



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
FEBRUARY 28, 2007  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2-23-07 TIME 3:45 pm

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

RECEIVED BY Indomiguiz

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: City Council Study Session – January 30, 2007  
City Council Study Session – February 6, 2007  
Reg. City Council Meeting – February 14, 2007
8. PRESENTATIONS
  - a) Introduction of Police Officers – Graduates from the Law Enforcement Academy – Officer Michael Dimas and Officer Elliot Colon; Hired Lateral Officer – Officer Ronald Garcia. (Chief Eric Johnson) (5 Minutes)
  - b) 400<sup>th</sup> Anniversary Committee Report. (Maurice Bonal) (10 Minutes)
9. CONSENT CALENDAR
  - a) Request for Approval of Professional Services Agreement – Summer Music Festival on the Plaza; Outside-In. (Sabrina Pratt)
  - b) Request for Approval of Amendment No. 6 to Legal Services Agreement – Water Related Issues for Water Division; Rodey, Dickason, Sloan, Akin & Robb, P.A. (Rick Carpenter)
  - c) Request for Approval of Cost Sharing Agreement – Northwest Quadrant Water System; Southwest Lifestyle Concepts, LLC. (Gary Martinez)
  - d) Request for Approval of Amendment No. 2 to Professional Services Agreement – Stenographic Services for Committee Meetings; Carl G. Boaz. (Yolanda Vigil)



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- e) Request for Approval of Amendment No. 2 to Professional Services Agreement – Codifying and Supplementing Services for Santa Fe City Code 1987; Coded Systems, LLC. (Yolanda Vigil)
- f) Request for Approval of Professional Services Agreement – Review Services for MRC; Moss Adams, LLP. (Teresita Garcia)
- g) Request for Approval of Professional Services Agreement – Landscape Architectural Services at Franklin Miles Park (RFP #07/22/P); Sites Southwest. (Fabian Chavez)
  - 1) Request for Approval of Budget Adjustment – Project Fund.
- h) Request for Approval of Professional Services Agreement – Landscape Architectural Services at Ft. Marcy/Magers Field (RFP #07/23/P); Consensus Planning, Inc. (Fabian Chavez)
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- j) Request for Approval of Agreement – Franklin Miles Park Concession Building Design Services (RFP #07/30/P); Huitt-Zollars, Inc. (Mary MacDonald)
- k) Request for Approval of Recommendations for Alto Street Affordable Housing Design Competition Concept – Office of Affordable Housing. (Melisa Collett)
  - 1) Request for Approval of Term Intern Position – Affordable Housing.
- l) Request for Approval of Use of Municipal Recreation Complex Property for Electrical Substation and Transmission Lines for Buckman Direct Diversion Project. (Frank Archuleta)



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- m) Request for Approval of Procurement – Police Vehicle Equipment and Installation; West Mesa Auto Crafts, Inc. (Chief Eric Johnson)
  - 1) Request for Approval of Budget Transfer – Inventory Exempt Police.
- n) Request for Approval of Sole Source Procurement – Enterprise One Software and Upgrades; Oracle USA, Inc. (Thomas Williams)
- o) Request for Approval of Procurement Under State Price Agreement – Vehicle Mobile Lift for Fire Department; Performance Tool and Equipment. (Assistant Chief Charlie Velarde)
- p) CONSIDERATION OF RESOLUTION NO. 2007-\_\_\_\_\_. (Councilor Bushee)  
A Resolution Rescinding Resolutions No. 1999-62 and No. 2003-11 Regarding the Parks Advisory Committee and Adopting a Resolution Establishing a Parks and Open Space Advisory Commission. (Fabian Chavez)
- q) Request for Approval to Publish Notice of Public Hearing on March 28, 2007:
  - 1) Bill No. 2007-6: An Ordinance Amending Certain Sections of the Santa Fe Smoke Free Ordinance, Article 10-6 SFCC 1987 for Clarification of Issues That Have Arisen During the Enforcement of the Smoke Free Ordinance (Councilor Bushee) (Sevastian Gurule)
  - 2) Bill No. 2007-7: An Ordinance Creating a New Section 19-7.1 SFCC 1987 to Set a Negotiations Schedule for Management Teams and Collective Bargaining Units. (Councilor Ortiz) (Gary Bartlett)
  - 3) Bill No. 2007-8: An Ordinance Amending Section 11-11.14 SFCC 1987 to Include Farmers' Markets as a Qualifying Entity For Economic Development Projects Requesting Economic Assistance from the City. (Councilor Bushee, Councilor Ortiz, Councilor Calvert and Councilor Wurzbarger) (Craig Fiels)



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- r) Request for Approval of Joint Powers Agreement – Construction of All Terrain Vehicles (ATV)/Off-Highway Vehicles (OHV) Trails at MRC; New Mexico Energy, Minerals and Natural Resources Department. (Frank Archuleta)
  - 1) Request for Approval of Budget Increase from Grant Revenues – Project Fund.
- s) Request for Approval of Budget Increase for Start-Up Planning for 400<sup>th</sup> Anniversary Celebration – Lodgers' Tax Fund. (Mayor Coss)
- 10. Request for Approval Budget Increases for Salary Adjustments for AFSCME, Police Officers' Association and Non-Union Employees. (Mayor Coss and Kathryn Raveling)
- 11. Presentation and Consideration of Charter Amendments. (Jim Harrington)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY

## EXECUTIVE SESSION:

- a) Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way Pursuant to NMSA 1978 §10-15-1 (H) (8).
- b) Discussion of Pending Litigation with Tierra Contenta Corporation, Pursuant to §10-15-1 (H) (7) NMSA 1978.
- 14. Action Regarding the Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way. (Rick Carpenter)
- 15. Action Regarding Settlement Agreement with Tierra Contenta Corporation. (Frank Katz)
- 16. MATTERS FROM THE CITY CLERK
- 17. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER



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REGULAR MEETING OF  
THE GOVERNING BODY  
FEBRUARY 28, 2007  
CITY COUNCIL CHAMBERS

- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:

- 1) Request from the College of Santa Fe for the following: (Yolanda Y. Vigil)

Pursuant to §60-6B-10 NMSA 1978, a Request for Approval of Permanent Waiver of 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at the Following Facilities at the College of Santa Fe, 1600 St. Michaels Drive:

- Rosemarie Shellabarger Tennis Center
- Greer Garson Theater and Lobby
- Driscoll Fitness Center
- Moving Image Arts Building Studios, Gallery and the Screen
- Visual Arts Center and Courtyard
- O'Shaughnessy Performance Space in Benildus Hall
- The Quad (The Outdoor Lawn with Bandshell)

- 2) CONSIDERATION OF BILL NO. 2007-3: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_. (Councilor Heldmeyer)  
An Ordinance Amending Section 24-2.6 SFCC 1987 to Restrict Truck, Truck Trailer and Other Large Vehicle Traffic on Jay Street; Navajo Drive; Quapaw Street; and Via Antigua. (Rick Divine)
- 3) CONSIDERATION OF BILL NO. 2007-4: ADOPTION OF ORDINANCE NO. 2007-\_\_\_\_\_.  
An Ordinance Amending Sections 18-10.1, 18-10.3, 18-10.4 and 18-10.5 SFCC 1987 Regarding Municipal Local Option Gross Receipts Tax; Clarifying the Imposition and Dedication of Municipal Local Option Gross Receipts Tax; in Compliance with State Law. (Kathryn Raveling)
  - a) Request for Approval of Budget Increase – Project Fund.

- H. ADJOURN



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REGULAR MEETING OF  
THE GOVERNING BODY  
FEBRUARY 28, 2007  
CITY COUNCIL CHAMBERS

**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.

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
February 28, 2007

The governing body of the City of Santa Fe met in an executive session duly called on February 28, 2007 beginning at 6:20 p.m.

**The following items were discussed:**

**1) Discussion of Real Property Associated with Buckman Direct Diversion Project Right-of-Way, Pursuant to §10-15-1 (H) (8) NMSA 1978.**

PRESENT

Mayor Coss  
Councilor Bushee  
Councilor Calvert  
Councilor Chavez  
Councilor Dominguez  
Councilor Heldmeyer  
Councilor Ortiz  
Councilor Trujillo  
Councilor Wurzbarger

ABSENT

Councilor Calvert

STAFF PRESENT

Galen Buller, Acting City Manager  
Frank Katz, City Attorney  
Yolanda Y. Vigil, City Clerk  
Rick Carpenter, Senior Water Resources Coordinator

Stephen Hamilton, Montgomery & Andrews

**2) Discussion of Pending Litigation with Tierra Contenta Corporation, Pursuant to §10-15-1 (H) (7) NMSA 1978.**

PRESENT

Mayor Coss  
Councilor Bushee  
Councilor Calvert  
Councilor Chavez  
Councilor Dominguez  
Councilor Heldmeyer  
Councilor Ortiz  
Councilor Trujillo  
Councilor Wurzbarger

ABSENT

Councilor Calvert

STAFF PRESENT

Galen Buller, Acting City Manager

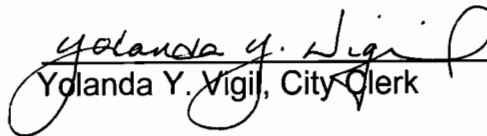
Frank Katz, City Attorney

Yolanda Y. Vigil, City Clerk

Lee Wilson, Wilson & Associates

Alletta Belin, Belin & Sugarman

There being no further business to discuss, the executive session adjourned at 7:25 p.m.

  
Yolanda Y. Vigil, City Clerk



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**February 28, 2007**

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<b><u>AFTERNOON SESSION – 5 P.M.</u></b>		
<b><u>ROLL CALL</u></b>	Quorum	1
<b><u>APPROVAL OF AGENDA</u></b>	Approved	1
<b><u>APPROVAL OF CONSENT CALENDAR</u></b>	Approved [amended]	1
<b><u>CONSENT CALENDAR LISTING</u></b>		1-3
<b><u>APPROVAL OF MINUTES:</u></b>		
City Council Study Session – January 30, 2007	Approved	3-4
City Council Study Session – February 6, 2007	Approved	4
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<b><u>PRESENTATIONS</u></b>		
Introduction of Police Officers Officer Michael Dimas, Officer Elliot Colon, Officer Ronald Garcia		4
400 <sup>th</sup> Anniversary Committee Report		4-6
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
Request for Approval of Joint Powers Agreement – Construction of All Terrain Vehicles (ATV) / Off-Highway Vehicles (OHV) Trails at MRC; New Mexico Energy, Minerals and Natural Resources Department.	Approved	6-8
Request for Approval Budget Increases for Salary Adjustments for AFSCME, Police Officers' Association and Non-Union Employees.	Approved	8
Presentation and Consideration of Charter Amendments.	Approved	8-10
<b>MATTERS FROM THE CITY MANAGER</b>	None	10
<b>MATTERS FROM THE CITY ATTORNEY</b>		10
<b>EXECUTIVE SESSION</b>		10
<b>MOTION TO COME OUT OF EXECUTIVE SESSION</b>		11
Action Regarding the Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way	Approved	11

