



Agenda

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

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3-23-07 TIME 2:15

SERVED BY

RECEIVED BY Samuel C. [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: Spec. City Council Meeting – March 7, 2007
Reg. City Council Meeting – March 14, 2007
8. PRESENTATIONS
 - a) Update on Activities of the North Central Regional Transit District. (Jon Bulhuis and Josette Lucero) (5 Minutes)
 - b) Legislative Wrap-Up. (Mark Duran) (10 Minutes)
9. CONSENT CALENDAR
 - a) Bid No. 07/30/B – Construction of New Police Impound Yard; V.P. Construction Company. (Chip Lilienthal)
 - 1) Request for Approval of Budget Adjustment – Project Fund.
 - b) Bid No. 07/38/B – Agreement for Amelia E. White Park Phase II; Accent Landscape Contractors, Inc. (Mary MacDonald)
 - c) Bid No. 07/44/B – Automated Side Load Collection Unit For Solid Waste Division; Trucks West, Inc. (William DeGrande)
 - d) Bid No. 07/45/B – Two (2) Chassis for Recycling for Solid Waste Division; Trucks West, Inc. (William DeGrande)
 - e) Bid No. 04/57/B – Refuse Bags for Solid Waste Division; Resourceful Bag. (William DeGrande)



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- f) Request for Approval of Sole Source Procurement for Professional Services Agreement – Groundwater Modeling for Sustainability and Permit Compliance for Water Division; CDM. (Claudia Borchert)
- g) Request for Approval of Procurement Under State Price Agreement – Tires for City of Santa Fe Vehicles. (Robert Rodarte)
 - 1) Continental General Tire
 - 2) Bridgestone/Firestone
 - 3) The Goodyear Tire & Rubber Co.
 - 4) Michelin North America
- h) Request for Approval of Sole Source Procurement – Traffic Signal Controller Cabinets for Engineering Division; Econolite Control Products, Inc. (Rick Devine)
- i) Request for Approval of Sole Source Procurement for Professional Services Agreement – Technical Support for Consolidated Utility Billing System; AMX International. (Caryn Fiorina)
- j) Request for Approval of Third Party Administrator for City of Santa Fe Medical Insurance Benefits; United Healthcare (RFP No. 06/42/P). (Miguel Lucero)
- k) Request for Approval of Amendment No. 1 to Professional Services Agreement for Design Engineering Services – Rodeo Road/Richards Avenue Intersection Improvements Project; Smith Engineering Company. (Leroy Pacheco)
- l) Request for Approval of Professional Services Agreement – Prairie Dog Relocation Services at Santa Fe Municipal Airport (RFP No. 07/40/P); ECO Solutions. (Fabian Chavez)
- m) Request for Approval of Amendment No. 1 to Professional Services Agreement – Design Services for Pocket Parks; Consensus Planning, Inc. (Ben Gurule)



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- n) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Chavez, Mayor Coss and Councilor Dominguez)
A Resolution Directing City Staff to Begin the Process to Adopt the Southwest Santa Fe Community Area Master Plan as an Amendment to the General Plan. (Katherine Mortimer)
- o) Request for Approval to Publish Notice of Public Hearing on April 25, 2007:
 - 1) Bill No. 2007-13 – An Ordinance Amending Section 14-3.4 SFCC 1987 Regarding Petition Method Annexations and Sector Plans and Amending the Definition of Sector Plan in Article 14-12 SFCC 1987. (Councilor Chavez) (Frank Katz)
 - 2) Bill No. 2007-14 – An Ordinance Amending Section 14-8.15 SFCC 1987 Requiring the Dedication of Land or Easements for the Purpose of Public, Non-Motorized Trails. (Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Trujillo and Councilor Dominguez) (Anne McLaughlin)
- p) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Bushee, Councilor Wurzburger and Councilor Trujillo)
A Resolution 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. (Robert Romero)
- q) Request for Approval of Sole Source Procurement For Professional Services Agreement – Provide Services to Planning Division; Monica Montoya. (Yolanda Cortez and Jack Hiatt)
- r) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Wurzburger, Mayor Coss and Councilor Calvert)
A Resolution 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. (Frank Katz)



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- s) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer, Mayor Coss, Councilor Trujillo, Councilor Chavez and Councilor Calvert)
A Resolution Directing Staff to Develop a Comprehensive Tree Policy for the City of Santa Fe. (Fabian Chavez)
- t) Request for Approval of Amendment No. 1 to Lease Agreement – Property at Santa Fe Municipal Airport; Royal City Hanger Association. (Jim Montman)
- u) Request for Approval of Lease Agreement – Advertising Display and Courtesy Telephone at Santa Fe Municipal Airport; National Communication Systems, Inc. (Jim Montman)
- v) Request for Approval of Change Order No. 2 – Camino Alire Bridge and Intersection Improvements Project; A.S. Horner, Inc. (Peter Manzanares)
- w) Request for Approval of Land Lease Agreement – Provide Area to Lease and Construct Facility to House the Operations of Esperanza Shelter for Battered Families; Santa Fe County. (Frank Archuleta)
- x) Request for Approval of Professional Services Agreement – Economic Impact Analysis of Minimum Wage Ordinance; Regents of the University of New Mexico. (Craig Fiels)
- y) Request for Approval of Procurement Under State Price Agreement – Ten (10) Vehicles for Police Department; Reliable Chevrolet. (Robert Rodarte)
- z) Request for Approval of Procurement Under Cooperative Agreement – Two (2) Dump Trucks for Streets Division; Rush Truck Center. (Robert Rodarte)
- aa) CONSIDERATION OF RESOLUTION NO. 2007-_____.
A Resolution Directing Staff to Prepare a Proposal for the Remodeling and Operation of a Teen Center at the Tino Griego Pool (Councilor Bushee, Councilor Ortiz, Councilor Dominguez and Councilor Trujillo) (Rick Anaya)
Instead of Request for Approval of a Joint Resolution Approving the Sub-Lease of the Tino Griego Pool as a Location for a Work Development Center for High School and College Students to Learn the Skills of the Film Industry. (Mayor Coss and Councilor Wurzbarger) (Frank Archuleta)



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- bb) Request for Approval of Procurement Under Cooperative Agreement – Water Meter Lids for Utility Billing; NICOR, Inc. (Robert Rodarte)
 - cc) Request for Approval of Design-Build and Exemption from Local Preference Requirements for Project OMCI Fleet Bay Expansion. (Mary MacDonald)
 - dd) Request for Approval of Sole Source Procurement for Professional Services Agreement – Reconcile Address Files for City of Santa Fe; Leroy Catanach. (Caryn Fiorina)
 - ee) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Trujillo)
A Resolution Creating the Mayor's Cup, Traveling Trophy, for High Schools in the City of Santa Fe. (Terrie Rodriguez)
10. A Request Under Provisions of 14-6.2 (G) SFCC 1987 (Underground Utility Projects) for Governing Body Direction to Public Service Company of New Mexico (PNM) for the Placement and Cost Recovery Method of Electrical Facility Distribution Projects: South Pacheco 11 and 13. (Robert Gallegos)
11. **Case # A 2006-11. Dismissal of 444 Camino de Las Animas Building Permit Appeal.** Decision by Governing Body to Dismiss for Failure of Appellant to Prosecute the Appeal by Cecilia Redman-Tafoya of Board of Adjustment Decision Denying an Appeal of Building Permit 06-1745 for an Accessory Dwelling Unit. The Property is Located at 444 Camino de Las Animas Street. (Greg Smith)
12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- a) Discussion on Land Swap with New Mexico Department of Transportation, Pursuant to §10-15-1 (H) (7) NMSA 1978.
 - b) Discussion on Land Swap with Peter Joseph, Pursuant to §10-15-1 (H) (7) NMSA 1978.



