4.000% |
| 1,015,000 | 2018 | 4.000% |
| 1,060,000 | 2019 | 5.000% |
| 1,105,000 | 2020 | 4.100% |
| 1,155,000 | 2021 | 4.200% |
| 1,210,000 | 2022 | 4.250% |
| 1,270,000 | 2023 | 4.250% |
| 1,335,000 | 2024 | 4.250% |
| 1,400,000 | 2025 | 4.375% |
| 1,470,000 | 2026 | 4.400% |
| 1,545,000 | 2027 | 4.500% |

The Bonds shall be dated the date of delivery (herein the "Series Date"), will be issued in one series and shall consist of bonds numbered consecutively from R-1 upward, issuable in the denomination of \$5,000 each or integral multiples thereof (provided that

no individual bond will be issued for more than one maturity); shall bear interest from the Series Date to maturity at the rates per annum set forth above for the Bonds, payable to the registered owner thereof, or registered assigns, on February 1, 2009, and semiannually thereafter on August 1 and February 1 in each year in which the Bonds are outstanding and shall mature on August 1 of each year set forth above.

The Bonds maturing on or after August 1, 2019, are subject to prior redemption at the City's option on and after August 1, 2018, in whole or in part at any time, in one or more units of principal of \$5,000 in such order of maturities as the City may determine (and by lot if less than all of the Bonds of any maturity are called, such selection by lot to be made by the Registrar/Paying Agent, as defined below, in such manner as it shall consider appropriate and fair). The purchase price for Bonds selected for redemption will be equal to the principal amount of each bond (or portion thereof) so redeemed, plus accrued interest thereon to the redemption date.

If less than all of the outstanding Bonds are to be redeemed at any one time, the Bonds to be redeemed shall be selected by the Registrar in the manner designated by the City. If a Bond to be redeemed is of a denomination larger than \$5,000, a portion of such Bond may be redeemed, but Bonds will be redeemed only in the principal amount of \$5,000 or any integral multiple thereof.

Notice of redemption shall be given by the Registrar/Paying Agent by sending a copy of such notice by first-class, postage prepaid mail at least thirty (30) days prior to the redemption date to the registered owner of each Bond, or portion thereof, to be redeemed at the address shown as of the close of business of the Registrar/Paying Agent on the fifth day prior to the mailing of notice on the registration books kept by the Registrar/Paying Agent. The City shall give notice of redemption of the Bonds to the Registrar/Paying Agent at least fifteen (15) days prior to the date the Registrar/Paying Agent is required to give the bond owners notice of redemption specifying the Bonds and the principal amount thereof to be called for redemption and the applicable redemption date. If the City has not designated the Bonds to be called for redemption on the dates specified above, the Registrar/Paying Agent is to select the Bonds to be redeemed by lot.

Neither the City's failure to give such notice, the Registrar/Paying Agent's failure to give such notice to the registered owner of any Bonds, or any defect therein, nor the failure of The Depository Trust Company ("DTC") to notify any registered owner, of any such redemption, will affect the validity of the proceedings for the redemption of any Bonds for which proper notice was given. All notices of redemption shall specify the maturity dates and the number or numbers of the Bonds to be redeemed (if less than all are to be redeemed) and if less than the full amount of any Bond is to be redeemed, the amount of such Bond to be redeemed, the date fixed for redemption, the redemption price, the series and CUSIP number, and that on such redemption date there will become and be due and payable upon each Bond to be redeemed at the office of the Registrar/Paying Agent the principal amount to be redeemed plus accrued interest to the redemption date and that from and after such date interest will cease to accrue on such amount.

Unless money sufficient to pay the principal of and premium, if any, on the Bonds to be optionally redeemed is received by the Registrar/Paying Agent prior to the giving of notice of redemption, that notice is to state that the redemption is conditional upon the receipt of that money by the Paying Agent by 2:00 p.m. on the redemption date. If an amount sufficient to redeem all Bonds called for redemption is not received by that time (i) the Registrar/Paying Agent is to redeem only those Bonds for which the redemption price was received, (ii) the Bonds to be redeemed are to be selected in the manner set forth in this Ordinance and (iii) the redemption notice will have no effect with respect to those Bonds for which the redemption price was not received and those Bonds will not be redeemed. The Registrar/Paying Agent is to give notice to the registered owners of the Bonds previously called for redemption which will not be redeemed in the manner in which the notice of redemption was given, identifying the Bonds which will not be redeemed and stating that the redemption did not take place with respect to those Bonds and is to promptly return any Bonds previously delivered by the registered owners of the Bonds. Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated and if an amount of money sufficient to redeem all Bonds called for redemption shall on the redemption date be on deposit with the Registrar/Paying Agent, the Bonds to be redeemed shall be deemed not outstanding and shall cease to bear interest from and after such redemption date. Upon presentation of the Bonds to be redeemed at the office of the Registrar/Paying Agent on or after the redemption date, or, so long as the book-entry system is used for determining beneficial ownership of the Bonds, upon satisfaction of the terms of any other arrangements between the Registrar/Paying Agent and DTC, the Registrar/Paying Agent will pay the Bond or Bonds so called for redemption with funds deposited with the Registrar/Paying Agent by the City.