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
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MATTERS FROM THE CITY CLERK	None	11
<b><u>EVENING SESSION – 7:30 P.M.</u></b>		
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PETITIONS FROM THE FLOOR		
Mr. Michael Molquin, Historic Preservationist		12
<b><u>PUBLIC HEARINGS</u></b>		
Request from the College of Santa Fe for a Permanent Waiver of 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at the College of Santa Fe, 1600 St. Michaels Drive.	Approved	12-13
Consideration Of Bill No. 2007-3: Adoption Of Ordinance No. 2007-4.	Approved	13
Consideration Of Bill No. 2007-4: Adoption Of Ordinance No. 2007-5.	Approved	14
<b>APPOINTMENTS</b>		
Economic Development Review Committee	Approved	14
Santa Fe River Commission	Approved	14-15
COMMUNICATIONS FROM THE GOVERNING BODY	Information/Discussion	15-16
ADJOURN		16

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
February 28, 2007**

**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 February 28, 2007, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

**Members Present**

Mayor David Coss  
Councilor Miguel Chavez, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Carmichael A. Dominguez  
Councilor Karen Heldmeyer  
Councilor Matthew E. Ortiz (arrived immediately after roll call)  
Councilor Ronald S. Trujillo  
Councilor Rebecca Wurzburger

**Member Absent**

Councilor Christopher Calvert

**5. APPROVAL OF AGENDA**

**Councilor Chavez moved, seconded by Councilor Bushee, to approve the agenda. The motion to approve the agenda was passed on a voice vote with Councilors Bushee, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzburger voting for the motion and none against.**

**6. APPROVAL OF CONSENT CALENDAR**

Councilor Heldmeyer requested that Item r) be moved from the Consent Calendar for discussion.

**Councilor Ortiz moved, seconded by Councilor Wurzburger, to approve the following Consent Calendar, as amended. The motion was passed on the following Roll Call vote:**

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

**Against: None.**

- a) Request for Approval of Professional Services Agreement – Summer Music Festival on the Plaza; Outside-In. (Sabrina Pratt)

- b) Request for Approval of Amendment No. 6 to Legal Services Agreement – Water Related Issues for Water Division; Rodey, Dickason, Sloan, Akin & Robb, P.A. (Rick Carpenter)
- c) Request for Approval of Cost Sharing Agreement – Northwest Quadrant Water System; Southwest Lifestyle Concepts, LLC. (Gary Martinez)
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- e) Request for Approval of Amendment No. 2 to Professional Services Agreement – Codifying and Supplementing Services for Santa Fe City Code 1987; Coded Systems, LLC. (Yolanda Vigil)
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- l) Request for Approval of Use of Municipal Recreation Complex Property for Electrical Substation and Transmission Lines for Buckman Direct Diversion Project. (Frank Archuleta)
- m) Request for Approval of Procurement – Police Vehicle Equipment and Installation; West Mesa Auto Crafts, Inc. (Chief Eric Johnson)
  - 1) Request for Approval of Budget Transfer – Inventory Exempt Police.

- n) Request for Approval of Sole Source Procurement – Enterprise One Software and Upgrades; Oracle USA, Inc. (Thomas Williams)
- o) Request for Approval of Procurement Under State Price Agreement – Vehicle Mobile Lift for Fire Department; Performance Tool and Equipment (Assistant Chief Charlie Velarde)
- p) CONSIDERATION OF RESOLUTION NO. 2007-22. (Councilor Bushee)  
A Resolution Rescinding Resolutions No. 1999-62 and No. 2003-11 Regarding the Parks Advisory Committee and Adopting a Resolution Establishing a Parks and Open Space Advisory Commission. (Fabian Chavez)
- q) Request for Approval to Publish Notice of Public Hearing on March 28, 2007:
  - 1) Bill No. 2007-6: An Ordinance Amending Certain Sections of the Santa Fe Smoke Free Ordinance, Article 10-6 SFCC 1987 for Clarification of Issues That Have Arisen During the Enforcement of the Smoke Free Ordinance (Councilor Bushee) (Sevastian Gurule)
  - 2) Bill No. 2007-7: An Ordinance Creating a New Section 19-7.1 SFCC 1987 to Set a Negotiations Schedule for Management Teams and Collective Bargaining Units. (Councilor Ortiz) (Gary Bartlett)
  - 3) Bill No. 2007-8: An Ordinance Amending Section 11-11.14 SFCC 1987 to Include Farmers' Markets as a Qualifying Entity For Economic Development Projects Requesting Economic Assistance from the City. (Councilor Bushee, Councilor Ortiz, Councilor Calvert and Councilor Wurzburger) (Craig Fiels)
- r) *(Removed for discussion by Councilor Heldmeyer)*
- s) Request for Approval of Budget Increase for Start-Up Planning for 400<sup>th</sup> Anniversary Celebration – Lodgers' Tax Fund. (Mayor Coss)

## 7. APPROVAL OF MINUTES:

City Council Study Session – January 30, 2007  
 City Council Study Session – February 6, 2007  
 Regular City Council Meeting – February 14, 2007

**Councilor Bushee moved, seconded by Councilor Ortiz, to approve the minutes of the Council Study Session of January 30, 2007, as presented. The motion was approved on a voice vote, with Councilor Bushee, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger voting for the motion and none against.**