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- c) Discussion of Offer and Settlement of Case No. D-0101-CV-2004-00266
City of Santa Fe v. Stacy Marie Starr – Condemnation Action for a Sewer
Easement Acquisition of 0.25 Acres Located at 3550 Governor Miles Road
Currently Being Used for a Sewer Line that Serves the Pueblos Del Sol
Subdivision Area. Pursuant to NMSA 1978, §10-15-1 (H) (7).
- 14. Action Regarding Land Swap with New Mexico Department of Transportation.
(Robert Romero)
- 15. Action Regarding Land Swap with Peter Joseph. (Robert Romero)
- 16. Action to Approve Offer and Settlement in Case No. D-0101-CV-2004-00266,
City of Santa Fe v. Stacy Marie Starr. (Frank Katz)
- 17. MATTERS FROM THE CITY CLERK
- 18. 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) CONSIDERATION OF BILL NO. 2007-6: ADOPTION OF ORDINANCE
NO. 2007-_____. (Councilor Bushee and Councilor Dominguez)
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. (Sebastian
Gurule)



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- 2) CONSIDERATION OF BILL NO. 2007-7: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Ortiz and Councilor Dominguez)
An Ordinance Creating a New Section 19-7.1 SFCC 1987 to Set a Negotiations Schedule for Management Teams and Collective Bargaining Units. (Gary Bartlett)
- 3) CONSIDERATION OF BILL NO. 2007-8: ADOPTION OF ORDINANCE NO. 2007-_____. (Councilor Bushee, Councilor Ortiz, Councilor Calvert, Councilor Wurzbarger and Councilor Dominguez)
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. (Craig Fiels)
 - a) Request for Approval of Amendment No. 1 to Professional Services Agreement – Design and Construction of New Facility; Santa Fe Farmers' Market Institute. (Frank Romero)
- 4) **Case #M 2006-38. Tierra De Zia Condominium Phase II Development Plan.** Rosanna Vazquez, Agent for John McCarthy, Dan Terrell and Robert Trujillo Requests Development Plan for an Addition of 10 Condominium Units, for a Total of 147 units, for Tierra De Zia. The Property is Located at the Southwest Corner of Zia Road and Yucca Street and is Zoned RM-LD. (Katherine Mortimer)

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.

CITY COUNCIL MEETING
EXECUTIVE SESSION
March 28, 2007

The governing body of the City of Santa Fe met in an executive session duly called on March 28, 2007 beginning at 8:05 p.m.

The following items were discussed:

1) Land Swap with the New Mexico Department of Transportation, Pursuant to §10-15-1 (H)(8) NMSA 1978.

PRESENT

Mayor Coss
Councilor Calvert
Councilor Chavez
Councilor Dominguez
Councilor Ortiz
Councilor Wurzbarger

ABSENT

Councilor Bushee
Councilor Heldmeyer
Councilor Trujillo

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Robert Romero, Public Works Director
Bryan Romero, Wastewater Engineer Supervisor

2) Land Swap with Peter Joseph, Pursuant to §10-15-1 (H)(78) NMSA 1978.

PRESENT

Mayor Coss
Councilor Calvert
Councilor Chavez
Councilor Dominguez
Councilor Ortiz
Councilor Wurzbarger

ABSENT

Councilor Bushee
Councilor Heldmeyer
Councilor Trujillo

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Robert Romero, Public Works Director
Bryan Romero, Wastewater Engineer Supervisor

3) Offer and Settlement of Case No. D-0101-CV-2004-00266 City of Santa Fe v. Stacy Marie Starr – Condemnation Action for a Sewer Easement Acquisition of 0.25 Acres Located at 3550 Governor Miles Road Currently Being Used for a Sewer Line that Serves the Pueblos Del Sol Subdivision Area, Pursuant to §10-15-1(H)(7) NMSA 1978.

PRESENT

Mayor Coss
Councilor Calvert
Councilor Chavez
Councilor Dominguez
Councilor Ortiz
Councilor Wurzbarger

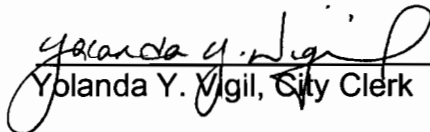
ABSENT

Councilor Bushee
Councilor Heldmeyer
Councilor Trujillo

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk

There being no further business to discuss, the executive session adjourned at 8:35 p.m.


Yolanda Y. Vigil, City Clerk

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SANTA FE CITY COUNCIL MEETING
March 28, 2007

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Reg. City Council Meeting – March 14, 2007	Approved	2
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Legislative Wrap-up	Information/Discussion	4-5
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A REQUEST UNDER PROVISIONS OF 14-6.2(G) SFCC 1987 (UNDERGROUND UTILITY PROJECTS) FOR GOVERNING BODY DIRECTION TO PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), FOR THE PLACEMENT AND COST RECOVERY METHOD OF ELECTRICAL FACILITY DISTRIBUTION PROJECTS; SOUTH PACHECO 11 AND 13	Approved [amended]	10-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>CASE #A-2006-11.</u> DISMISSAL OF 444 CAMINO DE LAS ANIMAS BUILDING PERMIT APPEAL. DECISION BY GOVERNING BODY TO DISMISS FOR FAILURE OF APPELLANT TO PROSECUTE THE APPEAL BY CECILIA REDMAN-TAFOYA OF BOARD OF ADJUSTMENT DECISION DENYING AN APPEAL OF BUILDING PERMIT 06-1745 FOR AN ACCESSORY DWELLING UNIT. THE PROPERTY IS LOCATED AT 444 CAMINO DE LAS ANIMAS STREET	Postponed to 4/25/07	13-14
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CONSIDERATION OF BILL NO. 2007-6; ADOPTION OF ORDINANCE NO. 2007- ____ . 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	Postponed to 04/11/07	16
CONSIDERATION OF BILL NO. 2007-6; ADOPTION OF ORDINANCE NO. 2007-6 . AN ORDINANCE CREATING A NEW SECTION 19-7.1 SFCC 1987, TO SET A NEGOTIATIONS SCHEDULE FOR MANAGEMENT TEAMS AND COLLECTIVE BARGAINING UNITS	Adopted	16-17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2007-6; ADOPTION OF ORDINANCE NO. 2007- _____. 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	Postponed to 04/11/07	17
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CASE #M-2006-38. TIERRA DE ZIA CONDOMINIUM PHASE II DEVELOPMENT PLAN. ROSANNA VAZQUEZ, AGENT FOR JOHN MCCARTHY, DAN TERRELL AND ROBERT TRUJILLO REQUESTS DEVELOPMENT PLAN FOR AN ADDITION OF 10 CONDOMINIUM UNITS, FOR A TOTAL OF 147 UNITS, FOR TIERRA DE ZIA. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ZIA ROAD AND YUCCA STREET AND IS ZONED RM-LD	Approved	17-22
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ACTION REGARDING LAND SWAP WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION	No action	23
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 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 March 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 Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Rebecca Wurzburger

Members Excused

Councilor Patti J. Bushee
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo

There was a quorum of the Governing Body in attendance, but there was not a majority of the Councilors in attendance. Yolanda Vigil, City Clerk, said there is a quorum present to start the meeting to conduct presentations.

5. APPROVAL OF AGENDA

Mr. Buller said he has been asked to postpone Item #9(aa) on the Consent Calendar and Items #G(1) and #G(3) on the evening agenda, to the next meeting of the Council.

Councilor Chavez asked when Item #G(3) comes back to the full Council, he would like the following information in the packet: minutes from the Economic Development Review Committee and a letter from the Department of Finance and Administration.

Councilor Dominguez said he must recuse himself from voting on Item #11, so perhaps Item #11 should be postponed to the next meeting of the Council.

Ms. Vigil said Item #13 (a) and (b) should be changed to §10-15-1(H)(8) in both places.

Mayor Coss said he is withdrawing his appointment to the H-Board for further consideration of the Chairman.

Councilor Calvert moved, seconded by Councilor Wurzburger, to approve the agenda as amended.