The principal of and interest on the Bonds due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by Wells Fargo Bank, N.A., Denver, Colorado as "registrar/paying agent" (such registrar/paying agent and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his address as it appears on the registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any interest payment date shall mean the 15th day of the month preceding the interest payment date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any interest payment date shall be entitled to receive the interest payable thereon on such interest payment date notwithstanding any transfer or exchange thereof subsequent to such Record Date and

prior to such interest payment date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

Section 3. The Bonds shall constitute the general obligation bonds of the City, payable from general ad valorem taxes which shall be levied without limitation as to the rate or amount. The full faith and credit of the City shall be, and hereby is, irrevocably pledged to the payment of the principal of and interest on the Bonds.

Section 4. The Bonds shall bear the facsimile or manual signature of the Mayor of the City and shall be attested by the facsimile or manual signature of the City Clerk and shall bear the facsimile or original seal of the City. The Bonds shall be authenticated by the manual signature of an authorized officer of the Registrar/Paying Agent. The Bonds bearing the signatures or facsimile signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City, notwithstanding that before the delivery of the Bonds and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose signatures appear on the Bonds shall have ceased to fill their respective offices. The Mayor and City Clerk shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of the signature certificate, the Mayor and City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds. If facsimile signatures are to appear on the Bonds, the Mayor and City Clerk, pursuant to Sections 6-9-1 through 6-9-6, inclusive, NMSA 1978, shall each forthwith file his or her manual signature, certified by him or her under oath, with the Secretary of State of New Mexico, provided that such filing shall not be necessary for any officer where any previous filing shall have application to the Bonds.

No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar/Paying Agent. The Registrar/Paying Agent's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer of the Registrar/Paying Agent, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 5.

A. Books for the registration and transfer of the Bonds shall be kept by the Registrar/Paying Agent, which is hereby appointed by the City as registrar

and as paying agent for the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment or reimbursement by the owner of any Bond requesting exchange or transfer of any transfer fee, tax or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall close the registration books fifteen days prior to each interest payment date for change of name or address of the registered owners. Transfers shall be permitted within fifteen days prior to each interest payment date but such transfer will not include transfer of interest payable on such interest payment date.

B. The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided in this ordinance with respect to payment of interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

D. Bonds which are reissued upon transfer, exchange or other replacement shall bear interest from the most recent interest payment date to which interest has been fully paid or provided for in full or, if no interest has been paid, from the Series Date.

E. The officers of the City are authorized to deliver to the Registrar/Paying Agent fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar/Paying Agent pending use as herein provided.

F. Whenever any Bond shall be surrendered to the Registrar/Paying Agent upon payment thereof, or to the Registrar/Paying Agent for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Registrar/Paying Agent, and counterparts of a certificate of such cancellation shall be furnished by the Registrar/Paying Agent to the City.

G. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with a depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the depository and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership effected on the books of the depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the depository, registered in the name of the depository or its nominee. Principal, premium, if any, and interest will be paid to the depository or its nominee as the registered owner of the Bonds. The transfer of principal, premium, if any, and interest payments to Participants will be the responsibility of the depository; the transfer of principal, premium, if any, and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the depository, (ii) the depository determines to discontinue providing its services with respect to the Bonds or (iii) the City determines that a continuation of the system of book-entry transfers through the depository ceases to be beneficial to the City or the Beneficial Owners, the City will either identify another depository or certificates for the Bonds will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the City shall mail an appropriate notice to the depository for notification to Participants, Indirect Participants and Beneficial Owners of the substitute depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Authorized Officers of the City are authorized to sign agreements with the depository relating to the matters set forth in this Section.

Notwithstanding any other provision of this ordinance, so long as all of the Bonds are registered in the name of the depository or its nominee, all payments of principal,

premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Registrar/Paying Agent or the City to the depository as provided in this ordinance and by the depository to its Participants or Indirect Participants and to the Beneficial Owners of the Bonds.

Section 6. If the Registrar/Paying Agent initially appointed hereunder shall resign, or if the City shall reasonably determine that said Registrar/Paying Agent has become incapable of fulfilling its duties hereunder, the City may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor registrar/paying agent. Every such successor registrar/paying agent shall be a bank or trust company located in and in good standing in the United States and having shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, of not less than \$10,000,000.