**Councilor Chavez moved, seconded by Councilor Wurzburger, to approve the minutes of the Council Study Session of February 6, 2007, as presented. The motion was approved on a voice vote, with Councilor Bushee, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger voting for the motion and none against.**

**Councilor Heldmeyer moved, seconded by Councilor Wurzburger, to approve the minutes of the Regular City Council Meeting of February 14, 2007, as amended. The motion was approved on a voice vote, with Councilor Bushee, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzburger voting for the motion and none against.**

## **8. PRESENTATIONS**

### **a) Introduction of Police Officers – Graduates from the Law Enforcement Academy – Officer Michael Dimas and Officer Elliot Colon; Hired Lateral Officer – Officer Ronald Garcia (Chief Eric Johnson)**

Chief Eric Johnson introduced Officer Michael Dimas, who was born in Trinidad, Colorado, and moved to Santa Fe in 1977, where he graduated from Santa Fe High School in 1982. Michael possesses a Bachelor of Arts Degree in Political Science from New Mexico State University. He is married and has three children. He was a restaurant manager in the service industry for approximately 19 years. He joined the City of Santa Fe Police Department in July 2006 and graduated from the New Mexico Law Enforcement Academy on December 15, 2006. Officer Dimas is in the field training program and due to be released on his own in a few weeks. Chief Johnson said that Officer Dimas is doing an outstanding job and is demonstrating great ability and skills.

Chief Johnson introduced Officer Ronald Garcia, who was born in Albuquerque, New Mexico, and graduated from Manzano High School in 1976. He is completing his Associates Degree in Criminal Justice from Northern New Mexico Community College. Officer Garcia has several instructor certifications from the New Mexico Law Enforcement Academy that include emergency vehicle operations, DUI enforcement, use of force, survival Spanish for police officers, critical incident command and scenario based training. He started his law enforcement career with the New Mexico State Police in December 1991 and held several positions including Narcotics Division. For the last two years, Officer Garcia has been a basic police instructor at the New Mexico Law Enforcement Academy prior to coming to Santa Fe. Chief Johnson said that with his career and training, Officer Garcia is going to be a great asset to the department.

Chief Johnson introduced Officer Elliot Colon, who is a recent graduate of the New Mexico Law Enforcement Academy. He was born in New York City, where he started his career as a firefighter with the New York City Fire Department in 1996 for approximately ten years before deciding on a career change. Officer Colon joined the Santa Fe Police Department in July 2006. He is currently in the field training program. He has demonstrated skills and abilities as a police officer.

Chief Johnson said it was his honor to introduce these officers and that he was proud to have them join the Santa Fe Police Department and looked forward to their outstanding careers.

Mayor Coss welcomed the officers.

### **b) 400<sup>th</sup> Anniversary Committee Report (Maurice Bonal)**

**Mr. Maurice Bonal, Committee Chair,** said that some of the committee members were in attendance and listed the names of all the committee: Andres Romero, Vice Chair; Jerry

Dorbin; Jose Garcia; Juan Manchugo; Mark Mitchell; Deborah Potter; Jennifer Richardson; and Gilbert Romero.

Attention has been in four different areas: history, events, Native American and government relations, and fundraising. Mr. Bonal said that he has taken on fundraising.

The history subcommittee has involved many noted historians statewide, including: Sam Adelo; Adrian Bustamante; Dr. Charles Carrillo; Dr. Tom Chavez; Jose Esquibel; Albert Gallegos; Gerald Gonzales; Monica Sosaya Halford; Dr. Robert Himmerick; Sandra Jaramillo; Michael King, Las Golondrinas; Roberto Mondragon; Vera Norwood, head of the University of New Mexico Arts & Science Division; NM State Historian Dr. Estevan Rael-Gálvez; City Staff Member David Rasch; Orlando Romero; Marc Simmons; Samuel Delgado; Doña Conchita Lucero; Dr. Nasario Garcia; Dr. Joseph Sanchez; Dr. John Kessel; and Dr. Elliot Barrett.

Mr. Bonal said that these historians will begin work on the historical aspects of the founding of Santa Fe. He said it is anticipated it will take about six months to a year to come up with a draft document for adoption by the Mayor and Council as the official itinerary for the 400<sup>th</sup> anniversary.

The events committee is headed by Gilbert Romero and includes Socorro Aragon, Albert Gallegos, Rev. Msgr. Jerome Martinez, Juan Manchugo, Pablo Sedillo, Clara Apodaca, Eva Aschenbrener, Gerald Gonzalez, Thomas A. Romero from El Museo, Dean Miligan of the Fiesta Council, Mary Martinez, Monica Sosaya Halford, John Hendry, Manuel Lujan Jr., Roberto Mondragon, and Louann and Onna Shubert.

Tesuque Governor Mark Mitchell will chair the Government and Native Relations committee. Members include James Mountain, Governor of San Ildefonso and Chair of Eight Northern Pueblos; Dennis Vigil, Governor of Nambe; Lieutenant Governor Peter Perez; Edward Chavez, former Governor of Santo Domingo; Charlie Dorme, current Governor of Tesuque; and Regis Pecos, former Governor of Chochiti and special liaison to the Speaker.

Mr. Bonal presented copies of Senate Joint Memorial 45 and House Joint Memorial 45, Declaring March 7, 2007, as "Santa Fe Day" at the Legislature. He invited the Mayor and Council members and said he would endeavor to time the declarations in the two chambers for convenience. Senate Bill 992, House Bill 1165 and House Bill 1182 are requests for appropriations for planning and promoting the celebration. Mr. Bonal said he has worked in conjunction with the City's lobbyist to coordinate their efforts. A copy of the foregoing cited legislation is incorporated herewith to these minutes as Exhibit "1."