Discussion: With regard to postponing Item #11, Mr. Katz said in this situation, the Governing Body can proceed with those items requiring only a majority of the Governing Body to be present, although there could be a situation where there are insufficient votes. For those items requiring a quorum of the Councilors, such as contracts and ordinances, the Governing Body can't proceed. He said if Councilor Ortiz were to come to the meeting before Item #11 is considered, there would be a sufficient number of Councilors to proceed on this agenda item.

Mayor Coss said then if one more Councilor comes to the meeting, even if Councilor Dominguez recuses himself, there would still be a quorum and we could still vote. Mr. Katz said this is correct.

Councilor Calvert said then we are not going to postpone Item #11.

Councilor Dominguez said then we'll just decide on Item #11 when we get there if we have the correct number of Councilors in attendance.

Mayor Coss said then the motion, as amended, will be to leave Item #11 on the agenda for now. Councilor Calvert said this is correct. Mayor Coss said then all the other changes would be in place.

The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, and Wurzburger voting for the motion and none against.

6. APPROVAL OF CONSENT CALENDAR

Mayor said the Governing Body can't approve the consent agenda at this time because it contains contracts which must be approved by a majority of the Governing Body, and, following the approval of the minutes, moved directly to Item #8 Presentations.

7. APPROVAL OF MINUTES: Special City Council Meeting – March 7, 2007 Reg. City Council Meeting – March 14, 2007

Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the minutes of the Special City Council Meeting of March 7, 2007, as presented. The motion was approved on a voice vote, with Councilor Calvert, Councilor Chavez, Councilor Dominguez and Councilor Wurzburger voting for the motion and none against.

Councilor Chavez moved, seconded by Councilor Wurzburger, to approve the minutes of the Regular City Council Meeting of March 14, 2007, as presented. The motion was approved on a voice vote, with Councilor Calvert, Councilor Chavez, Councilor Dominguez and Councilor Wurzburger voting for the motion and none against.

8. PRESENTATIONS

a) Update on the Activities of the North Central Regional Transit District.)Jon Bulthuis and Josette Lucero)

Jon Bulthuis said Josette Lucero is in attendance to give a brief update on the activities of the North Central Regional Transit District [NCRTD or RTD], noting he and Councilor Chavez sit as board members.

Josette Lucero, North Central Regional Transit District, said she was asked by Councilor Chavez to report on a ceremony which took place last week in Los Alamos, "Progress Through Partnering." This was a ceremony for Los Alamos County to share part of its GRT from LANL with neighboring counties and communities. The District has agreed to fund four projects: a Regional Planning Forum, a Regional Economic Development Strategic Plan, Regional Indigent Healthcare, and funding of transportation at a regional level. The NCRTD was awarded \$1.1 million to implement regional transportation within the District. The District consists of three counties, two municipalities and five tribal entities. Ms. Lucero said it is hoped that the Town of Taos and Taos County will be joining the NCRTD within the next two months.

Ms. Lucero said there are seven transit systems within the region which will be direct beneficiaries of the funds, including the City of Santa Fe. The City of Santa Fe will be awarded \$100,000. In addition, it was agreed to fund the City's assessment fee into the RTD which is \$25,000 annually. The RTD applied for a federal grant which was awarded, and the City of Santa Fe applied for funds to develop its downtown transit center. The federal funds will be \$88,000, with a City match of \$22,000. All of these benefit the City of Santa Fe in the amount of \$235,000, from Los Alamos County and the RTD.

Ms. Lucero will be making a presentation to the Transit Advisory Board next week at the request of Mr. Bulthuis, to begin discussions about how to best utilize the funds to start regional transportation and connecting the City of Santa Fe with Northern New Mexico.

Ms. Lucero thanked Councilor Chavez and Jon Bulthuis for serving on Board. She invited the Governing Body to the ceremony for the Eldorado shuttle service on Saturday at noon, noting that the County officials will be in attendance.

Councilor Chavez said Santa Fe has been viewed as the lead agency as far as public transportation is concerned. He said we have a model which works, and although it may need improvements, it is a system which is working and can be used as a model for Northern New Mexico. He said the NCRTD was the first district in the State to be recognized under the new regional concept. He said with support from Los Alamos County, and the staff effort in the RTD office, we can really move forward. He is honored to serve as the City's representative. He thanked Mr. Bulthuis for serving as well.

Councilor Wurzbarger thanked Councilor Chavez for providing the leadership for our Council in this area.

Mayor Coss said the \$250,000 check looks very good as well.

b) Legislative Wrap-up. (Mark Duran)

A copy of a letter dated March 17, 2007, with attached information regarding the Legislature, to Mayor Coss, from Mark Duran, City Lobbyist, is incorporated herewith to these minutes as Exhibit "1."

Mr. Duran reviewed the information in Exhibit "1."

Mr. Duran noted that the items in GRIP II which weren't funded in the regular session were in the Governor's proclamation, but that session hasn't materialized. He believes the Legislature will convene in the summer or fall for an agreed on special session.

Councilor Wurzbarger asked if there will be an opportunity for additional items for the session in the summer or fall. Mr. Duran said once this special session is adjourned by both bodies, there will be a new proclamation which will determine the agenda.

Councilor Chavez said the proposed effluent line to serve Tierra Contenta and some of the schools in the southwest sector is a water project which has been funded in the past, and it seems to have fallen off the list. He asked if it could be taken it to the Water Trust Board in the interim. He doesn't want to lose sight of this project.

Mr. Duran said the Water Trust Board will be considering funding at a meeting on May 2, 2007, noting there were more authorized projects in the Legislation than the Board has money to fund. He said the City's two projects were ranked No. 1 and 3, and there is a very good chance those will be funded, but we need to do our follow-up.

Councilor Wurzbarger asked if the Governing Body should be available to attend the May 2nd meeting. Mr. Duran said he will develop a strategy which he thinks would call for them to attend the meeting, as well as making some contacts and doing some things in the interim, especially with the Mayor.

Councilor Wurzbarger said she is interested in pursuing funds for film training in economic development as well as serving youth, and she wants to work on this. Mr. Duran said it has been made clear that these funds potentially are available for the project which was presented to the Governor's office and it's not open-ended, and can't be used for other purposes.

Councilor Wurzbarger thanked Mr. Duran for his work during the Legislature, saying this is the best funding the City has received since she's been on the Council. She is concerned that the funding for Warehouse 21 didn't move forward.

Mr. Duran believes that there is confusion with regard to the Railyard and which projects are City projects, and our message has been fragmented. In the next session, we need to package our priorities differently, with a better package of what is and what is not a City priority, as well as priorities in the Railyard park. This has become confusing for the Legislative delegation.

Councilor Chavez agreed, saying we need to get the correct message to the Legislature, so our delegation will know what to fund and what not to fund. With regard to the special fund for the film industry, he understood that was project-specific.

Mayor Coss said he and John Hendry spoke with Eric Witt at the Governor's office, and the \$1 million represents \$600,000 of investment funds to support the movie industry, and \$400,000 to support alternative energy, so it would be for a movie studio and the solar panels to make it a green building.

Councilor Dominguez thanked Mr. Duran for his work at the Legislature.

Responding to Councilor Dominguez, Mr. Duran said there are "push and pulls" associated with the Railyard, and the non-profits. It becomes difficult for the Legislature to know what is a City of Santa Fe priority, and what is a priority associated with a nonprofit. He is recommending that we develop pure City priorities, Railyard priorities and nonprofit priorities with distinct messages associated with each. He said the fact that they're lumped is confusing to our Legislators, and they then piecemeal the funding which we risk reverting to the General Fund.

Mr. Duran thanked the Mayor, Council and City staff for their assistance in this very successful session.

Mayor Coss thanked Mr. Duran for guiding him through this session, and the Councilors and staff for their active participation.

Mayor Coss said Councilor Ortiz is expected at 7:00 p.m., so Items #6, #10 and #11 will be postponed to the evening session, as well as Item #13 which includes the Executive Session and action on items discussed in the Executive Session.