Section 7. Subject to the registration provisions hereof, the Bonds hereby authorized shall be fully negotiable and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 8. The Bonds shall be in substantially the following form:

[Form of Bond]

REGISTERED

REGISTERED

NO. R-__

\$_____

UNITED STATES OF AMERICA
STATE OF NEW MEXICO
CITY OF SANTA FE
SANTA FE COUNTY, NEW MEXICO
GENERAL OBLIGATION BONDS
SERIES 2008

Registered Owner: _____

Principal Amount: _____ DOLLARS

| Interest Rate | Maturity Date | Series Date | CUSIP |
|------------------|---------------|-------------|-------|
| _____% per annum | _____ | _____, 2008 | _____ |

The City Council of the City of Santa Fe (the "City Council"), on the faith, credit and behalf of the City of Santa Fe, Santa Fe County, New Mexico (the "City"), for value received, hereby promises to pay to the registered owner named above, or registered assigns, the principal amount hereof on the Maturity Date and to pay interest on the principal amount at the Interest Rate on February 1, 2009, and thereafter on August 1 and February 1 of each year (the "Interest Payment Date") from the Series Date to its maturity. The principal of the bonds of the series of which this is one (the "Bonds") and interest due at maturity shall be payable to the registered owner thereof as shown on the registration books kept by Wells Fargo Bank, N.A., Denver, Colorado, as "registrar/paying agent" (such registrar/paying agent and any successor thereto, the "Registrar/Paying Agent") for the Bonds, upon maturity and upon presentation and surrender thereof at the principal office of the Registrar/Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the rate borne by said Bond until the principal thereof is paid in full. Payment of interest on the Bonds (other than at maturity) shall be made by check or draft mailed by the Registrar/Paying Agent (or by such other arrangement as may be mutually agreed to by the Registrar/Paying Agent and such registered owner), on or before each Interest Payment Date (or, if such Interest Payment Date is not a business day, on or before the next succeeding business day), to the registered owner thereof as of the close of business on the Record Date (defined below) at his address as it appears on the

registration books kept by the Registrar/Paying Agent. All such payments shall be made in lawful money of the United States of America. The term "Record Date" as used herein with respect to any Interest Payment Date shall mean the 15th day of the month preceding the Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable thereon on such Interest Payment Date notwithstanding any transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date; but interest on any Bond which is not timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name such Bond is registered at the close of business on a special record date (the "Special Record Date") fixed by the Registrar/Paying Agent for the payment of any such overdue interest. The Special Record Date shall be fixed by the Registrar/Paying Agent whenever moneys become available for payment of overdue interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto, by first-class mail, to the registered owners of the Bonds as of the fifth day preceding the mailing of such notice by the Registrar/Paying Agent, stating the Special Record Date and the date fixed for the payment of overdue interest.

The Bonds are fully registered and are issuable in denominations of \$5,000 and any integral multiple thereof (provided that no individual bond may be issued for more than one maturity).

The series of Bonds of which this bond is one is limited to the total principal amount of \$20,000,000 of like tenor except as to number, denomination, maturity date, and interest rate, issued by the City of Santa Fe, Santa Fe County, New Mexico, for the purposes of providing funds in the amount of \$20,000,000 to acquire land for, and to improve, public parks, trails and open space for recreational purposes in the City of Santa Fe. The Bonds are issued under the authority of and in full conformity with the Constitution and laws of the State of New Mexico (particularly Sections 3-30-1 through 3-30-9 NMSA 1978, the provisions of Sections 6-15-1 through 6-15-22 NMSA 1978, and acts amendatory and supplemental thereto), and pursuant to an ordinance of the City Council duly adopted and made a law of the City prior to the issuance of this bond (the "Bond Ordinance").

The Bonds maturing on or after August 1, 2019, are subject to prior redemption at the City's option on and after August 1, 2018, in whole or in part at any time, in one or more units of principal of \$5,000 in such order of maturities as the City may determine (and by lot if less than all of the Bonds of any maturity are called, such selection by lot to be made by the Registrar/Paying Agent in such manner as it shall consider appropriate and fair). The purchase price for Bonds selected for redemption will be equal to the principal amount of each bond (or portion thereof) so redeemed, plus accrued interest thereon to the redemption date, without any premium.

The Registrar/Paying Agent will maintain the books of the City for the registration of ownership of the Bonds. Upon the surrender for transfer of any Bond at the principal office of the Registrar/Paying Agent, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney

duly authorized in writing, the Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be transferred in the name of the transferee or transferees a new Bond or Bonds in fully registered form of the same aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal office of the Registrar/Paying Agent for an equal aggregate principal amount of Bonds of other authorized denominations, and of the same maturity, series and interest rate. The Registrar/Paying Agent shall authenticate and deliver not more than three business days after receipt of the Bond to be exchanged a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar/Paying Agent may require the payment or reimbursement by the owner of any Bond requesting exchange or transfer of any transfer fee, tax or other governmental charge required to be paid with respect to such exchange or transfer. The Registrar/Paying Agent shall close the registration books fifteen days prior to each Interest Payment Date for change of name or address of the registered owners. Transfers shall be permitted within fifteen days prior to each Interest Payment Date but such transfer will not include transfer of interest payable on such Interest Payment Date.

The person in whose name any Bond shall be registered on the registration books kept by the Registrar/Paying Agent, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of interest; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar/Paying Agent shall, upon receipt of the mutilated Bond and such evidence, information or indemnity relating thereto as it may reasonably require and as may be required by law, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount of authorized denominations, and of the same maturity, interest rate and series, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar/Paying Agent may pay such Bond in lieu of replacement.

For the punctual payment of the principal of and interest on this bond as aforesaid and for the levy and collection of taxes in accordance with the statutes authorizing the issuance of this bond, the full faith and credit of the City is hereby irrevocably pledged. The City Council has, by the Bond Ordinance, ordered the creation of an interest and sinking fund for the payment of the Bonds. Such fund is to be held in trust for the benefit of the owner or owners of the Bonds.

It is hereby certified, recited and warranted that all the requirements of law have been complied with by the proper officials of the City in the issuance of this bond; that the total indebtedness of the City, including that of this bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State of New Mexico; that provision has been made for the levy and collection of annual taxes sufficient to pay the principal of and the interest on this bond when the same become due. This bond shall not be valid or obligatory for any purpose until the Registrar/Paying Agent shall have manually signed the certificate of authentication hereon.

IN TESTIMONY WHEREOF, the City Council of the City of Santa Fe, in Santa Fe County, New Mexico, constituting the governing board of the City, has caused the seal of the City to be hereto affixed and this bond to be signed and executed with the facsimile or manual signature of the Mayor of the City and subscribed and attested with the facsimile or manual signature of the City Clerk, all as of the Series Date.

CITY COUNCIL OF THE
CITY OF SANTA FE, NEW MEXICO

[SEAL]

By _____
Mayor

ATTEST:

By _____
City Clerk

[Form of Certificate of Authentication]

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the Bond Ordinance and has been duly registered on the registration books kept by the undersigned as Registrar/Paying Agent for the Bonds.

Date of Authentication and
Registration: _____

Wells Fargo Bank, N.A., Denver, Colorado,
as Registrar/Paying Agent

By _____
Authorized Officer

[End of Form of Certificate of Authentication]

[Form of Assignment]

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers unto _____ whose social security or tax identification number is _____ the within bond and irrevocably constitutes and appoints _____ attorney to transfer such bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed: _____

NOTE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

[End of Form of Bond]

Section 9. When the Bonds have been duly executed and authenticated, they shall be delivered to the lawful purchaser thereof named in Section 1 of this ordinance. The funds realized from the sale of the Bonds shall be applied solely to the specified purposes for the Bonds, but the purchaser of the Bonds shall in no manner be responsible for the application of or disposal by the City, or any of its officers, of any of the funds derived from the sale thereof.

Section 10. In order to pay the principal of and interest on the Bonds as they become due and, at the option of the City, to reimburse the general fund or other funds for the payment of principal of or interest on the Bonds for which property taxes were not available, there shall be an annual assessment and levy upon all of the taxable property of the City subject to taxation which provides an amount sufficient to pay the principal of and the interest on the Bonds as they become due and payable. However, the City may, at its option, apply any other funds lawfully available for the purpose to the payment of principal or interest on the Bonds as they become due, and the levies required by this Section may be reduced to the extent other revenues are or will be available and used for payment of the Bonds. To the extent property taxes are not available for the purpose, the principal of and interest accruing on the Bonds shall be paid from the City's general fund or from any other fund lawfully available for that purpose. The taxes shall be assessed, levied and collected annually at the time and in the manner as other City taxes are assessed, levied and collected. Annually, the City Council shall take all reasonable action to insure the levy and collection of taxes by the governmental authority charged with legal responsibility to levy and collect taxes in amounts sufficient at the time to pay the principal of and interest on the Bonds. The money produced by the levy of taxes provided in this Section to pay the principal of and interest on the Bonds is appropriated for that purpose and that amount shall be included in the annual budget adopted and passed by the City Council each year. The taxes collected shall be maintained in an interest and sinking fund, which is hereby created, and kept for and applied only to the payment of the principal of and interest on the Bonds when due and as otherwise required or permitted by law.

Section 11. The Mayor, City Clerk and other officers of the City be and they hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the deposit of \$20,000,000 of the proceeds of the Bonds, plus premium if any, into an acquisition fund for payment of the costs of the Project and the costs of issuance of the Bonds, the execution and delivery of a continuing disclosure undertaking to enable the purchaser of the Bonds to comply with Securities and Exchange Commission Rule 15c2-12(b)(5), the printing of the Bonds, the execution of an official statement of the City relating to the Bonds and the execution of such certificates as may be required by the Bond purchasers relating to the signing of the Bonds, the tenure and identity of City officials, the receipt of the purchase price of the Bonds from the purchasers and the absence of litigation, pending or threatened, if in accordance with the facts, affecting the validity thereof and the absence and existence of factors affecting the exclusion of interest on the Bonds from gross income for federal income tax purposes.

Section 12. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Mayor, City Clerk and any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Bonds.

The City covenants that it (a) will take or cause to be taken such actions which may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield, as required, on investment property acquired with those proceeds, (iii) make timely rebate payments, if required, to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Mayor and City Clerk and other appropriate officers are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

Section 13. Any Bond and the interest thereon shall be deemed to be paid, retired, and no longer outstanding (a "Defeased Bond") hereunder when payment of the principal of such Bond, plus interest thereon to the due date (whether such due date be by reason of maturity, upon redemption, or other) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to a qualified depository for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Government Obligations which mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment (as verified by a certified or registered public accountant), and when proper arrangements have been made by the City with a qualified depository for the payment of its services until all Defeased Bonds shall have become due and payable. At such time as a Bond shall be deemed to be a Defeased Bond hereunder, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of the ad valorem taxes herein levied and pledged as provided in this ordinance, and such principal and interest shall be payable solely from such money or Government Obligations.

Any moneys so deposited with the qualified depository may, at the written direction of the City, also be invested in Government Obligations, maturing in the amounts and times required to make payments when due on the Defeased Bonds, and all income from such Government Obligations received by the qualified depository which is

not required for the payment of the Defeased Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City for deposit in the interest and sinking fund for payment of principal and interest on the Bonds. The term "Government Obligations" means direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America which may be United States Treasury Obligations such as its State and Local Government Series, which may be in book-entry form.

Section 14. Moneys in any fund not immediately needed may be invested as provided by state law and applicable federal statutes and regulations, provided that the City Council and the City hereby covenant to the purchasers and the holders of the Bonds from time to time that the City will make no use of the proceeds of the Bonds or any funds reasonably expected to be used to pay the principal of or interest on the Bonds which will cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Code, as amended, or which would adversely affect the tax status of interest on the Bonds under the Code. This covenant is for the benefit of the purchasers and the holders of the Bonds from time to time.

Section 15. After any of the Bonds have been issued, this ordinance shall constitute a contract between the City and the holder or holders of the Bonds and shall be and remain irrevocable and unalterable until the Bonds and the interest thereon shall have been fully paid, satisfied and discharged, defeased or until such payment has been duly provided for.

Section 16. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 17. The following notice shall be published one time in a newspaper having general circulation in the City as soon as is practicable following the adoption hereof and this ordinance shall be effective five days after such publication as provided by law.

[Remainder of page intentionally left blank]

[Form of Notice]

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Fe, Santa Fe County, New Mexico, did on the 30th day of April, 2008, adopt an ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SANTA FE, NEW MEXICO, GENERAL OBLIGATION BONDS, SERIES 2008, IN THE PRINCIPAL AMOUNT OF \$20,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF, AND SECURITY FOR, PAYMENT; PROVIDING FOR THE AWARD AND SALE OF THE BONDS TO THE PURCHASER AND THE PRICE TO BE PAID BY THE PURCHASER FOR THE BONDS; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

The Ordinance directs and authorizes the issuance of City of Santa Fe, General Obligation Bonds in the aggregate principal amount of \$20,000,000; awards the sale of the bonds to the best bidder therefor and provides for the delivery thereof; provides for the form of the bonds; provides for levy of taxes to pay the principal of and interest on the bonds; makes certain covenants with the bond purchaser; and provides other details concerning the bonds. Complete copies of the Ordinance are available for public inspection during normal and regular business hours at the offices of the City of Santa Fe, New Mexico. This notice constitutes compliance with Section 6-14-6 NMSA 1978.

DATED this 30th day of April, 2008.

CITY OF SANTA FE, NEW MEXICO

By _____
City Clerk

Section 18. All acts and resolutions in conflict with this ordinance are hereby rescinded, annulled and repealed.

PASSED, ADOPTED AND APPROVED this 30th day of April, 2008.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By David L. Cross
Mayor

ATTEST:

By Yocanda Y. Nigam
City Clerk

After transaction of other business not related to the bond issue, the City Council, upon motion duly made, seconded and carried, adjourned the meeting.

CITY COUNCIL OF THE
CITY OF SANTA FE, NEW MEXICO

[SEAL]

By David Coss
Mayor

ATTEST:

By Yolanda G. Nigro
City Clerk

STATE OF NEW MEXICO)
COUNTIES OF SANTA FE) ss.
CITY OF SANTA FE)

I, Yolanda Y. Vigil, the duly qualified and acting Clerk of the City of Santa Fe (the "City"), State of New Mexico, do hereby certify:

1. The foregoing pages are a true, perfect and complete copy of the record of the proceedings of the City Council of the City of Santa Fe (the "City Council"), constituting the governing board of the City had and taken at a duly called regular meeting held at 700 Lincoln Avenue, Santa Fe, New Mexico, commencing on the 30th day of April, 2008, at the hour of 7:00 p.m., insofar as the same relate to the proposed bond issue, a copy of which is set forth in the regular book of official records of the proceedings of the City Council kept in my office. None of the action taken has been rescinded, repealed or modified.

2. The proceedings and the meeting were duly held and the persons therein named were present at said meeting, as therein shown.

3. Notice of such meeting was given in accordance with the open meetings standards of the City presently in effect, i.e., City Resolution No. 2008-1 which is currently in effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City this 10th day of June, 2008.

CITY OF SANTA FE, NEW MEXICO

[SEAL]

By Yolanda Y. Vigil
City Clerk



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 4/25/08 TIME 3:20 pm

SERVED BY _____

RECEIVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – April 9, 2008
8. PRESENTATIONS
 - a) Muchas Gracias – 2008 Boys & Girls Clubs of Santa Fe Youth and Jr. Youth of the Year. (Al Padilla, Chief Professional Officer Boys & Girls Clubs of Santa Fe) (5 minutes)
 - b) Proclamation – "Municipal Clerks Week" May 4 through May 10, 2008. (10 minutes)
 - 1) Recognition of Yolanda Y. Vigil, as "Clerk of the Year" for the State of New Mexico; Awarded by the New Mexico Municipal Clerk's and Finance Officer's Association.
 - c) Proclamation – Mother's Day as "Peace Day" in Santa Fe. (5 minutes)
 - d) The New Mexico Human Rights Torch Event – Sara Effner. (5 minutes)
9. CONSENT CALENDAR
 - a) Request For Approval To Publish Notice Of Public Hearing On May 28, 2008:
 - 1) Bill No. 2008-24 – An Ordinance Amending Sections 22-9.1, 22-9.7 and 22-9.10 SFCC 1987 Regarding Industrial Pretreatment Regulations and Procedures. (Councilor Dominguez, Councilor Calvert and Councilor Trujillo) (Bryan Romero)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- 2) Bill No. 2008-30 – An Ordinance Amending Table 14-7.1-1 SFCC 1987 Restricting the Maximum Height in RM-1 and RM-2 Districts to 24 Feet. (Councilor Calvert and Councilor Bushee) (Jeanne Price)
- 3) Bill No. 2008-31 – An Ordinance Creating a New Section 14-8.18 SFCC 1987 Requiring Notification to the Santa Fe Public School District Prior to Submittal of a Development Request. (Councilor Dominguez) (Jeanne Price)
- 4) Bill No. 2008-32 – An Ordinance Amending Section 12-2 SFCC 1987; Adopting the 2006 International Fire Code as Amended by the Governing Body and Making Other Changes Relating to the Fire Code of the City of Santa Fe. (Mayor Coss, Councilor Dominguez and Councilor Trujillo) (Ted Bolleter)
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss, Councilor Dominguez and Councilor Trujillo)
A Resolution Revising Fees Relating to Fire Prevention and Protection. (Ted Bolleter)
- 5) Bill No. 2008-33 – An Ordinance Amending Section 14-3.9 SFCC 1987 Regarding Development in Special Flood Hazard Areas, Section 14-8.3 SFCC 1987 Regarding Flood Regulations, Section 14-11.5(c) SFCC 1987 Regarding Penalties For Violations of Flood Regulations; and Making Such Other Related Changes to Chapter 14 SFCC 1987 as are Necessary. (Mayor Coss and Councilor Bushee) (Wendy Blackwell)
 - b) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Dominguez, Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Supporting the Establishment of an Employee Wellness Initiative to Promote Increased Health Awareness and Well-Being of City Employees through an Employee Wellness Initiative. (Kristine Kuebli)
 - c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Authorizing the City of Santa Fe to Submit an Illegal Dumping Grant Application to the New Mexico Environment Department For the Purpose of Implementing a "Don't Dump Santa Fe" Program. (Peggy Doolittle)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- d) **CONSIDERATION OF RESOLUTION NO. 2008-____.** (Councilor Trujillo, Councilor Bushee and Councilor Calvert)
A Resolution Authorizing the City of Santa Fe to Submit a Recycling Grant Application to the New Mexico Environment Department for the Purpose of Implementing a "Recycle Santa Fe" Program. (Gilda Montano)
- e) **Bid No. 08/29/B – Canyon Road Water Treatment Plant Residuals to Sanitary Landfill.** (Robert Gallegos)
 - a) **Request for Approval of Professional Services Agreement – Rhino Environmental Services, Inc.**
 - b) **Request for Approval of Professional Services Agreement – Waste Management.**
- f) **Request for Approval of Procurement Under State Price Agreement – Three (3) Vehicles for Senior Services Division; Reliable Chevrolet.** (Terrie Rodriguez)
- g) **Request for Approval of Procurement Under Federal Price Agreement – Fire Engine for Fire Department; First In Inc.** (Chief Chris Rivera)
- h) **Request for Approval of Grant Award – 2006 General Obligation Bond to Benefit New Mexico Libraries; New Mexico State Library** (Patricia Hodapp)
 - 1) **Request for Approval of Budget Increase – Grant Fund.**
- i) **Request for Approval of Emergency Procurement and Professional Services Agreement – Independent Analysis and Review of Water Service Line and Meter Setting Freeze-Ups for Water Division; URS Corporation.** (Brian Snyder)
- j) **Request for Approval of Amendment No. 1 To Professional Services Agreement – Security Services at Santa Fe Watershed and Well Fields; Chavez Security, Inc.** (Michael Gonzales)
- k) **Request for Approval of Amendment No. 5 to Construction Agreement – Repairs for Phase I of Sewer Rehabilitation Project for Wastewater Management Division; Triman Construction Industries, Inc.** (Lisa Sandoval)
 - 1) **Request for Approval of Budget Increase – Project Fund.**



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- l) Request for Approval of Amendment No. 1 to Legal Services Agreement – Assist Project Manager With Matters Regarding Buckman Direct Diversion Board; Long, Pound & Komer and Harwood Consulting, PC. (Rick Carpenter)
- m) Request for Approval Procurement Under State Price Agreement – Maintenance Support Vehicle for Solid Waste Management Division; Bob Turner Ford Country. (Bill De Grande)
- n) Request for Approval of Amendment No. 2 to Lease Agreement – Facility Maintenance at La Familia Medical Center; La Familia Medical Center. (Martin Valdez)
- o) Request for Approval of Professional Services Agreement – Project Manager for Various Projects and Allocation for Arts in Public Places; Santa Fe Civic Housing Authority. (David Chapman)
- p) Request for Approval of Amendment No. 4 to Professional Services Agreement – The Santa Fe Farmers' Market; Santa Fe Farmers' Market Institute. (Frank Romero)
- q) Request for Approval of Sole Source Procurement and Professional Services Agreement – Engineering Services for Land Use Department; Joe Barela, P.E. CFM. (Jack Hiatt)
- r) Request for Approval of Professional Services Agreement – Support Operation of Santa Fe Community Television, Channel 16; Santa Fe Community College. (Joe Abeyta)
- s) Request for Approval of Parking Rates at the Rallyard. (Bill Hon)
- t) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz)
A Resolution Directing the Mayor and the City Attorney to Enter into Discussions with Santa Fe County and The State Of New Mexico in Order to Achieve Mutually Acceptable Compliance with the City's Historic District Ordinance. (Frank Katz and Jack Hiatt)



Agenda REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- u) Request for Approval of Lease Agreements: (Postponed at March 26, 2008 City Council Meeting) (Postponed to May 28, 2008 City Council Meeting)
 - 1) Airline Terminal Building Office; Counter and Floor Space at Santa Fe Municipal Airport; American Eagle Airlines. (Jim Montman)
 - 2) Airline Terminal Building Counter and Floor Space at Santa Fe Municipal Airport; Delta Air Lines. (Jim Montman)
 - 10. Request for Approval of Rail Runner Station Locations and Traffic Control Plan; New Mexico Department of Transportation and Mid Region Council of Governments. (Robert Romero and Tim Harris).
 - 1) New Mexico Department of Transportation Proposed South Capital Rail Runner Station.
 - 2) New Mexico Department of Transportation Proposed Zia Road Rail Runner Station.
 - 3) Traffic Control for the Rail Runner Construction.
 - 11. Consideration of Approval of Second Amended and Restated Joint Powers Agreement for the Regional Emergency Call Center (RECC). (Mark Basham)
 - 12. MATTERS FROM THE CITY MANAGER
 - 13. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:**
- a) Request for Approval of City/County Annexation Agreement; Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - b) Report on Short Term Rental, Affordable Housing Litigation and Buckman Direct Diversion Appeal; Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - c) Discussion Regarding Potential Litigation Concerning Lodgers Tax, Pursuant to Pursuant to §10-15-1 (H) (7) NMSA 1978.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- d) Discussion of Pending Litigation Before the New Mexico Public Regulation Commission in the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 334, Case No. 07-00077-UT; Pursuant to §10-15-1(H)(7) NMSA 1978.
- 14. Action Regarding the City/County Annexation Agreement. (Frank Katz)
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) Request from Asia Bamboo Cuisine, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at Bamboo Asian Cuisine, 2400 Cerrillos Road, College Plaza. (Yolanda Y. Vigil)
 - 2) Request from Argentina Grill, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at the Argentina Grill "El Gauchito", 3877 Cerrillos Road. (Yolanda Y. Vigil)
 - 3) Request from Masa Sushi, LLC, for a Restaurant (Beer & Wine) Liquor License to be located at the Masa Sushi, 927 W. Alameda. (Yolanda Y. Vigil)



Agenda REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- 4) Request from Church of the Holy Faith and La Posada de Santa Fe Resort for the Following:

Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing of Alcoholic Beverages at the Church of the Holy Faith, 311 East Palace Avenue. The Requested Waiver is for "Cabaret Night" Being Held on Church Property on Thursday, May 22, 2008 from 6:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil and Gib Mason)

- 5) Consideration of Approval of Plan and Timeline for Implementing WIFI at City Owned Facilities and Property for Public Internet Access. (Thomas Williams)

- 6) CONSIDERATION OF BILL NO. 2008-21: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger)
An Ordinance Amending Article 23-5.2 SFCC 1987 to Require Vendors Participating in the Major Commercial Events on the Plaza to Provide CRS Tax Returns to the City Indicating Income Received During the Event (Councilor Wurzburger) (Fabian Trujillo)

- 7) CONSIDERATION OF BILL NO. 2008-22: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Wurzburger and Mayor Coss)
An Ordinance Amending Section 14-6.2(A)(6)(a)(i)D. SFCC 1987 In Order to Terminate the Category of Existing (Prior to January 30, 2008) Short Term Rental Units on January 1, 2013, Regardless of Change of Ownership and Amending Section 14-6.2(A)(6)(a)(ii)A. SFCC 1987 to Clarify the Minimum Rental Period for Short Term Rental Units. (Jeanne Price)

- 8) CONSIDERATION OF BILL NO. 2008-29: ADOPTION OF ORDINANCE NO. 2008-_____.

Case #ZA 2008-05 Juanita Street and Alarid Neighborhood Rezone.

The City Of Santa Fe Requests Approval to Rezone 35.44± Acres of Land From RM-1 (Residential Multi-Family, 21 Dwelling Units Per Acre) to R-8 (Residential, 8 Dwelling Units Per Acre). The Subject Property is Bounded on the North by West Manhattan Avenue, on the East by the Railyards, on the South by Camino Sierra Vista and on the West by South St. Francis Drive, in Addition West of South St. Francis Drive, South of Hickox Street, North of Mercer Street and Extending Mid-Block Between S. St. Francis Drive and Oñate Street on The West. Within Township 17 North, Range 09 East, SE Quarter of Section 23 and NE Quarter Of Section 26. (Tamara Baer)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 30, 2008
CITY COUNCIL CHAMBERS

- 9) **Case # H-07-123.** Appeal of the Historic Design Review Board's Decision on January 8, 2008 Concerning Property Located at 515 and 519 Cerrillos Road in the Historic Transition Historic District. Richard Martinez, Agent for Wiv. Co. Inc., Owner, Requests that the Governing Body Rescind the Denial to Construct a 4,284 Square Foot Building to a Height of 36 Feet Where the Maximum Allowable Height is 15 Feet 6 Inches. (David Rasch) (Postponed at April 9, 2008 City Council Meeting)

- 10) CONSIDERATION OF RESOLUTION NO. 2008-_____.
Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment. Derrick Archuleta, Agent for Evangeline Herrera, Requests Approval of a General Plan Future Land Use Map Amendment to Change The Designation of 0.306± Acres of Land From Low Density (3-7 Dwelling Units Per Acre) to Office. The Area is Located Between Agua Fria Street and Hickox Street. (Lou Baker) (Postponed at March 26, 2008 City Council Agenda) (Request by Staff to Postpone to May 28, 2008 City Council Meeting)

- 11) CONSIDERATION OF BILL NO. 2008-19: ADOPTION OF ORDINANCE NO. 2008-_____.
Case #ZA 2007-13. 1312 Agua Fria Street Rezoning. Derrick Archuleta, Agent for Evangeline Herrera, Requests Rezoning of 0.306± Acres of Land From R-5 (Residential, Five Dwelling Units Per Acre) to C-1 (Office and Related Commercial). The Property is Located Between Agua Fria Street and Hickox Street. (Lou Baker) (Postponed at March 26, 2008 City Council Agenda) (Request by Staff to Postpone to May 28, 2008 City Council Meeting)

H. ADJOURN

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

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

*Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.