He said it has been amazing to see the people who have come forward to serve as committee members who have a love and commitment for their community.

Councilor Trujillo said that he knew someone who wanted to work on the celebration. Mr. Bonal said he would give the Councilors his telephone number. The regular meetings are held on the second and fourth Monday of the month in the Council Chambers.

Councilor Dominguez asked if he was on the education committee. Mr. Bonal replied that he is now.

Mayor Coss said that this is an important task for the community and commended Mr. Bonal and the committee members for their work. He pointed out that the Consent Agenda approval included a \$50,000 appropriation to begin the planning and events.

Councilor Bushee suggested that all paperwork, promotional materials and letterheads printed by the City include information on the celebration.

## **9. CONSENT CALENDAR DISCUSSION**

### **r) Request for Approval of Joint Powers Agreement – Construction of All Terrain Vehicles (ATV) / Off-Highway Vehicles (OHV) Trails at MRC; New Mexico Energy, Minerals and Natural Resources Department. (Frank Archuleta)**

#### **1) Request for Approval of Budget Increase from Grant Revenues – Project Fund.**

Councilor Heldmeyer explained that this is a request for a Joint Powers Agreement for the construction of ATV trails at the MRC, which was discussed at the Public Works Committee. She felt that it would be good to decide whether to do this before entering into a JPA with the Department of Energy, Minerals and Natural Resources Department (EMNRD) and before committing to spend money. She noted there is divided feeling in the community about whether the track is a good thing to have and whether it would help the problem it is intended to alleviate, which is people driving their ATVs where they are not supposed to. She said the question becomes, what are we committing ourselves to in entering into this JPA.

Mr. Frank Archuleta, Community Facilities Manager, explained that, if the city accepts it and decides not to move forward because the public rejected the proposal, the money would revert back to the state. There is also a public process, and there has to be an Environmental Impact Study done, which involves public meetings as well. It was the initial intent to do that publishing as part of the BLM acquisition process.

Councilor Heldmeyer expressed her concern that the city is being asked to make a substantial financial commitment and then decide if this is what it wants to do.

Councilor Bushee asked Mr. Robert Romero to comment.

Mr. Robert Romero, Public Works Director, said his understanding is there are thirty days to get the agreement approved and if the city decides not to do an ATV course, the money would revert. The state is aware the decision is contingent upon support of the public.

Councilor Dominguez said he felt the intent also was to invoke the process through the resolution to begin the decision on the ATV course and whether or not the location is acceptable to the public at large and the neighbors.

Councilor Heldmeyer said she would move to approve this with the very specific proviso that a public hearing be held within the next thirty days to allow the city to decide, and that a final answer be delivered to the EMNRD within that thirty day time period.



Councilor Dominguez said he would second the motion for discussion. He said he had thought one of the recommendations from Public Works was that the city go through the public process.

Mr. Romero said that the city has to give the state an answer to sign the agreement, but does not have to spend the money if it is found through public hearings that the public was not in favor. The city can then terminate the agreement. He said that staff would not want to make a decision without input from the governing body. A public hearing could be held and the decision brought back to the Council, but there is probably not time to take it through all the committees. There may just be time to take it to Public Works and then bring it to the Council for a public decision.

Given that information, Councilor Dominguez said he would withdraw his second.

Mayor Coss noted that there was no motion on the floor.

**Councilor Trujillo moved, seconded by Councilor Bushee, for approval of Joint Powers Agreement – Construction of All Terrain Vehicles (ATV) / Off-Highway Vehicles (OHV) Trails at MRC; New Mexico Energy, Minerals and Natural Resources Department.**

Councilor Chavez asked who would maintain the ATV track and who would be liable.

Mr. Romero replied the intent is to outsource the maintenance and operation to the private sector or a nonprofit. Liability is another issue they would have to look into.

Councilor Chavez said the hope is that building this track will take the pressure off existing open space and trails. He noted that it may work well for those with a truck and a trailer to transport the ATVs, which might take care of some of the users. He asked if there was the ability to track data on problems with ATVs.

Mr. Romero replied they could look into ways to track the number of complaints regarding ATVs in public areas before and after installation of such a track. He added there is intent to provide storage for the ATVs. He said there still is more work to be done in determining many more issues.

In response to a funding question from Councilor Chavez, Mr. Romero replied that they have been directed to contact the county to determine if they would support help with funding the match, which has not as yet been done.

Councilor Chavez said it would be best to have that communication at the front end, since it would be better to have some commitment of interest from the county that they are willing to participate before doing the JPA.

Mr. Romero agreed and said they may not be able to get agreement from the county within the thirty days.

Councilor Bushee said she would like to have as much outreach as possible to the public.

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

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

**Against: Councilor Chavez and Councilor Heldmeyer.**

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**END OF CONSENT CALENDAR DISCUSSION**

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**10. Request for Approval Budget Increases for Salary Adjustments for AFSCME, Police Officers' Association and Non-Union Employees. (Mayor Coss and Kathryn Raveling)**

Mayor Coss asked if there is agreement with the unions and what the Finance Committee recommended last week. Ms. Kathryn Raveling said that was correct.

**Councilor Wurzbarger moved to approve the Request for Approval Budget Increases for Salary Adjustments for AFSCME, Police Officers' Association and Non-Union Employees, seconded by Councilor Bushee.**

Councilor Heldmeyer asked the Acting City Manager if he could characterize the negotiations.