Mayor Coss said at this time the Council will recess to reconvene at 7:00 p.m., when there will be a quorum of the Council in attendance.

*The Governing Body recessed at 6:03 and reconvened at 7:12 p.m.,
with a quorum of the Councilors in attendance.*

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

- a) **BID NO. 07/30/B – CONSTRUCTION OF NEW POLICE IMPOUND YARD; V.P. CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
- b) **BID NO. 07/38/B – AGREEMENT FOR AMELIA E. WHITE PARK, PHASE II; ACCENT LANDSCAPE CONTRACTORS, INC. (MARY MacDONALD)**
- c) **BID NO. 07/44/B – AUTOMATED SIDE LOAD COLLECTION UNIT FOR SOLID WASTE DIVISION; TRUCKS WEST, INC. (WILLIAM DEGRANDE)**
- d) **BID NO. 07/45/B – TWO CHASSIS FOR RECYCLING FOR SOLID WASTE DIVISION; TRUCKS WEST, INC. (WILLIAM DEGRANDE)**
- e) **BID NO. 04/57/B – REFUSE BAGS FOR SOLID WASTE DIVISION; RESOURCEFUL BAG. (WILLIAM DEGRANDE)**
- f) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT FOR PROFESSIONAL SERVICES AGREEMENT – GROUNDWATER MODELING FOR SUSTAINABILITY AND PERMIT COMPLIANCE FOR WATER DIVISION; CDM. (CLAUDIA BORCHERT)**
- g) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TIRES FOR CITY OF SANTA FE VEHICLES. (ROBERT RODARTE)**
 - 1) **CONTINENTAL GENERAL TIRE**
 - 2) **BRIDGESTONE/FIRESTONE**
 - 3) **THE GOODYEAR TIRE & RUBBER TO.**
 - 4) **MICHELIN NORTH AMERICA**
- h) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – TRAFFIC SIGNAL CONTROLLER CABINETS FOR ENGINEERING DIVISION; ECONOLITE CONTROL PRODUCTS, INC. (RICK DEVINE)**
- i) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT FOR PROFESSIONAL SERVICES AGREEMENT – TECHNICAL SUPPORT FOR CONSOLIDATED UTILITY BILLING SYSTEM; AMX INTERNATIONAL. (CARYN FIORINA)**
- j) **REQUEST FOR APPROVAL OF THIRD PARTY ADMINISTRATOR FOR CITY OF SANTA FE MEDICAL INSURANCE BENEFITS; UNITED HEALTHCARE (RFP NO. 06/42/P). (MIGUEL LUCERO)**
- k) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR DESIGN ENGINEERING SERVICES – RODEO ROAD/RICHARDS AVENUE INTERSECTION IMPROVEMENTS PROJECT; SMITH ENGINEERING COMPANY. (LEROY PACHECO)**

- l) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PRAIRIE DOG RELOCATION SERVICES AT SANTA FE MUNICIPAL AIRPORT (RFP NO. 07/40/P); ECO SOLUTIONS. (FABIAN CHAVEZ)**
- m) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – DESIGN SERVICES FOR POCKET PARKS; CONSENSUS PLANNING, INC. (BEN GURULE)**
- n) **CONSIDERATION OF RESOLUTION NO. 2007- 26 (COUNCILOR CHAVEZ, MAYOR COSS AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING CITY STAFF TO BEGIN THE PROCESS TO ADOPT THE SOUTHWEST SANTA FE COMMUNITY AREA MASTER PLAN AS AN AMENDMENT TO THE GENERAL PLAN. (KATHERINE MORTIMER)**
- o) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEZRING ON APRIL 25, 2007:**
 - 1) **BILL NO. 2007-13 – AN ORDINANCE AMENDING SECTION 14-3.4 SFCC 1987, REGARDING PETITION METHOD ANNEXATIONS AND SECTOR PLANS AND AMENDING THE DEFINITION OF SECTOR PLAN IN ARTICLE 14-12 SFCC 1987 (COUNCILOR CHAVEZ). (FRANK KATZ)**
 - 2) **BILL NO. 2007-14 – AN ORDINANCE AMENDING SECTION 14-8.15 SFCC 1987, REQUIRING THE DEDICATION OF LAND OR EASEMENTS FOR THE PURPOSE OF PUBLIC, NON-MOTORIZED TRAILS (COUNCILOR BUSHEE, COUNCILOR CALVERT, COUNCILOR CHAVEZ, COUNCILOR TRUJILLO AND COUNCILOR DOMINGUEZ). (ANNE MCLAUGHLIN)**
- p) ***[Removed for discussion by Councilor Calvert]***
- q) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT FOR PROFESSIONAL SERVICES AGREEMENT – PROVIDE SERVICES TO PLANNING DIVISION; MONICA MONTOYA. (YOLANDA CORTEZ AND JACK HIATT)**
- r) **CONSIDERATION OF RESOLUTION NO. 2007- 27 (COUNCILOR WURZBURGER, MAYOR COSS AND COUNCILOR CALVERT). A RESOLUTION 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. (FRANK KATZ)**

- s) **CONSIDERATION OF RESOLUTION NO. 2007- 28 (COUNCILOR HELDMEYER, MAYOR COSS, COUNCILOR TRUJILLO, COUNCILOR CHAVEZ AND COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO DEVELOP A COMPREHENSIVE TREE POLICY FOR THE CITY OF SANTA FE. (FABIAN CHAVEZ)**
- t) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – PROPERTY AT SANTA FE MUNICIPAL AIRPORT; ROYAL CITY HANGAR ASSOCIATION. (JIM MONTMAN)**
- u) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – ADVERTISING DISPLAY AND COURTESY TELEPHONE AT SANTA FE MUNICIPAL AIRPORT; NATIONAL COMMUNICATION SYSTEMS, INC. (JIM MONTMAN)**
- v) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 2 – CAMINO ALIRE BRIDGE AND INTERSECTION IMPROVEMENTS PROJECT; A.S. HORNER, INC. (PETER MANZANARES)**
- w) **REQUEST FOR APPROVAL OF LAND LEASE AGREEMENT – PROVIDE AREA TO LEASE AND CONSTRUCT FACILITY TO HOUSE THE OPERATIONS OF ESPERANZA SHELTER FOR BATTERED FAMILIES; SANTA FE COUNTY. (FRANK ARCHULETA)**
- x) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ECONOMIC IMPACT ANALYSIS OF MINIMUM WAGE ORDINANCE; REGENTS OF THE UNIVERSITY OF NEW MEXICO. (CRAIG FIELDS)**
- y) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – TEN (10) VEHICLES FOR POLICE DEPARTMENT; RELIABLE CHEVROLET. (ROBERT RODARTE)**
- z) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – TWO (2) DUMP TRUCKS FOR STREETS DIVISION; RUSH TRUCK CENTER. (ROBERT RODARTE)**
- aa) **CONSIDERATION OF RESOLUTION NO. 2007- _____. A RESOLUTION DIRECTING STAFF TO PREPARE A PROPOSAL FOR THE REMODELING AND OPERATION OF A TEEN CENTER AT THE TINO GRIEGO POOL (COUNCILOR BUSHEE, COUNCILOR ORTIZ, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO) (RICK ANAYA), INSTEAD OF A REQUEST FOR APPROVAL OF A JOINT RESOLUTION APPROVING THE SUBLEASE OF THE TINO GRIEGO POOL AS A LOCATION FOR A WORK DEVELOPMENT CENTER FOR HIGH SCHOOL AND COLLEGE STUDENTS TO LEARN THE SKILLS OF THE FILM INDUSTRY (MAYOR COSS AND COUNCILOR WURZBURGER). (FRANK ARCHULETA). *[This item was postponed to the Council meeting of April 11, 2007.]***

- bb) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – WATER METER LIDS FOR UTILITY BILLING; NICOR, INC. (ROBERT RODARTE)**
- cc) REQUEST FOR APPROVAL OF DESIGN-BUILD AND EXEMPTION FROM LOCAL PREFERENCE REQUIREMENTS FOR PROJECT OMCI FLEET BAY EXPANSION. (MARY MacDONALD)**
- dd) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT FOR PROFESSIONAL SERVICES AGREEMENT – RECONCILE ADDRESS FILES FOR CITY OF SANTA FE; LEROY CATANACH. (CARYN FIORINA)**
- ee) CONSIDERATION OF RESOLUTION NO. 2007- (COUNCILOR TRUJILLO). A RESOLUTION CREATING THE MAYOR’S CUP, TRAVELING TROPHY FOR HIGH SCHOOLS IN THE CITY OF SANTA FE. (TERRIE RODRIGUEZ)**

CONSENT CALENDAR DISCUSSION

- 9(p) CONSIDERATION OF RESOLUTION NO. 2007- 29 (COUNCILOR BUSHEE, COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). A RESOLUTION 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. (ROBERT ROMERO)**

A copy of a proposed amendment to the Resolution is incorporated herewith to these minutes as Exhibit “2.”