Mr. Galen Buller, Acting City Manager, explained that there were two sets of negotiations, one that preceded the first vote, which was a conditional 1.5% increase. He met with members of the POA and AFSCME twice and agreed on making the recommendation to the Council that the city would match what was given to the firefighters. That number was not agreed to, and so they were asked to renegotiate. The question this time was whether or not the unions would agree to the recommendation of the Finance Committee, which allowed for the 1.5% raise, but it would not be retroactive to previous pay periods. The unions came into that negotiation saying that would not be an issue for them.

Ms. Raveling concurred that everyone was agreeable to the decision and she felt it was fine.

**The motion to approve the Request for Approval Budget Increases for Salary Adjustments for AFSCME, Police Officers' Association and Non-Union Employees was passed on the following Roll Call vote.**

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

**Against: None.**

**11. Presentation and Consideration of Charter Amendments. (Jim Harrington)**

**Mr. Jim Harrington, Chair of the Charter Review Commission**, began by thanking the members of the governing body for entrusting him and his fellow commissioners with this important job and said he hoped that the commission has justified their trust. He thanked the members of the commission for their hard work and introduced two commissioners in

attendance, Ruth Kovnat and Jill Heppenheimer. He said he assumed that the Council had read the report, which is self-explanatory.

An additional handout was a packet of materials on Ranked Choice Voting that Rick Lass and John Otter presented to the commission some time ago. Mr. Harrington explained that neither of the men could be here tonight and that Mr. Lass asked him to give it to the Council. A copy of the Ranked Choice Voting materials is incorporated herewith to these minutes as Exhibit "2."

The other handout is a memo from Mr. Harrington to the governing body that had its genesis in a meeting of the Ethics & Rules Committee a few weeks ago, where some disappointment was expressed regarding the commission's recommendation on public campaign financing to the effect that the commission should perhaps have given the governing body a more specific idea of exactly what kind of public financing system is being proposed. Mr. Harrington explained that this memo is from him and not the commission because there was no time for the commission to meet on it and approve it as a commission document. Some of the members and the city attorney have said it contains some things that might be useful to members of the governing body. A copy of the memo is incorporated herewith to these minutes as Exhibit "3."

Mayor Coss commented it is interesting to see how many proposals were considered but not recommended by the commission. He felt they are good recommendations and he would like to see it moving forward.

Councilor Heldmeyer suggested that a more appropriate way to deal with this is to have a working session of the governing body and that it be open to the public so the public can speak to them. She expressed her appreciation to the charter commission for their work.

**Councilor Heldmeyer moved, seconded by Councilor Ortiz, to refer the work of the Charter Review Commission to a working session of the City Council that is open to the public.**

Councilor Bushee thanked the commissioners for their yeoman's work. The Ethics & Rules Committee meetings have pointed out two sticky issues: The public financing of campaigns, because the language was generic in that they were to look at a meaningful reform. The other issue was Ranked Choice Voting and/or just runoff, only because of the logistics in terms of not having machinery and software. She said that this matter should be taken to the voters at a regular election for more participation.

Councilor Chavez agreed it should be put on a regular election for a better turnout and to avoid the cost of a special election. As this goes out to the public and gets closer to a referendum, this will impact whether it comes from the general fund or elsewhere to fund the candidates in future elections. The voters need to know where the money is coming from and that should be identified early on.

Councilor Bushee added that the other costs would be the machinery and the software that would be needed if an IRV is done. It is only fair to give the voters the costs affixed with whatever process is endorsed.

Councilor Heldmeyer pointed out it is not just the cost and the effort of getting new machinery, it is finding out whether state law allows the city to have its own machinery. The

way state law is written now, voting machines are provided by the county clerk's office. The open questions can be decided in a work session.

Mayor Coss re-stated the motion and said it was to refer this matter to a special study session of the governing body after the next meeting of the Ethics & Rules Committee. He agreed it should not be held at a special election in October, but held in March 2007. He added that the question becomes whether to have Ranked Voting or not. The machines become a moot point because they can count ballots in a city election instantaneously, which is less expensive than a runoff election.

Mr. Harrington noted that some of the concerns being expressed are answered in the memo, which was directed at Councilor Bushee's point that the commission had not been given any idea of the range of possibilities with respect to public financing. The memo refers to an appendix containing three models from which a public financing ordinance might be derived. He gave the appendix to the city attorney should anyone wish that level of detail.

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

## **12. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

## **13. MATTERS FROM THE CITY ATTORNEY**

### **EXECUTIVE SESSION:**

- a) Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way Pursuant to NMSA 1978 §10-15-1 (H)(8).
- b) Discussion of Pending Litigation with Tierra Contenta Corporation, Pursuant to §10-15-1 (7) NMSA 1978.

**Councilor Chavez moved, seconded by Councilor Wurzburger, that the Council go into Executive Session for the purpose of discussing two items: pending litigation regarding Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way Pursuant to NMSA 1978 §10-15-1 (H)(8) and. Discussion of Pending Litigation with Tierra Contenta Corporation, Pursuant to §10-15-1 (7) NMSA 1978. The motion was passed on a Roll Call vote as follows:**

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

**Against: None.**

**The Council went into Executive Session at approximately 6:00 p.m.**

### **MOTION TO COME OUT OF EXECUTIVE SESSION**

At 7:20 p.m. Councilor Chavez moved, seconded by Councilor Heldmeyer, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were matters relating to disposition of real property associated with Buckman Direct Diversion Project Right-of-Way and pending litigation with Tierra Contenta Corporation.

The motion was passed unanimously on a voice vote with Councilors Bushee, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzburger voting for the motion, and no one voting against.

**14. Action Regarding the Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way (Rick Carpenter)**

Councilor Chavez moved, seconded by Councilor Wurzburger, to take action on the Disposition of Real Property Associated with Buckman Direct Diversion Project Right-of-Way.

The motion was passed unanimously on a voice vote with Councilors Bushee, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzburger voting for the motion, and no one voting against.

**15. Action Regarding Settlement Agreement with Tierra Contenta Corporation (Frank Katz)**

No action will be taken.

**16. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**END OF AFTERNOON SESSION AT 7:30 P.M.**

**EVENING SESSION – 7:30 P.M.**

**A. CALL TO ORDER**

The Evening Session was called to order by Mayor Coss at approximately 7:30 p.m. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum as follows:

**Members Present**

Mayor David Coss  
Councilor Miguel Chavez, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Carmichael A. Dominguez  
Councilor Karen Heldmeyer  
Councilor Matthew E. Ortiz  
Councilor Ronald S. Trujillo  
Councilor Rebecca Wurzburger

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

**Mr. Michael Molquin, Historic Preservationist**, spoke about the 400<sup>th</sup> Anniversary Committee. He petitioned the Mayor and City Council to honor former Mayor Delgado's promise that he would be a member of the 400<sup>th</sup> anniversary committee. A copy of Mr. Molquin's petition is incorporated herewith to these minutes as Exhibit "4."

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Mayor Coss said he would hold the Public Hearings, item G, prior to Appointments, Item F.

## **G. PUBLIC HEARINGS**

### **1) Request from the College of Santa Fe for the following (Yolanda Y. Vigil)**

Pursuant to §60-6B-10 NMSA 1978, a Request for Approval of Permanent Waiver of 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at the Following Facilities at the College of Santa Fe, 1600 St. Michaels Drive:

- Rosemarie Shellaberger Tennis Center
- Greer Garson Theater and Lobby
- Driscoll Fitness Center
- Moving Image Arts Building Studios, Gallery and the Screen
- Visual Arts Center and Courtyard
- O'Shaughnessy Performance Space in Benildus Hall
- The Quad (The Outdoor Lawn with Bandshell)

Ms. Vigil said this request was brought forward at the last Council meeting, and the Council requested the specific locations the College of Santa Fe would like a waiver for, which are listed above. She said that, if this request is approved, future requests for alcohol sales would go directly to the City Clerk's office for approval.

### **Public Hearing**

**There was no one speaking for or against this request.**

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

**Councilor Wurzbarger moved, seconded by Councilor Bushee, Approval of Permanent Waiver of 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at the Following Facilities at the College of Santa Fe, 1600 St. Michaels Drive:**

- Rosemarie Shellaberger Tennis Center
- Greer Garson Theater and Lobby
- Driscoll Fitness Center
- Moving Image Arts Building Studios, Gallery and the Screen
- Visual Arts Center and Courtyard
- O'Shaughnessy Performance Space in Benildus Hall
- The Quad (The Outdoor Lawn with Bandshell)

During the roll call vote, Councilor Trujillo asked what distance the alcohol sales would be to a chapel on the campus.

**Ms. Marcia Sullivan, VP Institutional Advancement, College of Santa Fe**, replied that some of the facilities requiring a waiver would be within 200-300 feet from the chapel. She added it is likely the chapel will be moved some time in the future with the development of new facilities on the campus.

**The motion was passed on a Roll Call vote as follows:**

**For: Councilor Bushee, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz and Councilor Wurzbürger.**

**Against: Councilor Trujillo.**

- 2) CONSIDERATION OF BILL NO. 2007-3: ADOPTION OF ORDINANCE NO. 2007-4. (Councilor Heldmeyer)**  
**An Ordinance Amending Section 24-2.6 SFCC 1987 to Restrict Truck, Truck Trailer and Other Large Vehicle Traffic on Jay Street, Navajo Drive, Quapaw Street, and Via Antigua. (Rick Divine)**

Councilor Heldmeyer said there were two requests in the one ordinance change. The first is in the Kaune neighborhood where half of the neighborhood was given a truck ban and the other half not, which proved to be a bad decision.

The second area is Via Antigua, a small dead-end street that gets an inordinate amount of 18-wheeler traffic because trucks turn around on it when they miss the Rodeo Road/St. Francis intersection. The ordinance would allow a no trucks posting and even the ability to ticket a truck that might get stuck.

### **Public Hearing**

**Joanne McLaughlin, Via Antigua**, said that large trucks come over the bridge, realize they have gone the wrong way and turn around in the small street.

**Mike Boulet, 2709 Via Antigua**, said there simply is not enough room for an 18-wheeler to turn around in the small cul de sac, so they park there until they can get help. There is concern for potential accidents. Also, the street is not paved and in wet conditions the base course is torn up. With more anticipated development along Rodeo Road, this problem will get worse as time goes along.

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

**Councilor Heldmeyer moved, seconded by Councilor Wurzbürger, Adoption Of Ordinance No. 2007-4. The motion was passed on a Roll Call vote as follows:**

**For: Councilor Bushee, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, Councilor Trujillo and Councilor Wurzbürger.**

**Against: None.**

**3) CONSIDERATION OF BILL NO. 2007-4: ADOPTION OF ORDINANCE NO. 2007-5.**

**An Ordinance Amending Sections 18-10.1, 18-10.3, 18-10.4 and 18-10.5 SFCC 1987 Regarding Municipal Local Option Gross Receipts Tax; Clarifying the Imposition and Dedication of Municipal Local Option Gross Receipts Tax; in Compliance with State Law. (Kathryn Raveling)**

**a) Request for Approval of Budget Increase – Project Fund.**

Ms. Kathryn Raveling explained the ordinance cleans up language regarding the gross receipts tax. The original definition has been broadly interpreted in the past and she said that she felt better in amending the ordinance and putting in more details on the definitions, which are now on pages 8 and 9. They now include debt service for the CIP bond issue, and for other repairs, maintenance, and operating expenditures necessitated by services for the public. While recommending amendments to the ordinance, it was found that it had disappeared over the years, which necessitated rewriting the whole section.

**Public Hearing**

**There was no one speaking for or against this request.**

**The Public Hearing was closed**

**Councilor Chavez moved, seconded by Councilor Wurzbarger, Adoption Of Ordinance No. 2007-5. The motion was passed on a Roll Call vote as follows:**

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

**Against: None.**

**F. APPOINTMENTS**

**Economic Development Review Committee**

Mayor Coss reappointed the following individuals to the Committee for terms ending October 2007: Lance Armer, Alia Munn, Joel P. Serra, Vice Chair and Robin Gould. Mayor Coss reappointed the following individuals to the Committee for terms ending October 2008: Gary Ehler, Fidel Gutierrez, Sayuri Yamada Matthews, Lillian Montoya-Rael, Max E. Myers and Donald H. Wiviott, Chair. Mayor Coss appointed Leveo Sanchez to fill an unexpired term ending October 2007.

**Councilor Wurzbarger moved, seconded by Councilor Chavez to approve the appointments to the Economic Development Review Committee. The motion was approved unanimously on a voice vote, with Councilors Bushee, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbarger voting for the motion and none against.**

**Santa Fe River Commission**

Mayor Coss appointed the following individuals to the Commission for terms ending February 2010: Max Coll, Chair, Tobe Bott-Lyons, Phillip J. Bové, John R. Buchser, Rachel



Friedman, Danielle Montes and Melinda Romero-Pike, and alternates Gerald Z. Jacobi and Jen Lewon.

**Councilor Wurzbarger moved, seconded by Councilor Chavez to approve the appointments to the Santa Fe River Commission. The motion was approved unanimously on a voice vote, with Councilors Bushee, Chavez, Dominguez, Heldmeyer, Ortiz, Trujillo and Wurzbarger voting for the motion and none against.**

## **17. COMMUNICATIONS FROM THE GOVERNING BODY**

### **Councilor Wurzbarger**

Councilor Wurzbarger introduced a resolution with Mayor Coss, directing the City Attorney to advise and instruct the governing body and decision making bodies of the City of Santa Fe about the essential elements of quasi-judicial decisions with particular emphasis on the need to prepare and adopt findings of fact and conclusions of law. She said this resolution comes from Public Works and Finance. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Wurzbarger introduced an ordinance with Councilor Trujillo amending Section 14-6.3(C)(2) SFCC 1987 regarding home occupations. She said the ordinance reflects changes from the Business & Quality of Life Committee with respect to home occupations, tightening up requirements and making home business less restrictive, particularly for those that work through fax and mail. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "6."

### **Councilor Trujillo**

Councilor Trujillo introduced an ordinance with Councilor Calvert establishing new sewer service charges; establishing new extra strength sewer surcharge rates; and establishing new effluent rates. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "7."

He also introduced an resolution creating the Mayor's Cup, traveling trophy, for high schools in the City of Santa Fe. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "8."

### **Councilor Heldmeyer**

Councilor Heldmeyer invited everyone to attend the 13<sup>th</sup> Annual Acequia Madre art auction, to be held at 5:30 PM, Saturday, March 10, at the Eldorado Hotel.

### **Councilor Bushee**

Councilor Bushee introduced a resolution with Councilor Ortiz, Councilor Dominguez and Councilor Trujillo directing staff to prepare a proposal for the remodeling and operation of a teen center at the Tino Griego pool. She said this was brought forward by the Mayor's Youth Advisory Board. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Bushee introduced a resolution from the Public Works Committee establishing the procedures and criteria for naming city owned public spaces including, but not limited to, buildings, parks, plazas, alamedas, facilities and city developed streets. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "10."

#### **Mayor Coss**

Mayor Coss introduced a resolution to reconfigure the Sustainable Santa Fe Commission and provide a more direct staff liaison role. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "11."

Mayor Coss said there are two special City Council meetings scheduled for Thursday, March 1, to introduce the City Manager candidates to the Council. The first is scheduled for noon and the second at 5:30 p.m. He has received indication from a few Councilors, including Councilor Ortiz, that they cannot make the noon meeting. He received consensus from the Councilors that a quorum would be available at 5:30 p.m., at which time the candidates would be interviewed for an hour each. Both meetings have been noticed.

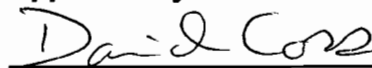
#### **Councilor Calvert**

Ms. Vigil introduced for the record a resolution from Councilor Calvert directing staff to study the feasibility of transferring the collection of recycling materials to the SFSWMA. A copy of the proposed resolution is incorporated herewith to these minutes as Exhibit "12."

#### **H. ADJOURN**


There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:00 p.m.

**Approved by:**




**Mayor David Coss**

**ATTESTED TO:**

  
Yolanda Y. Vigil, City Clerk

**Respectfully submitted:**

  
Melesia Helberg, Stenographer