Ms. Hodapp said the Resolution was passed at Public Works, and between Public Works and the next Council meeting there is a minor change to make sure that it is very clear that the naming Resolution for the City does include that: (1) the Library Board passed the amendment on February 12, 2007 [she noted there is a difference between that Resolution and the one which was listed in the Resolution for 2005]; and (2) it is very clear that the item on Page 3, line 13, has been “lifted up” to explain it. She said this is the Resolution, with these amendments, which was passed by Public Works.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution 2007-29, as amended. The motion was approved on the following roll call vote:

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

Against: None.

10. A REQUEST UNDER PROVISIONS OF 14-6.2(G) SFCC 1987 (UNDERGROUND UTILITY PROJECTS) FOR GOVERNING BODY DIRECTION TO PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), FOR THE PLACEMENT AND COST RECOVERY METHOD OF ELECTRICAL FACILITY DISTRIBUTION PROJECTS; SOUTH PACHECO 11 AND 13. (ROBERT GALLEGOS)

Robert Gallegos presented information regarding this matter to the Governing Body, noting that the time for recovering the differential is one year, and there is a table on the differentials in the Council packet.

Mr. Gallegos noted that, with regard to the 3rd party review of PNM cost estimates, the analysis was done by Transmission and Distribution Services of Albuquerque, and those are included in the Council packet. However, because of time constraints, the costs were not field verified and are based on several assumptions.

Councilor Calvert said on page 4 of the packet, there is a description of the project in three parts. The first discusses existing overhead lines to string heavier wire; then there is a portion where there is nothing and it would be done underground; and then there is a portion where new underground line would parallel existing overhead line. He asked if PNM would string wire on the existing and in one area PNM would parallel the existing overhead lines with underground.

Gerard Ortiz, PNM, said the reason PNM would be paralleling the existing line in one location and reconducting it in the other is that where PNM is reconducting the line PNM is replacing the wire. The electrical connection which has to be made is along that same route along Rodeo Road, and PNM is pulling in a second circuit and the reason it would have to be installed underground. He said basically there will be two feeders running along Rodeo Road.

Councilor Calvert asked if it would be possible to use the existing overhead infrastructure.

Mr. Ortiz said, if the Council decides to have PNM build this overhead, it would be necessary to pull in a second circuit along Rodeo Road, and it would be necessary to replace all poles with 50 ft. poles, and instead of 4 wires, there would be 8 wires on those poles.

Councilor Calvert said if it was all overhead, this is what PNM would do. Mr. Ortiz said yes. Councilor Calvert asked if that would all be at PNM expense. Mr. Ortiz said yes.

Responding to Councilor Calvert, Mr. Ortiz said to reconnector the line along Yucca is less expensive than installing overhead alongside. He said the cost to reconnector the line along Yucca is in both the overhead and the underground estimates, consequently it cancels out between the two, and it doesn't affect the excess costs which PNM would be recovering from City residents.

Councilor Calvert said then the only difference would be that portion where there currently is no line of any sort where new poles would be put in to do this.

Responding to Councilor Calvert, Mr. Ortiz said the underground alternative would not

install any overhead wires along Rodeo Road, and this is the reason it would be necessary to install a new underground circuit along Rodeo Road.

Councilor Calvert said PNM is proposing something which will cost the ratepayers to put "that thing" parallel to the existing if we require part of this underground, and he doesn't understand that.

Mr. Ortiz said if the Council decides it would like the new section to be underground, and would like the section along Rodeo Road to be double circuit on the existing wood poles, the existing wood poles would have to be replaced and PNM could do that.

Responding to Councilor Wurzbarger, Mr. Ortiz said the only thing which would be charged to City residents would be the difference between the overhead and underground costs. If PNM installs it overhead, there would be no excess associated with that, with the exception of any poles we have to install to transition from underground to overhead, but that would be the only thing.

Councilor Wurzbarger said then the only differential cost is the cost that is due to the underground. Mr. Ortiz said this is correct.

Councilor Wurzbarger said then the bottom line is that PNM and the PRC haven't taken a policy position that underground is the better approach for a variety of reasons, and this is the reason why underground is considered as an anomaly and something which citizens and/or the City should pay for. She asked at what policy level this is decided.

Mr. Ortiz said PNM strives to provide service at the least cost to its customers, and generally will choose the less expensive alternative, unless there is a good operational reason to do otherwise. Mr. Ortiz said, "underground is generally more expensive than overhead." As a result, PNM filed for a tariff with the Public Regulation Commission several years ago which would allow PNM to pass the excess cost associated with installing lines underground to a local community which wished its lines to be installed underground. He said from a policy point of view, PNM is ready to build a line either overhead or underground.

Councilor Calvert how this would impact the estimates provided. Mr. Ortiz said it would be substantially reduced, and although he doesn't have an exact figure, it would be in the neighborhood of 25-50%.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, that the City direct PNM to seek cost recovery from the PRC to pay the differential cost for undergrounding on South Pacheco 11, with the condition that, because there is a difference in price between the consultant's estimate and PNM's estimate, that PNM come back to the Public Utilities Committee to make a report on what the actual costs will be; and with the condition that if PNM finds it more advantageous only to underground the segment of South Pacheco 11 as it relates to Yucca Road and not to Rodeo Road, that PNM come back with those revised amounts as well. Councilor Ortiz clarified that his motion applies only to undergrounding on South Pacheco 11 and not on South Pacheco 13.

Discussion: Councilor Ortiz said one of the reasons we adopted the underground

utilities ordinance is because the Public Regulation Commission gave a pass to PNM when it came to the concerns of local governments regarding the need for undergrounding vis-a-vis overhead lines. He said his concern is the line along Yucca and not necessarily along Rodeo where there are existing lines. He thought the ordinance was clear that whatever the final costs are, the rates which would be applied to the public would be thoroughly vetted in a public forum first. He believes this should be at Public Utilities because it is the committee with jurisdiction. If PNM can come up with a different cost which reconciles closer to that of the contractor, then we should hear that. If PNM comes up with a different cost by undergrounding only a portion of South Pacheco 11, and not the entire segment, then we need to see those costs as well to see if it changes the particular tariff under which PNM will be appearing before the PRC.

Councilor Chavez spoke against the motion. Although there will be a public vetting before Public Utilities, at the end of the day, the costs still will be passed to all of the ratepayers in the City for undergrounding just a portion of South Pacheco 11. He doesn't believe this is the right thing to do in the name of equity and fairness.

Clarification of motion. Councilor Wurzbarger asked for a clarification of the motion with respect to the issue which was raised with regard to Rodeo Road. She understood the motion was that "if" PNM decides to underground the portions which could be done in the overhead fashion, and believes those areas which could be done overhead should be done overhead, and we would be willing to take the expense or pass the expense on only with respect to those which had to be underground.

Councilor Ortiz said this is correct, and the reason for the second condition in the motion. As he understands the proposal, it was to underground the entire segment of South Pacheco 11, and if there is a way of undergrounding only a portion with the rest overhead, that will change the numbers, which therefore changes the tariff, and we have to have that vetted.

Councilor Wurzbarger said she wants to be sure that the policy direction is clear that "there isn't an 'if' with respect to those areas that are overhead that can be done overhead. We want you to do those overhead at your expense, correct."

Councilor Chavez said they have been willing to do this all along.

Councilors Wurzbarger and Ortiz said that isn't correct, and that is not the proposal before the Council.

Councilor Chavez said we are directing PNM to go to the PRC to ask for a rate change, or a tariff change, that will be passed to all the ratepayers, even for the section which might be undergrounded which could be overhead, and he can't support that.

Councilor Wurzbarger asked the status of the franchise agreement.

Mr. Gallegos said staff is still negotiating the franchise agreement, and have met with PNM as recently as two days ago. He said we are caught up on one particular issue about the right-of-way definition. The City's position is that the City does not want to include parks, trails and open space in the definition of right-of-way, and PNM disagrees with that. Staff is trying to work out some language, and are in the middle of those negotiations.

Councilor Wurzburger asked when this will come before Public Utilities and the Council.

Councilor Chavez said there are two pieces which need to come before Public Utilities – the Franchise Agreement and the Facilities Plan – both of which need to be finalized.

Mr. Gallegos said another issue is that the PUC expressed a wish that these two go together. One of the issues being considered is taking language from the franchise dealing with parks and trails and open spaces, and moving some or all of that language to the facilities plan and to try to deal with this issue through Chapter 14.

Councilor Wurzburger asked when this will be before the Council.

Mr. Gallegos said he doesn't know, but he believes within the next two months, noting that Mr. Buller has asked staff to get this done before the new fiscal year begins.

The motion was approved on the following roll call vote:

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

Against: Councilor Chavez.

- 11. CASE #A-2006-11. DISMISSAL OF 444 CAMINO DE LAS ANIMAS BUILDING PERMIT APPEAL. DECISION BY GOVERNING BODY TO DISMISS FOR FAILURE OF APPELLANT TO PROSECUTE THE APPEAL BY CECILIA REDMAN-TAFOYA OF BOARD OF ADJUSTMENT DECISION DENYING AN APPEAL OF BUILDING PERMIT 06-1745 FOR AN ACCESSORY DWELLING UNIT. THE PROPERTY IS LOCATED AT 444 CAMINO DE LAS ANIMAS STREET. (GREG SMITH)**

Councilor Ortiz said he received an email from the Appellant seeking a postponement of this item based on faulty notice. He suggested, because we are one short of a quorum, that the Council postpone this item and cure any proposed defect in the notice which is claimed by the Appellant. He presumes the packet will remain the same and there will be no additional information from City staff, and this would provide the person who is going to be dismissed the opportunity to present her information, noting she is in attendance this evening. He doesn't believe a two-week delay will bring any harm.

Councilor Ortiz moved, seconded by Councilor Wurzburger, to postpone Item #11.

Discussion: Councilor Calvert asked the City Attorney his opinion on the postponement. Mr. Katz said the first thing we need to find out is what notice was provided, saying there has been an allegation that this was not noticed. He said this has been the problem, and we have tried to schedule this appeal time and time and time again, and have been unable to get the Appellant to do the notice which she is required to do.

Councilor Ortiz amended his motion to add an additional condition that if the motion is passed, that staff will get with the appellant and come up with a game plan so

that we hear this thing without excuse at the next meeting on April 11, 2007.

Point of clarification: Mr. Smith said he believes this would need to be postponed beyond April 11th to be able to provide notice as required, which is a 15-day notice, which means 21-days to the City Clerk's Office and the newspaper.

Councilor Ortiz amended his motion to postpone this item to the last meeting in April 2007.

Mr. Smith said staff hand delivered a letter to the appellant's residence on March 5, 2007, which explained the notice requirements to her.

The motion was approved on a voice vote, with Councilor Calvert, Councilor Chavez, Councilor Ortiz, and Councilor Wurzbarger voting for the motion, none against, and Councilor Dominguez abstaining.

An unidentified male person, presumably someone on behalf of the appellant, asked if "we do get notice, will we get notice and know what this about, I mean, will we get points that we can discuss, because..."

Councilor Ortiz said, "My direction to the staff, Mayor, was that, with the appellant in the audience, if this motion was successful, it was, that staff get with the appellant so that we don't have this problem again, and we hear this thing for better or worse, richer or poorer, at the second meeting in April, and we're done with it."

The unidentified person asked, "Are you talking about this dismissal or the appeal."

Councilor Ortiz said, "Talk with staff."

Mayor Coss asked to go to Item E from the evening agenda as the next order of business.

E. PETITIONS FROM THE FLOOR

There were no petitions from the floor

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

The balance of the items on the Afternoon Session Agenda were moved to the end of the Evening Session Agenda.

END OF AFTERNOON SESSION AT 7:39 P.M.

The Council moved directly into the Evening Session without a break

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David W. Coss, at approximately 7:39 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David W. Coss
Councilor Miguel Chavez, Mayor Pro-Tem
Councilor Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rebecca Wurzbarger

Members Excused

Councilor Patti J. Bushee
Councilor Karen Heldmeyer
Councilor Ronald S. Trujillo

F. APPOINTMENTS

Historic Design Review Board

This item was postponed to the next Council meeting.

G. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2007- ____; ADOPTION OF ORDINANCE NO. 2007- 06 (COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ). 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. (SEVASTIAN GURULE)**

This item was postponed to the next Council meeting.

- 2) **CONSIDERATION OF BILL NO. 2007-7; ADOPTION OF ORDINANCE NO. 2007- 06 (COUNCILOR ORTIZ AND COUNCILOR DOMINGUEZ). AN ORDINANCE CREATING A NEW SECTION 19-7.1 SFCC 1987, TO SET A NEGOTIATIONS SCHEDULE FOR MANAGEMENT TEAMS AND COLLECTIVE BARGAINING UNITS. (GARY BARTLETT)**

The staff report was given by Gary Bartlett, noting there is no cost impact to the City as the result of this action.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2007-6, with the amendment from the Finance Committee.

The motion was passed on the following Roll Call Vote:

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

Against: None.

- 3) CONSIDERATION OF BILL NO. 2007-6; ADOPTION OF ORDINANCE NO. 2007- _____ (COUNCILOR BUSHEE, COUNCILOR ORTIZ, COUNCILOR CALVERT, COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). 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. (CRAIG FIELDS)**
 - a) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – DESIGN AND CONSTRUCTION OF NEW FACILITY; SANTA FE FARMERS' MARKET INSTITUTE. (FRANK ROMERO)**

This item was postponed to the next Council meeting.

- 4) CASE #M-2006-38. TIERRA DE ZIA CONDOMINIUM PHASE II DEVELOPMENT PLAN. ROSANNA VAZQUEZ, AGENT FOR JOHN MCCARTHY, DAN TERRELL AND ROBERT TRUJILLO, REQUESTS DEVELOPMENT PLAN FOR AN ADDITION OF 10 CONDOMINIUM UNITS, FOR A TOTAL OF 147 UNITS, FOR TIERRA DE ZIA. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF ZIA ROAD AND YUCCA STREET AND IS ZONED RM-LD. (KATHERINE MORTIMER)**

A Memorandum prepared March 19 for March 28, 2007 meeting, with attachments, to the Mayor and City Council from Katherine Mortimer, Supervising Planner, Long Range Planning, regarding Development Plan #M-2006-38, Tierra de Zia, is incorporated herewith to these minutes as Exhibit "3."

A letter dated March 12, 2007, with attachments, to Rebecca Wurzbarger, Councilwoman, from Lee N. Sternal, regarding Case Number ZA-2006-20, Tierra de Zia, is incorporated herewith to these minutes as Exhibit "4."

A letter dated February 23, 2007, to the City of Santa Fe Planning Commission, from Lee N. Sternal, regarding Case Number ZA-2006-20, Tierra de Zia, is incorporated herewith to these minutes as Exhibit "5."

The staff report was given by Katherine Mortimer, which is contained in Exhibit "3."

Ms. Mortimer said it has come to her attention this evening that there was an error, reversing some numbers on some of the units, so 2½ more spaces are required than shown on the table in the packet. However, the provision of parking by the Applicant still exceeds the required parking by quite a bit.

Ms. Mortimer noted there are several letters in the packet which were received by one of the neighbors of the property.

Ms. Mortimer noted that a letter was sent only to Councilor Ortiz, but staff has not received it and it has not been distributed because it didn't come to staff. She asked if that letter has been distributed to the other Councilors and Mayor. Councilor Ortiz said he doesn't believe so. Ms. Mortimer said she is unsure how or whether to enter that into the record.

Mayor Coss said the letter could be added to the record this evening as a part of the public hearing. Ms. Mortimer said the neighbor may want to do that, and she has only seen a copy, but she is not in possession of a copy. There are some concerns raised by that letter, and she is sure that he will speak to this and the Applicant will respond to those concerns. *[Note: The letter was not provided for the record, but is incorporated herewith to these minutes by reference.]*

Public Hearing

Those speaking in favor of this request.

Rosanna Vazquez, Attorney for Applicant, was sworn. Ms. Vazquez gave a brief overview and history of the development. Ms. Vazquez reviewed the parking requirements which are in the Council packet. She noted there will be a total of 232 parking spaces and the required number is 190.25, so the project exceeds the parking requirements of City Code – both existing and future. The parking is based on sq. ft., and she understands Mr. Sternal's letter refers to the number of bedroom units, but the City requires calculation of parking spaces by square footage which they have done.

Ms. Vazquez said she did not receive a letter from Mr. Sternal, but she understands that was one of his concerns which he raised in his letter.

Ms. Vazquez said there will be 10 units, 3 of which will be affordable units, noting they have signed a HOP agreement to this effect. The applicant has met the conditions required by City staff, and looks forward to continuing this process. Ms. Vazquez introduced Mr. Bennett, Mr. Trujillo and Mr. McCarthy, the owners, noting they have worked closely with the Homeowners Association on the development, and have come to an agreement with the Association with regard to the size of the units, the number of bedrooms in the units and all of the amenities which need to be provided. She is requesting approval of this development.

Those speaking in opposition

Lee N. Sternal, an owner of one of the existing units in the Tierra de Zia condominium, was sworn. Mr. Sternal asked if there is a quorum in attendance this evening.

Mayor Coss said there is a quorum of the Council in attendance.

Mr. Sternal asked if any of the Governing Body have been out to look at the Tierra de Zia condominium.

Councilor Wurzbarger indicated she has been to the site.

Councilor Ortiz said he has lived next to the site of Tierra de Zia for more than thirty years.

Mr. Sternal said there is a hill involved in the site, and demonstrated the site on the enlarged drawings. Mr. Sternal asked that this Council take administrative notice of his letter with five exhibits which he sent to each Councilor. [See Exhibit "4."]

Mr. Sternal, using an enlarged drawing, said he owns 144 and 145, and those disappear under this plan, which he believes explains why he is unhappy about this. He noted the site of the hill and the ravine in relationship to his property, and said there is only one designated visitors parking site for the 43-44 living units.

Mr. Sternal said, "If we are going to be using any visitor spot while we're using these units, we have a choice. We can be either down here on the south end, or we can be over here on what I'm calling the east end, it might be the southeast end. What I've tried to do is to give you some idea as to what it involves to get there."

"If you look at my Exhibit 4, it is a photograph I took from this point right here, and as you can see, that is almost halfway, though not quite, maybe it's 40% of the way toward building C, but what you see when you're standing there where I took this photograph for us, you see the electric gates we have into our complex and you can't go up this drive here without going through an electric gate and you can't be on this drive here without going through an electric gate. And those are nice gates, but the problem is if somebody is going to be a visitor and park down here, they have to somehow be able to get around these gates, and this first one is tough, and I don't think you can really go

around that, you have to go in the ravine. So, that means then, that you have to cut across here and come up this way where I've got Photograph 3. Photograph 3 is looking in this direction. Now what we have over here is the office building, and right in front of the office building there are four visitor's spots."

"But the point is it's awfully inconvenient for anybody to have to be a visitor if you're going to be somebody who traverses either across this ravine, through the electric gates, or across the ravine on the bridge and through the railroad tie steps."

"Now when they talk about this having the minimum number of parking spots, that doesn't make sense to consider in a vacuum. We don't have any other place to go for our parking than this area we call the triangle. And what I've given each of you is an area here on this first exhibit that has been marked in pink. And what this is, is the overflow parking that I personally created with another resident. We went out there and we dug up the brush and moved the railroad ties. And, Exhibit Number 2 is the photograph that I took, the Friday morning, the last time I came down here to show you that there were six cars parked there. And, in my letter, I tell you that when I got there the night before, there were seven. This area that we're using now for our overflow parking will be totally gone. It's going to be the new entrance way to this ten units. And over here, where we now have ten designated parking spots, including my two, we're only going to have six, and it's interesting that they're claiming that they're going to be creating these new spots, but they don't talk about how they're wiping out the ten that we have right here."

"And when you look at the Planning Commission presentation, it's a conflicting presentation, because on the one hand [inaudible].... These two exhibits are from the Planning Commission file, they didn't have page numbers on them, so I can't give you any specific reference. But, what I want to call your attention to, is the front of them, and this one's got a number, it says down here 2002, but this shows, I think the ten buildings drawn in a triangle and it shows our existing ten spots, including my two that are orange. I didn't feel too terribly badly when I thought that was the plan. When we come down to the most recent plan though, which was May of 2006, what we have are new...the ten units..the ten parking spots here are gone and what we have instead are their ones which, I think, start with number 25, which they're claiming are part of their 30 new ones and instead they've got some new units, some new parking down here, which is further away, but the problem is that this area right here that's the entrance way is what I'm going to tell you is going to be the lost area right here that we're using for overflow now."

"So, we're going to have a disaster. We're going to lose four of the 10 spots that we have here. We already are using the seven overflow spots and we're only going to have six new ones down here, so we're going to come up short. Why? So these people can make money without concern as to what's best for us."

"When this [inaudible] represented that they are the owners, I challenge that. If they're the owners, they haven't been paying their taxes on it and we've never seen anything that shows that anybody but the condominium association has been the owner since October 2001."

Mr. Sternal asked that the Council take administrative notice of, and include in the official record, the following:

- 1) his [Mr. Sternal's] letter of March 12, 2007, with the 5 exhibits;
- 2) Document No. 1176410, Book 1990, page 870-981 of the County of Santa Fe records, which is the October 15, 2001 Declaration of Condominium Ownership; and
- 3) The testimony of Jay Maars at the last Planning Commission meeting that our condominium association had never asked anybody to develop this land for us and it was a misunderstanding on the part of the Planning Commission to have assumed that Exhibit M was, in fact, that request to develop.

Rebuttal

Ms. Vazquez said, "Just a couple of points. Just to clear the record, there are no spaces that are being removed on the Plat at all. In fact, what we've done is we are required to have 190 units, and we are adding..we have a total of 232 units. The gate that Mr. Sternal is talking about on Yucca, is only an exit gate, it is not an entrance gate, so I wanted to make sure that was clarified for the record. And, there are actually, in the area where Mr. Sternal is, 7 additional parking spaces. There is no requirement in the City Code, Mayor, and we've done our best with the terrain, and with the layout of the property, that guest parking be adjacent to a home. But, what we've done, is we've added garages to these units, to seven of these units, to be able to provide some parking within the garage, in front of the house, and then on street as well, to allow for greater flexibility with the parking, because Mr. Sternal raised the issue of parking, and we wanted to address his concerns."

"The last point I'd like to make, and just put in the record one more time, is that the people who brought forward this development, Mr. McCarthy, Mr. Trujillo and Mr. Bennett, all made a reservation of rights to develop that corner property in the condominium documents that were filed with this piece of property years ago, and with that, I stand for questions."

The Public Hearing was closed

Councilor Ortiz moved, seconded by Councilor Chavez, to approve the applicant's submission in Case #M-2006-38, based upon the previous City Council action, and make the finding that Tierra De Zia is a condominium development and so we view the entire condominium in its totality, the finding that the parking spaces in their totality are sufficient and meet the City Code, the finding that the Applicant has complied with all of

the conditions of the previous City Council action that was taken, and the finding that the Applicant has complied with any and all applicable provisions of the City Code.

Discussion: Councilor Chavez asked if Councilor Ortiz also would agree that in the Parking Analysis under existing and future conditions, that there were some changes that were presented earlier by staff and those changes also would be reflected in this approval.

Councilor Ortiz said he believes by accepting the Applicant's proposal, we are accepting what has been presented by the Applicant and as approved by the Planning Commission.

The motion was passed on the following Roll Call Vote:

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

Against: None.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Discussion of Land Swap with New Mexico Department of Transportation, Pursuant to §10-15-1(H)(7 & 8). NMSA 1978.**
- b) Discussion on Land Swap with Peter Joseph, Pursuant to §10-15-1(H)(7 & 8). NMSA 1978.**
- c) Discussion of Offer and Settlement of Case No. D-0101-CV-2004-00266, City of Santa Fe v. Stacy Marie Starr – Condemnation Action for a Sewer Easement Acquisition of 0.25 Acres Located at 3550 Governor Miles Road Currently Being Used for a Sewer Line that Serves the Pueblos Del Sol Subdivision Area, Pursuant to NMSA 1978, §10-15-1(H)(7).**

Councilor Chavez moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of the discussion of the land swap with the New Mexico Department of Transportation and the land swap with Peter Joseph, pursuant to §10-15-1(H) (8), NMSA 1978, and the discussion of offer and settlement of Case No. D-0101-CV-2004-00266, pursuant to §10-15-1(H)(7). The motion was passed on a Roll Call vote as follows:

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

Against: None.

The Council went into Executive Session at 8:05.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 8:36 p.m., Councilor Ortiz moved, seconded by Councilor Chavez, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were the land swap with the NM DOT, the land swap with Peter Joseph, and the offer and settlement in Case No. D-0101-CV-2004-00266.

The motion was passed unanimously on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, and Wurzbarger voting for the motion and no one voting against.

14. ACTION REGARDING LAND SWAP WITH NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ROBERT ROMERO)

There was no action on this item.

15. ACTION REGARDING LAND SWAP WITH PETER JOSEPH (ROBERT ROMERO)

Councilor Calvert moved, seconded by Councilor Wurzbarger, that the City hold one and only one more public hearing on this item to resolve it once and for all.

Discussion: Councilor Chavez asked to whom the public hearing is directed, and when it will be held.

Councilor Calvert said it would be at the Public Works Committee at its first meeting after its next meeting, for the purpose of the two parties involved to air their case before the Public Works Committee to get a decision. He said it would be fine with him if the Council wants it to come directly to the Council for a public hearing.

Friendly amendment: Councilor Wurzbarger said she won't be attending Public Works and would hope it would come directly to the Council at the second meeting in April. **The amendment was friendly to the maker.**

The motion, as amended, failed to pass on a voice vote, with Councilors Chavez, Dominguez and Ortiz voting against the motion, and Councilors Wurzbarger and Calvert voting in favor.

Councilor Ortiz moved, seconded by Councilor Dominguez, to deny the land swap with Peter Joseph at this time. The motion was approved on a voice vote with Councilors Chavez, Dominguez and Ortiz voting in favor of the motion, and Councilors Wurzburger and Calvert voting against.

16. ACTION TO APPROVE OFFER AND SETTLEMENT IN CASE NO. D-0101-CV-2004-00266, CITY OF SANTA FE V. STACY MARIE STARR. (FRANK KATZ)

Councilor Ortiz moved, seconded by Councilor Wurzburger, to approve the recommendation as proposed by the City Manager's Office. The motion was approved unanimously on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz and Wurzburger voting in favor of the motion and none against.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Chavez

Councilor Chavez would like the City Manager to provide a current organizational chart to all Councilors, indicating all changes which have been made.

Mr. Buller said it is his understanding that changes were made in the budget process last year, and by virtue of adoption of the budget, some changes were made. Then, the reorganization was brought forward and some of the changes happened "on the ground," but the paperwork wasn't done. He believes the reason for that is that they were waiting for a certain amount of time to pass for the review of the previous City Manager. He said there is an organizational chart as adopted by the budget, and there is an organizational chart which is being used by various departments.

Mr. Buller said he is trying to present an organizational chart to the Council with the current budget process which reconciles that. He will do the best he can, but it is confusing.

Councilor Chavez would like it to indicate how it relates to the current budget process. He said we are also going through the process of strategic planning and asked if the organizational chart will chart this effort as well.

Mr. Buller said it will and this is the reason he will use the organizational chart which was distributed at strategic planning and show how it relates to the one distributed at budget.

Councilor Calvert

Councilor Calvert said previously the Council discussed the installation of surveillance cameras to help to catch graffiti artists, and asked for a report on the status of that effort.

Councilor Dominguez

Councilor Dominguez would like an update on the ATC situation in Tierra Contenta.

Mr. Buller said although the situation occurs mainly in the open space around Tierra Contenta, there are complaints in other areas of the City. He has referred the ATV situation to constituent services and Mr. Gurule is working on that, as well as to the Police Department for patrols and to Parks to get signage put back up. Currently staff is working signage to get stronger language and get those signs up. The Police Department is working to get patrols in the area, especially on the weekends when it is at its worst. He said the next step is to develop a community forum which brings together the Council, the City Manager's Office, the Police Department and people from the community to develop a community solution.

Councilor Wurzbarger

Councilor Wurzbarger said she is introducing an ordinance change creating a new article prohibiting the burning of coal within the City limits of Santa Fe. The ordinance is cosponsored by Mayor Coss and Councilors Calvert, Dominguez and Ortiz. She suggested it should go to the Public Works and Finance Committees.

Councilor Ortiz

Councilor Ortiz said he is introducing a resolution repealing various resolutions creating certain committees, boards, commissions and task forces. He said this is an attempt to correlate with the work done in this regard by the Public Works Committee. He said other committees are missing from the list such as the Marty Chavez Advisory Committee, the Genoveva Chavez Advisory Committee as well as other Committees. He said the committees can come in and justify their existence and tell what they've done. He asked that the resolution go to the Public Works and Finance Committees.

Councilor Ortiz said the Bicycles & Trails Committee was never mentioned as a committee to be removed although it was reported so in the media.

Councilor Ortiz said it is his hope that we will hear from the committees through the public committee process, and find out what they do and don't do. He said he isn't "wedded" to removing the listed committees, commenting that the list is based on staff recommendation for the most part.

Councilor Chavez said the Construction Industries Advisory Committee has oversight over, and recommends changes to, the impact fees and the impact fee structure, commenting that the Committee doesn't meet regularly. He said currently we are in the process of updating the impact fee structure.

Councilor Dominguez clarified that the idea is not to create a new committee, but several could be rolled into one existing committee.

Mayor Coss

Mayor Coss had no communications.

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 8:49 p.m.

Approved by:



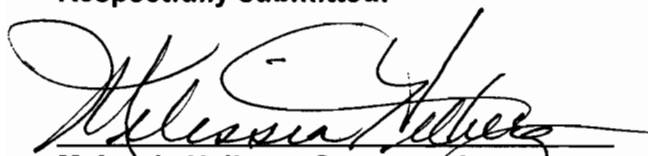
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer