



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 13, 2007
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA
6. APPROVAL OF CONSENT CALENDAR
7. APPROVAL OF MINUTES: Reg. City Council Meeting – May 30, 2007.
8. PRESENTATIONS
 - a) Employee of the Month for June - Colleen Higgins-Vigil, Employee Benefits Accountant. (5 Minutes)
 - b) Muchas Gracias – Kyle Harwood, Assistant City Attorney. (5 Minutes)
 - c) Introduction of Newly Hired Police Officers: Officer Jeremy Apodaca, Officer Lawrence Weinrick, Officer Paul Joye. And Newly Hired Lateral Officer: Officer Andrea Gutierrez. (Chief Eric Johnson) (5 Minutes)
 - d) Proclamation – “V-Day in Santa Fe” – June 24, 2007. (5 minutes)
 - e) Youth Summit 2007. (Rick Anaya and Mary Louise Romero) (30 Minutes)
9. CONSENT CALENDAR
 - a) Request for Approval of Bid No. 07/52/B Airport Road/Old Airport Road Constellation Drive Traffic Signal and Intersection Improvements; McDade-Woodcock, Inc. (Leann Valdez and Leroy Pacheco)
 - b) Request for Approval of Amendment No. 2 to Professional Services Agreement – Inspection and Maintenance Agreement at GCCC; Travers Mechanical Services. (Liz Roybal)
 - c) Request for Approval of Amendment No. 2 to Professional Services Agreement – Security at GCCC; Chavez Security, Inc. (Liz Roybal)

CITY CLERK'S OFFICE

DATE 6-8-07 TIME 2:50 pm

SERVED BY _____

RECEIVED BY tydomungwa



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- d) Request for Approval of Professional Services Agreement – Upgrade to Security System at GCCC; HEI, Inc. (Liz Roybal)
- e) Request for Approval of Amendment No. 1 to Professional Services Agreement – Senior Companion Program; State of New Mexico Aging and Long-Term Services Department. (Melanie Montoya)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- f) Request for Approval of Professional Services Agreement – Drug and Alcohol Testing Program (RFP 07/44/P); Concentra Medical Centers. (Debbie Rouse)
- g) Request for Approval – Renewal of Comprehensive Insurance Program Coverage (RFP No. 04/23/P); Willis of Arizona. (Henry Aranda)
 - 1) General Liability.
 - 2) Law Enforcement Liability.
 - 3) Public Officials Errors & Omissions.
 - 4) Employment Practices.
 - 5) Other Miscellaneous Liability Coverages.
- h) Request for Approval of Amendment No. 4 to Professional Services Agreement – Administer Small Business Development Loan Program; New Mexico Community Development Loan Fund. (Scott Beckman)
- i) Request for Approval of Amendment No. 3 to Professional Services Agreement – Business Development Services; Santa Fe Business Incubator Inc. (Scott Beckman)
- j) Request for Approval of Amendment No. 1 to Professional Services Agreement – Santa Fe Convention and Visitors Bureau Website Redesign, Redevelopment and Maintenance; Studio X, Inc. (Keith Toler)
- k) Request for Approval of Amendment No. 2 to Professional Services Agreement – Public Relations Services to Santa Fe Convention and Visitors Bureau; Locas, Inc. d/b/a Steve Lewis. (Keith Toler)
- l) Request for Approval of Amendment No. 1 to Professional Services Agreement – Advertising Services for Santa Fe Convention and Visitors Bureau; Vaughn Wedeen Creative, Inc. (Keith Toler)



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- m) Request for Approval of Professional Services Agreement – Arbitrage and Rebate Calculation Services; Bingham Arbitrage Rebate Services Inc. (Helene Hausman)
- n) Request for Approval of Amendment No. 2 to Professional Services Agreement – Investment Services; First Southwest Company. (Helene Hausman)
- o) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Trujillo)
A Resolution Supporting the New Mexico Litter Control and Beautification Act of 1985 Which Provides Public Funds in the Form of Grants for the Purpose of Enhancing Local Litter Control and Beautification Programs. (Gilda Montano)
 - 1) Request for Approval of Grant Agreement – New Mexico Clean and Beautiful; New Mexico Tourism Department.
 - 2) Request for Approval of Budget Increase – Grant Fund.
- p) Request for Approval of Grant Easement – Fiber Optic Connection to City Hall; County of Santa Fe. (Joe Abeyta)
- q) Request for Approval of Lease Agreement – Use of St. Francis School Playground for Public Parking; St. Francis Cathedral Parish. (Bill Hon)
- r) Request for Approval of Professional Services Agreement – Security Services for Parking Facilities, Libraries and Municipal Court (RFP No. 07/45/P); Chavez Security, Inc. (Bill Hon)
- s) Request for Approval of Amendment No. 1 to Grant Agreement; Plan Design and Construct a Youth Center in Santa Fe County; State of New Mexico Department of Finance and Administration Local Governing Body Division. (David Chapman)
 - 1) Request for Approval of Budget Increase From Grant Revenues – Project Fund.
- t) Request for Approval of Grant Agreement – 2007 New Mexico Legislative General Fund Appropriations; State of New Mexico Department of Finance and Administration Local Governing Body Division. (David Chapman)
 - 1) Request for Approval of Budget Increase From Grant Revenues – Project Fund.



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- u) Request for Approval of Amendment No. 2 to Professional Services Agreement – Infrastructure Improvements at Railyard Property; Santa Fe Railyard Community Corporation. (Frank Romero)
- v) Request for Approval of Amendment No. 1 – Environmental Remediation at Santa Fe Railyard Park; Intera, Inc. (Frank Romero)
- w) Request for Approval of Sole Source Procurement to Agreement – Parking Revenue Control System for Railyard Underground Parking Structure; McGann Software Systems. (Bill Hon)
 - 1) Request for Approval of Budget Increase – Parking Enterprise Fund.
- x) Request for Approval of Budget Adjustment for Supplies and Equipment for Nutrition Program for Seniors. (Ron Vialpando)
- y) Request for Approval of Professional Services Agreement – Sand Blast and Powder Coat Shelters, Benches and Trash Cans; Santa Fe Powder Coating. (Jon Bulthuis)
- z) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer)
Request for Approval of a Resolution Directing City Staff to Develop and Promulgate a Complete List of City Meetings. (Sevastian Gurule)
- aa) Request for Approval to Publish Notice of Public Hearing on July 11, 2007:
 - 1) Bill No. 2007-23 – An Ordinance Amending Section 24-2.6 SFCC 1987 to Restrict Truck, Truck Trailer and Other Large Vehicle Traffic on Camino Carlos Rael Between West Alameda Street and the City Limits (Councilor Calvert) (Rick Devine)
 - 2) Bill No. 2007-24 – An Ordinance Amending Section 6-4.3 SFCC 1987 Regarding the Community Development Commission, Repealing the Affordable Housing Investment Loan Fund Ordinance and Creating a New Article 26-3 SFCC 1987 Regarding the Establishment of the Affordable Housing Trust Fund (Councilor Bushee, Councilor Wurzbarger, Councilor Calvert, Councilor Dominguez and Councilor Trujillo) (Kathy McCormick)
 - 3) Bill No. 2007-25 – An Ordinance Amending Section 16-13.6 SFCC 1987 Regarding Curfew for Parks and Recreation Areas. (Councilor Heldmeyer and Councilor Trujillo) (Fabian Chavez)



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- 4) Bill No. 2007-26 – An Ordinance Amending Sections 14-3.1 (H) (1) (a) (ii) AND 14-3.1 (H) (3) SFCC 1987 Regarding Posting Requirements for Public Hearing. (Councilor Wurzburger and Councilor Heldmeyer) (Jack Hiatt)
- bb) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Heldmeyer and Councilor Chavez)
A Resolution Developing a More Equitable Way of Assessing Impact Fees. (Yolanda Cortez)
- cc) Request for Approval of Emergency Sole Source Procurement – Wastewater Plant Supplies; Wacco Water Control Corporation. (Robert Rodarte)
 - 1) Request for Approval of Budget Increase – Wastewater Enterprise Fund.
- dd) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Ortiz and Councilor Trujillo)
A Resolution Amending Table 79 of the City of Santa Fe Impact Fees Capital Improvements Plan Regarding Planned Park Improvements. (Fabian Chavez)
- ee) CONSIDERATION OF RESOLUTION NO. 2007-_____.
A Resolution Declaring Official Intent to Reimburse the City with the Proceeds of a Future Taxable or Tax-Exempt Borrowing for Certain Capital Expenditures for the Warehouse 21 Building to be Undertaken by the City; Identifying the Capital Expenditures and the Funds to be Used for Such Payment; and Providing Certain Other Matters in Connection Therewith. (Kathryn Raveling)
- ff) CONSIDERATION OF RESOLUTION NO. 2007-_____. (Councilor Wurzburger)
A Resolution for a One Time Authorization of Up to \$20,000 of City Funds to Assist Property Owners of Affordable Housing in Paying Property Taxes During Fiscal Year 2007-2008. (Kathy McCormick)
- gg) A Request for Approval for Fire Protection Services Under Provisions of SFCC, Section 25-1.11 by Karl Sommer for the Lexus of Santa Fe Project Located on Cerrillos Road. (Antonio Trujillo)



Agenda REGULAR MEETING OF
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- hh) A Request for Water Service and Sewer Service Under Provisions of SFCC, Section 22-6.2 and Section 25-1.11 by Michael Tavelli and Thomas Tavelli for a Mixed Use Development Requiring 4.7 Acre-Feet Per Year of Water. The Property is Located in the Historic Agua Fria Village. (Antonio Trujillo)

10. MATTERS FROM THE CITY MANAGER

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Water Rights Purchase, Pursuant to §10-15-1 (H) (8) NMSA 1978.
- b) Discussion of Pending Litigation Regarding Las Soleras Annexation Pursuant to §10-15-1 (H) (7) NMSA 1978.
- c) Discussion of Settlement Agreement with Tierra Contenta Corporation, Pursuant to §10-15-1 (H) (7) NMSA 1978.
- d) Discussion of Proposed Settlement Agreement in City of Santa Fe -vs- Robert N. Hilgendorf, et.al., No. D-0101-CV-2006-00971; City's Ferguson Water Well, Pursuant to §10-15-1 (H) (7) NMSA 1978.

12. Action Regarding the Water Rights Purchase. (Frank Katz)

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

14. Action on Proposed Settlement Agreement City of Santa Fe -vs- Robert N. Hilgendorf, et.al., No. D-0101-CV-2006-00971; City's Ferguson Water Well. (Maureen Reed and Steve Hamilton, Montgomery & Andrews)

15. MATTERS FROM THE CITY CLERK

16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 13, 2007
CITY COUNCIL CHAMBERS

C. INVOCATION

D. ROLL CALL

E. PETITIONS FROM THE FLOOR

F. APPOINTMENTS

G. PUBLIC HEARINGS:

- 1) Request from Las Palomas Restaurant, LLC for a Restaurant (Beer & Wine) License to be located at Las Palomas Restaurant, 460 West San Francisco Street. (Yolanda Y. Vigil)
- 2) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcoholic Beverages at El Museo Cultural de Santa Fe, 1615 B. Paseo de Peralta, Which is Within 300 Feet of Alvord Elementary School, 551 Alarid and Located on City Property. The Request is for the Following Events:
 - a) The ART Santa Fe 2007 Vernissage Champagne Buffet to be held on Thursday, July 12, 2007, from 5:00-8:00 p.m. (Invitation Only Event).
 - b) The Santa Fe Summer Antiquities Show to be held on Thursday, July 5, 2007, from 6:30-8:30 p.m.; Rodeo Plaza Liquors.
 - c) Antique Show to be held August 10 & 13, 2007 from 4:30-9:00 p.m.; Cowgirl Bar & Grill.
- 3) Case # H-06-100. Appeal of the Historic Design Review Board's Decision on November 14, 2006 Concerning Remodeling of Contributing Buildings Located at 610 Galisteo Street in the Don Gaspar Area Historic District. Stefanie Beninato Requests that the Governing Body Rescind the Board's Approval of Exceptions. (David Rasch)
- 4) Case # M 2006-25. **Carlos Rey Studios Development Plan**. Jennifer Jenkins, Agent for Hays White LLC Requests Development Plan Approval for 14,400 Square Feet of General Commercial Use on +/- 0.894 Acres Located on the East Side of Camino Carlos Rey North of Cerrillos Road and South of the La Cieneguita Neighborhood. The Property is Zoned C-2-PUD (General Commercial Planned Unit Development) (Greg Smith) **(Request by Applicant to Postpone to June 27, 2007 City Council Meeting)**

H. ADJOURN



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JUNE 13, 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
June 13, 2007

The governing body of the City of Santa Fe met in an executive session duly called on June 13, 2007 beginning at 8:45 p.m.

The following items were discussed:

1) Water Rights Purchase, 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

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Gary Martinez, Water Division Director
Dale Lyons, Water Resources Coordinator

2) Pending Litigation Regarding Las Soleras Annexation, 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

STAFF PRESENT

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

3) Settlement Agreement 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

STAFF PRESENT

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

4) Proposed Settlement Agreement in City of Santa Fe –vs- Robert N. Hilgendorf, et.al., No. D-0101-CV-2006-00971; City's Ferguson Water Well, Pursuant to §10-15-1(H)(7) NMSA 1978.

PRESENT

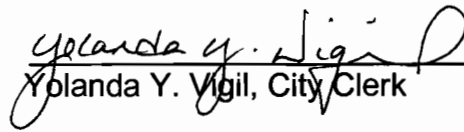
Mayor Coss
Councilor Bushee
Councilor Calvert
Councilor Chavez
Councilor Dominguez
Councilor Heldmeyer
Councilor Ortiz
Councilor Trujillo
Councilor Wurzbarger

STAFF PRESENT

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Gary Martinez, Water Division Director
Maureen Reed, Assistant City Attorney

Steve Hamilton, Montgomery & Andrew, PA

There being no further business to discuss, the executive session adjourned at 9:20 p.m.


Yolanda Y. Vigil, City Clerk

INDEX
SANTA FE CITY COUNCIL MEETING
June 13, 2007

ITEM	ACTION	PAGE #
<u>AFTERNOON SESSION - 5:00 p.m.</u>		
ROLL CALL	Quorum	1
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APPROVAL OF CONSENT CALENDAR	Approved [amended]	1-2
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APPROVAL OF MINUTES: Reg. City Council Meeting – May 30, 2007	Approved	6
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EMPLOYEE OF THE MONTH FOR JUNE – COLLEEN HIGGINS-VIGIL, EMPLOYEE BENEFITS ACCOUNTANT		6
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ROLL CALL	Quorum	13
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ITEM	ACTION	PAGE #
PUBLIC HEARINGS		
REQUEST FROM LAS PALOMAS RESTAURANT, LLC, FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT LAS PALOMAS RESTAURANT, 460 WEST SAN FRANCISCO STREET	Approved	17
PURSUANT TO §60-6B-10, NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR THE FOLLOWING EVENTS:		
The ART Santa Fe 2007 Vernissage Champagne Buffet to be held on Thursday, July 12, 2007, from 5:00-8:00 p.m. (Invitation Only Event)	Approved	17-19
The Santa Fe Summer Antiquities Show to be held on Thursday, July 5, 2007, from 6:30-8:30 p.m.; Rodeo Plaza Liquors	Approved	17-19
Antique Show to be held August 10 & 13, 2007, from 4:30-9:00 p.m.; Cowgirl Bar & Grill	Approved	17-19
CASE #H-06-100. APPEAL OF THE HISTORIC DESIGN REVIEW BOARD'S DECISION ON NOVEMBER 14, 2006, CONCERNING REMODELING OF CONTRIBUTING BUILDINGS LOCATED AT 610 GALISTEO STREET IN THE DON GASPAR AREA HISTORIC DISTRICT. STEFANIE BENINATO REQUESTS THAT THE GOVERNING BODY RESCIND THE BOARD'S APPROVAL OF EXCEPTIONS	Appeal withdrawn	19

ITEM	ACTION	PAGE #
CASE #M-2006-25. CARLOS REY STUDIOS DEVELOPMENT PLAN. JENNIFER JENKINS AGENT FOR HAYS WHITE, LLC, REQUESTS DEVELOPMENT PLAN APPROVAL FOR 14,400 SQUARE FEET OF GENERAL COMMERCIAL USE ON ± 0.894 ACRES LOCATED ON THE EAST SIDE OF CAMINO CARLOS REY, NORTH OF CERRILLOS ROAD AND SOUTH OF THE LA CIENEGUITA NEIGHBORHOOD. THE PROPERTY IS ZONED C-2-PUD (GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT)	Postponed to 06/27/07	19
APPOINTMENTS		
Sustainable Santa Fe Commission	Approved	19
Archaeological Review Committee	Approved	20
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2007-51. A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS	Adopted [amended]	20-21
REQUEST FOR APPROVAL OF GRANT AGREEMENT – NEW MEXICO CLEAN AND BEAUTIFUL; NEW MEXICO TOURISM DEPARTMENT	Approved	21
REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	21
REQUEST FOR APPROVAL OF LEASE AGREEMENT – USE OF ST. FRANCIS SCHOOL PLAYGROUND FOR PUBLIC PARKING; ST. FRANCIS CATHEDRAL PARISH	Approved	21
A REQUEST FOR WATER SERVICE AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND SECTION 25-1.11 BY MICHAEL TAVELLI AND THOMAS TAVELLI FOR A MIXED USE DEVELOPMENT REQUIRING A 4.7 ACRE-FEET PER YEAR OF WATER. THE PROPERTY IS LOCATED IN THE HISTORIC AGUA FRIA VILLAGE	Approved [amended]	21-27

ITEM	ACTION	PAGE #
***** END OF CONSENT CALENDAR DISCUSSION *****		
MATTERS FROM THE CITY MANAGER	None	27
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	27-28
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	28
ACTION REGARDING THE WATER RIGHTS PURCHASE	Approved	29
ACTION REGARDING SETTLEMENT WITH TIERRA CONTENTA CORPORATION	Approved	29
ACTION ON PROPOSED SETTLEMENT AGREEMENT CITY OF SANTA FE V. ROBERT N. HILGENDORF, <u>ET AL.</u> , NO. D-0101-CV-2006-00971; CITY'S FERGUSON WATER WELL	Approved	29-30
MATTERS FROM THE CITY CLERK	None	30
COMMUNICATIONS FROM THE GOVERNING BODY	Information/Discussion	30-34
ADJOURN		34

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 13, 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 June 13, 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 Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Karen Heldmeyer
Councilor Ronald S. Trujillo
Councilor Rebecca Wurzbarger

Members Excused

Councilor Matthew E. Ortiz

5. APPROVAL OF AGENDA

Mr. Buller said the grant easement in Item 9(p) went before the County Commission last night and was amended by the Commission, and staff needs to review that amendment and bring this back at a later time, and he would like to remove that item. He said Item G(3) on the Evening Session needs to be removed because the parties entered into a Settlement Agreement, and it no longer needs to be a part of this evening's agenda.

Mayor Coss noted that item 8(d), "Muchas Gracias – U10 Chivas Soccer Team – Division Champions," was added to the agenda which was published.

Councilor Chavez moved, seconded by Councilor Bushee, to approve the agenda as amended.

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

6. APPROVAL OF CONSENT CALENDAR

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

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

Against: None.

- a) REQUEST FOR APPROVAL OF BID NO. 07/52/B AIRPORT ROAD/OLD AIRPORT ROAD CONSTELLATION DRIVE TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS; MCDADE-WOODCOCK, INC. (LEANN VALDEZ AND LEROY PACHECO)**
- b) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – INSPECTION AND MAINTENANCE AGREEMENT AT GCCC; TRAVERS MECHANICAL SERVICES. (LIZ ROYBAL)**
- c) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY AT GCCC; CHAVEZ SECURITY, INC. (LIZ ROYBAL)**
- d) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – UPGRADE TO SECURITY SYSTEM AT GCCC; HEI, INC. (LIZ ROYBAL)**
- e) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SENIOR COMPANION PROGRAM; STATE OF NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- f) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DRUG AND ALCOHOL TESTING PROGRAM (RFP 07/44/P); CONCENTRA MEDICAL CENTERS. (DEBBIE ROUSE)**
- g) REQUEST FOR APPROVAL – RENEWAL OF COMPREHENSIVE INSURANCE PROGRAM COVERAGE (RFP NO. 04/23/P); WILLIS OF ARIZONA. (HENRY ARANDA)**
 - 1) GENERAL LIABILITY.**
 - 2) LAW ENFORCEMENT LIABILITY.**
 - 3) PUBLIC OFFICIALS ERRORS & OMISSIONS.**
 - 4) EMPLOYMENT PRACTICES.**
 - 5) OTHER MISCELLANEOUS LIABILITY COVERAGES.**

- h) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – ADMINISTER SMALL BUSINESS DEVELOPMENT LOAN PROGRAM; NEW MEXICO COMMUNITY DEVELOPMENT LOAN FUND. (SCOTT BECKMAN)**
- i) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS DEVELOPMENT SERVICES; SANTA FE BUSINESS INCUBATOR, INC. (SCOTT BECKMAN)**
- j) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CONVENTION AND VISITORS BUREAU WEBSITE REDESIGN, REDEVELOPMENT AND MAINTENANCE; STUDIO X, INC. (KEITH TOLER)**
- k) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – PUBLIC RELATIONS SERVICES TO SANTA FE CONVENTION AND VISITORS BUREAU; LOCAS, INC. D/B/A STEVE LEWIS. (KEITH TOLER)**
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISING SERVICES FOR SANT FE CONVENTION AND VISITORS BUREAU; VAUGHN WEDEEN CREATIVE, INC. (KEITH TOLER)**
- m) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ARBITRAGE AND REBATE CALCULATION SERVICES; BINGHAM ARBITRAGE REBATE SERVICES, INC. (HELENE HAUSMAN)**
- n) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – INVESTMENT SERVICES; FIRST SOUTHWEST COMPANY. (HELENE HAUSMAN)**
- o) *[Removed for discussion by Councilor Heldmeyer]***
- p) REQUEST FOR APPROVAL OF GRANT EASEMENT – FIBER OPTIC CONNECTION TO CITY HALL; COUNTY OF SANTA FE. (JOE ABEYTA).
(This item was removed from the agenda at the request of staff)**
- q) *[Removed for discussion by Councilor Trujillo]***
- r) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR PARKING FACILITIES, LIBRARIES AND MUNICIPAL COURT (RFP NO. 07/45/P); CHAVEZ SECURITY, INC. (BILL HON)**

- s) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO GRANT AGREEMENT; PLAN DESIGN AND CONSTRUCT A YOUTH CENTER IN SANTA FE COUNTY; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUES – PROJECT FUND.**
- t) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – 2007 NEW MEXICO LEGISLATIVE GENERAL FUND APPROPRIATIONS; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUES – PROJECT FUND.**
- u) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – INFRASTRUCTURE IMPROVEMENTS AT RAILYARD PROPERTY; SANTA FE RAILYARD COMMUNITY CORPORATION. (FRANK ROMERO)**
- v) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 – ENVIRONMENTAL REMEDIATION AT SANTA FE RAILYARD PARK; INTERA, INC. (FRANK ROMERO)**
- w) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AGREEMENT – PARKING REVENUE CONTROL SYSTEM FOR RAILYARD UNDERGROUND PARKING STRUCTURE; MCGANN SOFTWARE SYSTEMS. (BILL HON)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PARKING ENTERPRISE FUND.**
- x) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT FOR SUPPLIES AND EQUIPMENT FOR NUTRITION PROGRAM FOR SENIORS. (RON VIALPANDO)**
- y) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SAND BLAST AND POWDER COAT SHELTERS, BENCHES AND TRASH CANS; SANTA FE POWDER COATING. (JON BULTHUIS)**
- z) **CONSIDERATION OF RESOLUTION NO. 2007- 46 (COUNCILOR HELDMEYER). REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING CITY STAFF TO DEVELOP AND PROMULGATE A COMPLETE LIST OF CITY MEETINGS. (SEVASTIAN GURULE)**

- aa) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 11, 2007:**
- 1) BILL NO. 2007-23 – AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987 TO RESTRICT TRUCK, TRUCK TRAILER AND OTHER LARGE VEHICLE TRAFFIC ON CAMINO CARLOS RAEI BETWEEN WEST ALAMEDA STREET AND THE CITY LIMITS (COUNCILOR CALVERT). (RICK DEVINE)**
 - 2) BILL NO. 2007-24 – AN ORDINANCE AMENDING SECTION 6-4.3 SFCC 1987, REGARDING THE COMMUNITY DEVELOPMENT COMMISSION, REPEALING THE AFFORDABLE HOUSING INVESTMENT LOAN FUND ORDINANCE AND CREATING A NEW ARTICLE 26-3 SFCC 1987, REGARDING THE ESTABLISHMENT OF THE AFFORDABLE HOUSING TRUST FUND (COUNCILOR BUSHEE, COUNCILOR WURZBURGER, COUNCILOR CALVERT, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). (KATHY MCCORMICK)**
 - 3) BILL NO. 2007-25 – AN ORDINANCE AMENDING SECTION 16-13.6 SFCC 1987, REGARDING CURFEW FOR PARKS AND RECREATION AREAS (COUNCILOR HELDMEYER AND COUNCILOR TRUJILLO). (FABIAN CHAVEZ)**
 - 4) BILL NO. 2007-26 – AN ORDINANCE AMENDING SECTIONS 14-3.1(H)(1)(a)(ii) AND 14-3.1(H)(3) SFCC 1987, REGARDING POSTING REQUIREMENTS FOR PUBLIC HEARING (COUNCILOR WURZBURGER AND COUNCILOR HELDMEYER). (JACK HIATT)**
- bb) CONSIDERATION OF RESOLUTION NO. 2007 – 47 (COUNCILOR HELDMEYER AND COUNCILOR CHAVEZ). A RESOLUTION DEVELOPING A MORE EQUITABLE WAY OF ASSESSING IMPACT FEES. (YOLANDA CORTEZ)**
- cc) REQUEST FOR APPROVAL OF EMERGENCY SOLE SOURCE PROCUREMENT – WASTEWATER PLANT SUPPLIES; WACCO WATER CONTROL CORPORATION. (ROBERT RODARTE)**
- 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER ENTERPRISE FUND.**
- dd) CONSIDERATION OF RESOLUTION NO. 2007- 48 (COUNCILOR ORTIZ AND COUNCILOR TRUJILLO). A RESOLUTION AMENDING TABLE 79 OF THE CITY OF SANTA FE IMPACT FEES CAPITAL IMPROVEMENTS PLAN REGARDING PLANNED PARK IMPROVEMENTS. (FABIAN CHAVEZ)**

- ee) **CONSIDERATION OF RESOLUTION NO. 2007- 49. A RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE THE CITY WITH THE PROCEEDS OF A FUTURE TAXABLE OR TAX-EXEMPT BORROWING FOR CERTAIN CAPITAL EXPENDITURES FOR THE WAREHOUSE 21 BUILDING TO BE UNDERTAKEN BY THE CITY; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH. (KATHRYN RAVELING)**
- ff) **CONSIDERATION OF RESOLUTION NO. 2007- ____ (COUNCILOR WURZBURGER). A RESOLUTION FOR A ONE TIME AUTHORIZATION OF UP TO \$20,000 OF CITY FUNDS TO ASSIST PROPERTY OWNERS OF AFFORDABLE HOUSING IN PAYING PROPERTY TAXES DURING FISCAL YEAR 2007-2008. (KATHY MCCORMICK)**
- gg) **A REQUEST FOR APPROVAL FOR FIRE PROTECTION SERVICES UNDER PROVISIONS OF SFCC, SECTION 25-1.11 BY KARL SOMMER FOR THE LEXUS OF SANTA FE PROJECT, LOCATED ON CERRILLOS ROAD. (ANTONIO TRUJILLO)**
- hh) ***[Removed for discussion by Councilor Heldmeyer]***

7. APPROVAL OF MINUTES: Reg. City Council Meeting – May 30, 2007

Councilor Chavez moved, seconded by Councilor Bushee, to approve the minutes of the Regular City Council Meeting of May 30, 2007, as presented. The motion was approved on a voice vote, with Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Trujillo and Councilor Wurzbarger voting for the motion and none against.

8. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR JUNE – COLLEEN HIGGINS-VIGIL, EMPLOYEE BENEFITS ACCOUNTANT.**

Mayor Coss presented the Employee of the Month award to Colleen Higgins-Vigil, Employee Benefits Accountant. Mayor Coss read the nomination from Richard Maestas into the record. Mayor Coss presented Ms. Higgins-Vigil with a plaque and a check for \$200 from the Employees Benefit Committee.

Ms. Higgins-Vigil thanked the City and her fellow-employees for this honor.

b) MUCHAS GRACIAS – KYLE HARWOOD, ASSISTANT CITY ATTORNEY.

Mayor Coss presented Kyle Harwood, Assistant City Attorney, with a Muchas Gracias Certificate, noting this is Mr. Harwood's last week with the City.

Mr. Harwood thanked the Mayor and Council for the incredible opportunities and experiences.

Councilors Chavez, Wurzbarger, Dominguez, Trujillo, Bushee, Heldmeyer and Calvert, along with Frank Katz, spoke about the extraordinary contributions Mr. Harwood has made during his time with the City, how much they have learned from Mr. Harwood, how much they will miss him and the expertise and knowledge he has brought with regard to the issues surrounding water in the City, and wished Mr. Harwood good luck in his new endeavor.

c) INTRODUCTION OF NEWLY HIRED POLICE OFFICERS: OFFICER JEREMY APODACA, OFFICER LAWRENCE WEINRICK, OFFICER PAUL JOYE. AND NEWLY HIRED LATERAL OFFICER: OFFICER ANDREA GUTIERREZ. (CHIEF ERIC JOHNSON)

Chief Johnson introduced the newly hired police officers, and told a little about the experience and background of each. Chief Johnson noted that there are now 23 vacancies in the Department due to some recent retirements. He said there will be an excellent turnout for Saturday's testing, noting 30 applicants are scheduled, among which 10 would be lateral transfers.

Councilor Chavez asked Chief Johnson if he has discussed the criteria which are being used for testing. Chief Johnson said he has and the changes will apply to the lateral officers which are already certified and have met the State required standards. All new cadets must meet these State requirements, and the City doesn't have the ability to change that.

Mayor Coss and the City Council welcomed the new officers to the City of Santa Fe Police Department.

d) Muchas Gracias – U10 Chivas Soccer Team – Division Champions

Mayor Coss introduced the U10 Chivas Soccer Team, the Division Champions, and presented each with Muchas Gracias Certificates, noting the team competed among 150 teams from the Southwest Region. Coach Alfonso Camarena spoke about the importance of teamwork, and the Team honored the Governing Body with a cheer.

e) PROCLAMATION – "V-DAY IN SANTA FE" – JUNE 24, 2007.

Mayor Coss proclaimed June 24, 2007, as "V-Day in Santa Fe," and read the proclamation into the record. Cecilia Lipworth spoke about the importance of a community effort to end violence against women and girls in Santa Fe and invited everyone to attend the event on Saturday.

Mayor Coss assured Ms. Lipworth that the entire Governing Body is supportive of this effort and working as a community response to the issue of sexual and domestic violence in Santa Fe.

f) YOUTH SUMMIT 2007. (RICK ANAYA AND MARY LOUISE ROMERO)

A copy of "2007 Youth Summit Roster," is incorporated herewith to these minutes as Exhibit "1."

Rick Anaya thanked everyone who helped with this process, the Mayor and Council for their support, and thanked the consultants Mary Louise Romero and Kimberly Montañó who helped with the program and arrangements. He thanked all the youth who participated this year.

Kimberly Montañó and Mary Louise Romero spoke about their experiences during the Youth Summit with the outstanding youth who participated in the activities.

Ms. Romero said the facilitators worked with the group to develop the five top issues, and the Action Plan is composed of eight of the top issues, noting they were generally the same issues from each group.

Mr. Anaya presented a DVD about the Youth Summit.

Ms. Romero spoke about people who have inspired her, especially her first supervisor with the City, Yolanda Vigil, City Clerk.

Ms. Romero distributed copies of the roster of attendance [Exhibit "1"]. She said the youth identified the following as the top issues for youth in the community:

- Education
- Lack of recreational activities
- Drug and alcohol abuse
- Youth violence
- Police harassment
- Lack of economic resources
- Lack of support for youth in the community
- Sex issues

The following youth spoke to the Council:

Mary Apodaca, Chair, Mayor's Youth Advisory Board, spoke about her involvement in the Youth Summit in organizing the Summit and serving as a facilitator. She said the community is reaching out to the youth, and she talked about the Board-sponsored activities including a roundtable discussion on violence after the shooting in the park. She read a letter from Robbie Ortiz, a facilitator at the Summit, speaking about his exciting experiences as a participant in the Youth Summit, including the coming together of youth from various segments of the community.

Bianca Garcia, Vice-Chair, Mayor's Youth Advisory Board, spoke about her experience at the Youth Summit, saying it was wonderful to see the Mayor and some of the Councilors in attendance which told her that the government does care about the kids. She thanked the Governing Body for its support.

Elizabeth Holmes, member, Mayor's Youth Advisory Board, participated in the Summit, which was a good experience which gave them a voice to be heard by the Mayor and the Councilors.

Alex attends DeVargas Middle School, and attended the Youth Summit. She expressed appreciation for the opportunity. She would like to see a bigger teen center which can hold more youth and provide a safe place for kids.

Lindsey Damron attended the Youth Summit and appreciates the teen center, saying they really care about the kids, but thinks it needs to reach out to more teens who need help. She said Ms. Romero cares about everyone and wants every teen to do their best and works hard to make Santa Fe a better place.

Antoinetta Davis a Senior at Espanola Valley High School, and was a facilitator at the Mayor's Youth Summit. She said the City of Santa Fe took a big step forward in the right direction by holding the Summit which brought the youth into the public's eye. It was a good way to bond and to get the youth problems heard and addressed. She thanked the Governing Body for the opportunity to speak this evening and be heard.

Gaby, a Senior at Santa Fe High, was also a facilitator at the Youth Summit, and was honored to be chosen to participate. She learned a lot about how teens are the same as well as different, and enjoyed getting acquainted with others. She said teens are willing to take the initiative for a better and safer place to be. She thinks that half of the money should be used to support the City of Santa Fe Youth Program for those who do not have enough money to participate.

Michael Roybal, is a Senior at Santa Fe High, and enjoyed the opportunity to voice his opinion at the Youth Summit, and to get to know those from different backgrounds. He thanked Mary Louise Romero for being there when he got into trouble.

Homer Jaramillo said he goes to Day Reporting, and he is here to speak about his experience and those who have helped him. He has been in detention centers, on ankle bracelets, and what really helped him was the Teen Center and Mary Louise Romero to show him a different family that loves him and won't let him down no matter what, and that cares about people no matter how you look, what you did in the past. They are like family. He said there are hundreds of kids on the streets that need help and don't know what to do. He was one of those until he met Ms. Romero who introduced him to the Teen Center which has helped him and his family.

Israel Tercero participated in the Youth Summit through his girlfriend who was helped a lot by Ms. Romero. Ms. Romero taught him violence isn't always the answer, and is a big part of his life. He talked to his dad after the Youth Summit, who suggested turning the old Toys R Us building into a new teen center, noting it has parking, City bus service and everyone knows

where it is. The Teen Centers has changed a lot of lives. He spoke about a friend's experience, and asked if the Council is willing to vote for a bigger Center to serve even more teens.

Laura will be a Senior at Santa Fe High, and participated in the Youth Summit. She expressed appreciation that Mayor Coss and other adults came to the Summit to listen to the problems of youth in Santa Fe which was important to her. She thanked Ms. Romero for getting her involved in the Summit, and the Mayor and Council for holding the Summit.

Elizabeth Rodriguez spoke about alternatives to suspension, saying many of her group was adamant to finding a new way to deal with problems which arise in School, such as peer counseling to help solve the problems rather than giving kids a "vacation" where they miss so much school. She wants kids involved more in the school activities to make them better students and citizens.

Crane Garcia said she is speaking on behalf of her friend who attended the Youth Summit, and said unfortunately she [Crane] didn't get the chance to attend. Her friend attended the Summit and shared the secret that she had been raped when she was young, and came away feeling as if a "brick had been lifted" from her chest. She now feels like a whole new person. Ms. Garcia would like to have a bigger Teen Center to help more kids like her friend.

Misael Palamino, member, Mayor's Youth Advisory Board, attended the Youth Summit, and said the Teen Center has changed his life, kept him in school with improved grades. He supports the Toys R Us building as the place for a new Teen Center. He thanked Rick, Mary Louise and staff of the Teen Center, and Mayor Coss and the City Council for taking the time to listen to them.

Unidentified youth, speaking through deaf interpreter Mary Louise Romero, said, "I'm not really sure how to explain my feelings, but I just want to say thank you for the greatest opportunity to have the Deaf School involved in this Youth Summit. It really made a positive difference in the lives of the deaf community. The Deaf School has seen a lot of things that we really don't get an opportunity to speak with other schools about, and this gave us that opportunity. And I just want to say thank you for the opportunity to allow us to be in the public schools as well as other young people, to have new friends and everything else. And thank you again for this wonderful opportunity. I feel as if it's a prayer was answered. It really touched me, so I want to say thank you."

Israel Tercero returned to speak again about the issues of sex among the youth, and the issue of the schools distributing condoms and abstinence among teens, and the reasons teens are having sex.

Unidentified female youth returning to speak again, quoted from the booklet which was given at the Summit, "As the youth, we will work to be positive peers in our community and would like to be more involved in making a change."

Mary Louise Romero distributed copies of the mission of the facilitators to the Governing Body. [Note: This document was not entered for the record]

Comments from the Governing Body

Mayor Coss thanked the youth for the presentation, saying this Governing Body is happy to listen and glad all the youth came to talk to us.

Councilor Dominguez thanked the teens, the facilitators, Mary Louise Romero and City staff for all the work over the two days. He asked that the youth be "real" with us, and commented that the video showed some true feelings. He said the Governing Body won't be able to do much without understanding how things are "for real." He said the Santa Fe Public Schools has an anti-bullying policy. One of the ways we can be leaders by recognizing how many times we, as a Governing Body, sometimes bully staff and each other with our words. We can start setting the example of civility.

Councilor Heldmeyer thanked everyone for their work. The next step is to take the individual ideas and see what you can get the City to do with them. Two groups specifically discussed relationships with the Police, and they have been invited to make a presentation to the Public Safety Committee. She commented that the City is a very complicated bureaucracy, so the various ideas the youth have may have to go many places. She believes the clearinghouse for this is the Mayor's Youth Advisory Committee, commenting she is sure Mary will ensure all of these ideas are moving in the right places at City Hall. Councilor Heldmeyer spoke about the meeting several Councilors attended last night at the School District addressing the issue of dropouts. There was discussion by the adults that the youth weren't represented. She asked if the presentation to the School Board has been scheduled.

Mr. Anaya spoke with Martin Lujan who told him he will set it up as soon as a date is chosen to do this.

Councilor Heldmeyer said the School Board affects a lot of the waking life of teens, and the School Board said last night they were willing to listen, and she urged the youth to make their presentation as soon as possible to the School Board. She said about half of the items on the teens' list are things the School Board needs to consider and to change.

Councilor Chavez congratulated the participants, the facilitators and the youth who participated in the Summit. Unfortunately, he was unable to attend the Youth Summit. The message he received from listening this evening is that by doing what you are doing, you are casting a mold to become model citizens which will make a contribution in your future and your family's future wherever you may go. If you decide to stay, you are already ambassadors to the City addressing issues you are facing daily and helping us to understand how to deal with this. He said these youth are also laying the foundation for the youth who come after them. He would be excited if we could involve some of the members of the Mayor's Youth Advisory Committee in some of the activities of the National League of Cities to share your experiences and learn from the youth of other municipalities.

Councilor Heldmeyer suggested they can also go to the NLC website and can get that information from Mr. Anaya.

Councilor Bushee thanked the youth, Ms. Romero, Mr. Anaya, Ms. Rodriguez and other members of the Community Services staff for their efforts on the Youth Summit. She spoke about how the City's laws are passed, and would like the youth to participate in areas which

impact youth, such as youth centers, the costs and where they are located. She wants the youth to come back and let us hear from them.

Councilor Trujillo thanked the youth, Ms. Romero, Mr. Anaya and City staff for their participation in the Youth Summit. He said the issues he had in 1986 when he graduated from High School, are some of the same issues these youth have. He said these youth are leaders for bringing this to this Council. He said we, as Councilors and School Board members and community members, need to find ways to resolve these issues. These youth are the future leaders of this community. He said this Council is working on more youth centers, and he urged the youth to continue to come to this Council and be heard.

Mayor Coss reiterated his thanks to everyone who made this Youth Summit possible. One of the recommendations is not to wait ten years to do another Youth Summit, but do another in three months which he believes is a great idea. He looks forward to doing that with the cooperation of the School District, which will be a good reporting mechanism for the status of the work on the action plan. He thanked Councilor Dominguez for bringing this forward and introducing the Resolution, and Councilor Heldmeyer for serving as the Council liaison to the Mayor's Youth Advisory Board.

There was a break from 6:40 p.m. to 7:16 p.m.

Following the break, and with no objection by the Council, Mayor Coss postponed all unfinished business from the afternoon session to the end of the evening agenda, and moved directly into the evening agenda at 7:17 p.m..

END OF AFTERNOON SESSION AT 7:17 P.M.

EVENING SESSION

A. CALL TO ORDER

The Evening Session was called to order by Mayor David W. Coss, at approximately 7:17 p.m.

B. PLEDGE OF ALLEGIANCE

C. INVOCATION

D. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

Members Present

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

E. PETITIONS FROM THE FLOOR

Stefanie Beninato, 604 Galisteo, said she withdrew her appeal from the Historic Board. She said she did so because of what she believes to be stress and intimidation by the City Attorney. She said he told her that the City Council doesn't want to hear any "nitpicking" appeals and that the City doesn't care too much about solar and that would have to be an individual thing to care about. She said this is the first time in 32 years she has brought an appeal to the City Council, because a building she just "added onto is over." Even if were only two inches over, she believes the full weight of the law was going to be used against her and she agreed to withdraw the appeal. She suggested the City should, in the alternative, establish a mediation process to be done before an appeal is scheduled, and that there be a list of mediators and the City "cycle through" on an honorarium rate which the City might pay part of. She wants the City Councilors to agree to get together to talk about this. She thinks Historic Design needs to be responsible and make findings of fact and conclusions of law which they were to have done in November 2006, noting the committee was told to do so by the Chair, but they did not. This was the basis of her appeal, because by not doing that, they made an inconsistent decision with a similar fact situation on her lot. She would like the City to hire someone to track decisions made, so when a similar fact situation arises the administrative body can be advised of those, what decision was made and why, to have consistent decisions. She wants the City Council to address the issue of solar rights and how zoning needs to be

modified where solar rights have been filed under State law and are said to be protected rights, and how the City can encourage this by requiring height restrictions which might not otherwise be required. She would like City Councilors to develop suggestions.

Dina Aqualina spoke about short term rentals. In the early 1990's, the Council outlawed bed and breakfasts in residential neighborhoods. A few years ago, the Council prohibited fractional ownership or vacation timeshares in residential zones. She spoke about the impact of short term rentals which are the same as for both previous things which have been outlawed – intense commercial use and high turnover of renters, etc. She urged the Council to take the same protective action for the full time citizens of Santa Fe as previous Councils have done. She said the dire predictions by the short term rental industry have the same “empty” ring as the hysteria around passing a living wage. She said Santa Fe will continue to attract visitors if the current law is enforced, noting the legally zoned vacation rentals are currently 50% occupied, so they need help as well. This Council voted to enforce the law, and she is curious as to why this hasn't happened. She spoke about the recent violence and a call for neighborhood watches. When a sizable portion of the street is illegal short term rentals, it is impossible to know who belongs and who doesn't. Strangers are a way of life. This is contributing to the inflated cost of real estate, and is a factor in the lack of affordable housing. She said it is unfair to change the law to permit short term rentals, which is a zoning change which is unfair to residents who live in the homes they purchased. She urged keeping the law as is, and enforcing it for a year to see what happens.

Noel Kaufman said he is in attendance to speak about the wireless internet installations for the City, noting he is strongly opposed to it. He has collected a series of petitions, is collecting more, and will submit those for the record once copies are made. He understands we already have WiFi here in the Chambers, and believes it will be a problem.

Arthur Furstenberg said he is here because there is WiFi in this room and because the plan to put it in libraries and other City owned buildings will be before Public Works in about two weeks. He said the first amendment of the Constitution provides, “The right of the people to petition the government for redress of grievances shall not be infringed.” He is here, despite his headache in this room and it is affecting his breathing. He said to have WiFi in City Hall is an infringement of the right of the people to petition their government for grievances. Mr. Furstenberg said there is a sign on the door of the Council room which says, “Notice. Under the Americans with Disabilities Act, in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the City of Santa Fe, New Mexico, will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs or activities.” He said that notice currently is worthless.

Bill Bruno said he has a meter which reads the pulse of microwaves in this room. He doesn't like feeling like a freak, but there are few places he can go now where he doesn't feel like a freak. He has a PhD in Physics, specializing in biophysics, and is employed at LANL. He said his views may not be shared by his employer. He has been researching this issue since he has been sick, and said people can read papers on the subject, noting there have been papers for about 30 years. There has been whitewashing from the industry and military which fund almost all the research in this area. The only people you can trust are a few independent researchers. “We've” created a website called wifi.org, which has links to some of the important papers on the subject. He said holding a cell phone to your head, increases the chance you will get a brain tumor in 10 years. We are only seeing the beginning of brain

cancers. The older cell phones are less dangerous. He said the danger of digital communications isn't known specifically, but it has something to do with the pulse nature of the signals. He said TV signals are dangerous as well as living near a cell tower. He spoke of other dangers and how this can interfere with every aspect of your life.

Rebecca Azen is opposed to wireless resolution. She is a librarian and has studied this issue for a number of years, and she believes it is obvious there are many bio effects from this technology, and information isn't available because of corporate interference. She spoke about the regulations which are based on American National Standard Institute which are industry standards which established the level of microwave exposure. She is concerned about this because we're getting a tremendous amount of exposure. She thinks the City should do something to lessen our exposure, and take a long hard look at the issue. People are getting sicker and sicker from environmental toxicants and this is a big one. There are ways Santa Fe could do this differently.

Camilla Reese is a business executive, and recently moderated a panel at a medical conference on electromagnetic factors and health. She is gravely concerned about the proliferation of wireless in our world, and personally knows it creates significant disregulation in the body. She has spent the past nine months meeting with scientists in this area around the globe. She studies the daily research from around the world. She said the disregulation in the body from the frequencies has been linked to all the major, mysterious illness over the past 15 years – ADD, depression, Alzheimers, Diabetes, etc. This is causing health care costs to spike. She said Santa Fe can use fiberoptics which could be financed through bonds. We are live human beings and we must consider any technology choices in light of this and know the effect on the regulation systems. Approximately 4% of the U.S. population has become sensitized and that number will double in the next two years. This is an epidemic and a public health issue. She said this Council is on notice, and as government officials you must look into the independent science on this. Don't make this mistake. Everything is at stake.

Carolyn Dechane said she currently is a student at Highlands. She said inclusion is at issue here in terms of the City putting WiFi in public places. She is disheartened to think this is a disability right issue which isn't being seen as one. She doesn't believe any of the Councilors would say it is okay for the convenience of the majority to exclude people with disabilities from public access, from public libraries, public buildings, if it was a disability you understood. She said you can't pick and choose who to include, and say this sounds a little too weird and you don't get it.

Gabrielle Wagner owns a business in town. She recently moved to a different location where there are three microwave towers beaming her house, and she has been diagnosed with high blood pressure which is a symptom of exposure. She learned others are affected by WiFi with similar issues. She said there are cafes where people can go and do their wireless work, but she doesn't support putting it in public buildings. The public should have the opportunity to vote on this and not be decided in the Council Chambers.

Councilor Ortiz arrived at the meeting at this time

Ann McCampbell, physician and health advocate, said she is disappointed to see the move toward WiFi galloping along, despite all the testimony and evidence we've provided. She supported the ordinance banning coal which was enacted in response to complaints. She urged the Council to look at the issues they regulate as a nuisance, and consider that with WiFi. She would like to see a moratorium on this to look at the science. She supports the remarks with regard to the Council being inclusive. There is lots of evidence that there could be a problem for everyone, and there is clear evidence it is a major problem for people who already have a sensitivity. She wants to slow the process and get more public input and information, and look at alternatives.

Caroline Walker said she is a former world-class athlete and the first American woman to hold the world record in the marathon, and she has struggled with health issues. She asked the Council to consider really researching the damages many people are incurring as the result of wireless technology and different electromagnetic frequencies. She said top notch athletes sometimes have to get a special tent to sleep in which blocks radio frequencies for them to perform to the best of their level. She said autistic children are greatly improved once doctors address EMFs and radio frequencies. She is sensitive to all fields, and during a recent visit to Oregon her head and ears swelled horribly. She is frightened she may not be able to stay in Santa Fe as a place to recover and become a productive person in society. She asked that the Council honor those who struggle with these issues, and said she is particularly concerned about the children.

Robert Edwards said there is an infection of the ear which causes a ringing in the ears and nobody knows how to cure it, and suggested that could be a problem other than WiFi. He said the body helps to cure itself if it's healthy. He said these problems should go to the communication industry for a resolution, rather than relying on the City Council. They should go national if they want something done, and let us have communications which are necessary in the Council chambers and in public libraries.

Tom Romero, representing El Museo, said he wanted to introduce Charlotte Jackson who is representing Art Santa Fe, and Walter Borden who is representing the Antiquities Show. He said there is an item on the agenda this evening regarding liquor permits. There has been a lot of construction activity on the Railyard they had hoped would be finished so there would be reasonable access for these shows. One show has already been held, and the others begin in July and continue through the end of which represent a number of activities with a lot of international visitors, and he wants to show the best face of Santa Fe to our visitors. He has been working with Bill Hon and others to develop a reasonable access. It looks like there will be some difficulty, and they received notification this week that the construction won't be complete by that time. He said the promoters, El Museo and City staff have been working for solutions such as a base course so the parking area isn't a mud puddle during these events. He asked the Mayor and Council to encourage the Railyard Corporation and staff where possible to make it accessible during these events.

G. PUBLIC HEARINGS

- 1) REQUEST FROM LAS PALOMAS RESTAURANT, LLC, FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT LAS PALOMAS RESTAURANT, 460 WEST SAN FRANCISCO STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting that Las Palomas Restaurant, LLC., is not within 300 feet of a church or school, and staff recommends that Las Palomas Restaurant, LLC., be required to comply with all of the City's ordinances as a condition of doing business with the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee moved, seconded by Councilor Trujillo, to grant the request for a Restaurant License, to be located at Las Palomas Restaurant, 460 West San Francisco Street.

Discussion: Responding to Councilor Calvert, Neil Rosenstein the owner was sworn, and said this started as a B&B, but it is no longer a B&B and they now have 38 units. They don't have a large kitchen but he is able to comply with all of the restrictions for the beer and wine license. This is mostly for their guests as an amenity. He said it has to be open to the public under the criteria for the license, but he won't advertise it.

The motion was approved on the following Roll Call Vote:

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

Against: None.

- 2) PURSUANT TO §60-6B-10, NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615B PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR THE FOLLOWING EVENTS:**

- a) **The ART Santa Fe 2007 Vernissage Champagne Buffet to be held on Thursday, July 12, 2007, from 5:00-8:00 p.m. (Invitation Only Event)**
- b) **The Santa Fe Summer Antiquities Show to be held on Thursday, July 5, 2007, from 6:30-8:30 p.m.; Rodeo Plaza Liquors.**
- c) **Antique Show to be held August 10 & 13, 2007, from 4:30-9:00 p.m.; Cowgirl Bar & Grill.**

The staff report was given by Yolanda Vigil, City Clerk. She said school won't be in session during these times. There is an after-school program which ends between 5:00 and 5:30 p.m., and the only event during that time would be the Champagne Buffet which will start at 5:00 p.m.

Public Hearing

Tom Romero was sworn. Mr. Romero said even though it is close to the school, the service of alcoholic beverages is very restricted, and provided only by the licensed purveyors and the producers will provide security guards at all entrances, so it is not wide open to the public. He said even though there may be some school activity, this won't get mixed with that.

Stefanie Beninato was sworn. Ms. Beninato said this is an event on City land and although it will be restricted to outsiders, people will be drinking at the event and DWI is a huge problem in New Mexico. She compared this to the effort to sell beer at the Chavez Center at "basketball games," and asked if there is a difference between that and selling liquor at a cultural center. She asked if it is so people will buy art because they've been drinking. She asked that this be considered in considering alcohol use on City land.

The Public Hearing was closed

Responding to Councilor Chavez, Ms. Vigil said these vendors for the special dispenser permits will serve the liquor at El Museo, using their own liquor licenses. She noted the first event is by invitation only, and Alcohol and Gaming do not require an application for a special dispenser permit. People will not be purchasing alcohol, and only have to purchase a ticket to the event.

[Councilor Bushee's question here and the response are inaudible.]

Councilor Bushee moved, seconded by Councilor Ortiz, to grant all three requests.

Discussion: Mayor Coss thanked the businesses for working with the City on the construction zone – persevering.

The motion was approved on the following Roll Call Vote:

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

Against: None.

- 3) Case #H-06-100. APPEAL OF THE HISTORIC DESIGN REVIEW BOARD'S DECISION ON NOVEMBER 14, 2006, CONCERNING REMODELING OF CONTRIBUTING BUILDINGS LOCATED AT 610 GALISTEO STREET IN THE DON GASPAR AREA HISTORIC DISTRICT. STEFANIE BENINATO REQUESTS THAT THE GOVERNING BODY RESCIND THE BOARD'S APPROVAL OF EXCEPTIONS. (DAVID RASCH)**

This case was withdrawn from the Agenda because the Appellant withdrew her appeal.

- 4) CASE #M-2006-25. CARLOS REY STUDIOS DEVELOPMENT PLAN. JENNIFER JENKINS AGENT FOR HAYS WHITE, LLC, REQUESTS DEVELOPMENT PLAN APPROVAL FOR 14,400 SQUARE FEET OF GENERAL COMMERCIAL USE ON ± 0.894 ACRES LOCATED ON THE EAST SIDE OF CAMINO CARLOS REY, NORTH OF CERRILLOS ROAD AND SOUTH OF THE LA CIENEGUITA NEIGHBORHOOD. THE PROPERTY IS ZONED C-2-PUD (GENERAL COMMERCIAL PLANNED UNIT DEVELOPMENT). (GREG SMITH) (Request by Applicant to postpone to June 27, 2007 City Council meeting).**

This item was postponed to the Council meeting of June 27, 2007.

F. APPOINTMENTS

Sustainable Santa Fe Commission

Mayor Coss appointed the following individual to the Sustainable Santa Fe Commission:

Arina M. Pittman – term ending 5/2009.

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

Archaeological Review Committee

Mayor Coss appointed the following individuals to the Archaeological Review Committee:

Janet McVickar, Archaeologist – Reappointment – term ending 6/2009;
Jason Shapiro, Archaeologist – Reappointment – term ending 6/2009; and
Catherine Spude, Historian – Reappointment – term ending 6/2009.

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

CONSENT CALENDAR DISCUSSION

- 9(o) **CONSIDERATION OF RESOLUTION NO. 2007- 51 (COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS. (GILDA MONTAÑO)**
- 1) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – NEW MEXICO CLEAN AND BEAUTIFUL; NEW MEXICO TOURISM DEPARTMENT.**
 - 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

Councilor Heldmeyer said this is a grant agreement from New Mexico Clean and Beautiful which is given through it to Santa Fe Beautiful. There has been discussion of a more clear playing field in our relationship with Santa Fe Beautiful, and asked Mr. Katz or Mr. Buller if that has been moving forward. She understood we would be negotiating an MOU.

Mr. Katz said it isn't moving forward in his office, and was unaware of this.

Mr. Buller said he has talked with Councilor Heldmeyer about doing this, but he hasn't developed the MOU and he needs to work with Mr. Katz on that.

Councilor Heldmeyer moved, seconded by Councilor Trujillo, to adopt Resolution 2007-51, with the proviso that the MOU moves forward.

Discussion: Councilor Heldmeyer said we need to have a clear legal relationship between the City and Santa Beautiful and New Mexico Clean and Beautiful. There have been several situations where the lack of a clear legal situation has caused problems.

The motion was approved on the following roll call vote:

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

Against: None.

9(q) REQUEST FOR APPROVAL OF LEASE AGREEMENT – USE OF ST. FRANCIS SCHOOL PLAYGROUND FOR PUBLIC PARKING; ST. FRANCIS CATHEDRAL PARISH. (BILL HON)

Councilor Trujillo asked if the parking will be near the playground equipment, or if that will be moved.

Mayor Coss said it won't be near the playground equipment, but they will be using the other asphalt area.

Councilor Trujillo moved, seconded by Councilor Dominguez, to approve this request. The motion was approved on the following roll call vote:

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

Against: None.

9(hh) A REQUEST FOR WATER SERVICE AND SEWER SERVICE UNDER PROVISIONS OF SFCC, SECTION 22-6.2 AND SECTION 25-1.11 BY MICHAEL TAVELLI AND THOMAS TAVELLI FOR A MIXED USE DEVELOPMENT REQUIRING A 4.7 ACRE-FEET PER YEAR OF WATER. THE PROPERTY IS LOCATED IN THE HISTORIC AGUA FRIA VILLAGE. (ANTONIO TRUJILLO)

Councilor Heldmeyer said there was a lot of discussion on this case at Public Utilities, and it was forwarded to the Council without approval, pending further information, noting the requested information is in the packet. The Traditional Agua Fria Village has its own water system which is experiencing strain, and because of that it is not approving water within the Village. The County provides no water in this area, and every time someone wants to do something more than the well use which is traditional in the Village, the City gets hit to provide water rights. This allows a greater density of development in the Traditional Village, than ordinarily would be the case if they were restricted to the level of water they had just from the well.

Councilor Heldmeyer said it isn't a question of how good or bad a project this is. The reality is as long as the City continues to approve giving water in the Traditional Village of Agua Fria the County won't do anything about it. She said the County is planning to do some things further down the line, such as allotting more water rights to the Traditional Village. She pointed out that this project is in an area which will never be annexed into the City. The City won't benefit from this project, won't get impact fees or gross receipts taxes.

Councilor Heldmeyer moved, seconded by Councilor Calvert, to deny this request for water.

Discussion: Councilor Calvert asked if the City is providing the 4.7 afy of water. He said if we are, he doesn't know how to reconcile that with the fact that we require developments in the City limits to bring their own water. He doesn't understand how this helps to preserve the Historic Village, because he believes it will destroy the character of the Village. For these reasons, he supports the motion.

Antonio Trujillo said the applicant would be required to provide the water or the offsets, depending on the size. He said anyone in the County requesting service either has to provide the offsets or bring water rights, depending on the size of the development. This applicant will be required to comply with the offsets because it is less than five afy.

Councilor Dominguez said one special condition which was attached to this, was proposed by Councilor Heldmeyer at PUC. This condition is that the number of affordable units must be increased to four, and a contract was to accompany that submittal. He asked if this has been done.

Ron Pacheco said this has been done. He said the Office of Affordable Housing couldn't see what the units would look like, so we asked to completely comply with the ordinance, and required them to agree to a 4.5 unit requirement. He said at first look he didn't see that the units exactly met what he would call live/work, although they promised to do that. He said he asked them if they would be willing to comply with complete 30%, which required four units and an additional payment of \$27,500 to go to the Trust Fund.

Councilor Dominguez asked if the application has changed since it was heard at PUC.

Mr. Trujillo said the way it was initially presented did change, from 2.5 affordable units to 4.5 affordable units.

Councilor Chavez said this project is in the traditional Historic Village, which is outside our jurisdiction, but we're applying our ordinances. He understands they will need to bring water for the market rate units and the affordable units will be a different schedule.

Mr. Trujillo said this is correct.

Councilor Chavez asked why there is no GRTs and Impact Fees for this project while everything else applies.

Mr. Katz said the reason WBO applies is because the applicants agreed to this as a condition of providing services. He thinks we can make a condition of approval that the applicants pay a fee in lieu of tax for the construction and for impact fees, although he hasn't researched that.

Friendly amendment: Councilor Chavez would like to amend the motion to direct staff to research the GRT which will be generated during construction, as well as the impact fees.

It was pointed out that the Motion is to deny the application.

Councilor Chavez asked the applicant if he would agree to work with staff to extract the GRT during construction of the project and assess the impact fees for the project.

Jim Siebert, agent for the applicant, said it is his understanding under the provisions of the current ordinance, if you tie to City water and sewer you are subject to the impact fees. However, he doesn't know the legal implications of the GRTs. He said he understands it is part of the ordinance, but if it wasn't, they would enter into a contractual agreement to pay the impact fees.

Councilor Chavez asked if the Applicant would be willing to round up to five affordable units for the project. This would be in lieu of paying the \$27,500, and he could build the unit there.

Michael Tavelli said initially when they went to the PUC and talked to Ron Pacheco, it was planned to do a live/work project, which entitled them to request City water and sewer. He said they have always felt it was their responsibility to pay all the fees to which they would be subject if they were within the City limits.

Mr. Tavelli said Mr. Pacheco subsequently discovered it was necessary to have actual plans for the buildings because they need to meet commercial standards. They haven't designed the buildings because they don't know whether they have a project, and until they get water, they having nothing for which to design. Ultimately, they want to do build the project as a live/work system. He said this project was designed from the new Agua Fria master plan that allows this density.

Mr. Tavelli said the Agua Fria Village Water Association offered to supply the water, but couldn't because of the County regulation affecting any water system which isn't a municipality which says they have to prove a 100-year supply of water. The City adopted an ordinance in October which specifically allowed people within that Village to be able to receive City water and sewer. The project is in the Traditional Village. He believes this is one of the things the Council had in mind when it passed this ordinance. He said there is a 12 in. water line running directly in front of his property as well as a sewer line. He said they were approved for sewer by the Council a year ago, but had to reapply based on the new regulations governing water and sewer. He said they feel they are in compliance.

Mr. Tavelli said he initially discussed 2.5 units with Mr. Pacheco, and when went to the PUC, he understood they would have to provide 2.5 affordable housing units. He agreed

initially to do three units. When this went to the PUC, he agreed to do four affordable units. At this time, because they don't have plans which show the City what they are going to build and meet the live/work standard, they agreed to go to the 4.5 affordable units which is the basic 30% requirement on 15 residential lots.

Mr. Tavelli said this is an expensive situation, and they are not large developers. They feel the City would ask for 4.5 affordable units for anybody else outside of the City and asked why you would ask for more from us if we're meeting all the requirements.

Councilor Chavez reiterated his request to Mr. Tavelli, saying he hopes he can work that into the project.

Mr. Tavelli said he would have to speak to his brother who is a partner.

Tom Tavelli, the co-applicant said of course they would do that. He said they feel it is a privilege to get water from the City. At this point, it is impossible for them to get water from anywhere else, unless they drill a well. They are willing to comply with anything the City feels it is appropriate to do. He said they are also adding something which is this live/work situation, which will deal with the overflow from the Railyard.

Councilor Chavez said the live/work concept is a good model and it does support another cottage industry, and artists and home occupations, and such.

Councilor Bushee commented that impact fees are charged for projects within the City limits, and we can only generate those within the City. So we are looking to get that covered.

Responding to Councilor Bushee, Michael Tavelli said the County requires the 100-year water supply, and said the Agua Fria Village Water Association wasn't aware of it, nor were they. He said there is a way to prove it, but it would require shutting the entire Village Water system down for 96 hours to pump. He felt it was unreasonable to put 250 people out of water for 96 hours. It was also unreasonable to the Water Association and the reason it withdrew its approval.

Councilor Bushee asked if she heard Mr. Tavelli say that five affordable units is okay.

Michael Tavelli said he didn't, but his brother did.

Councilor Bushee said she doesn't want to push development on Agua Fria Village if they don't want it, but there is no one here in opposition. She said we have standards which we established when we passed the Resolution. She would like as much affordable housing as possible, but we are pushing growth in an area of town on people who have no say over this Council. We have to decide the benefits to the City. She asked if they are offering five affordable live/work units.

Michael Tavelli said it sounds like they are offering five affordable housing units.

Councilor Bushee said she won't support the motion, and will support extending water to the development, which sounds like a good development with the affordable housing.

Councilor Wurzbarger said the City has very limited water for City affordable housing projects in the City. She is comfortable with the compromise with one exception. She doesn't want to use the City's supply of offsets for the affordable units. She would like to include those units in the water they need to acquire for this project. She would like to work with public utilities to develop a logical policy to deduct any water we provide against the Buckman project. She said although this is a good project, she is against using City water which is set aside for affordable housing for this project. She will vote against the motion, but wants to craft a motion which addresses this concern.

Councilor Heldmeyer wants clarification. She pointed out that the way to get the County to move some of the water rights they claim to have to developments in the County, is to vote against them when they say they won't do it. She would like this body to be united in holding the County responsible, and they might listen.

Responding to Councilor Heldmeyer, Mr. Siebert said the 100-year water supply requirement applies to everything but municipalities. The reason is that the County considers the Agua Fria Association a mutual domestic. The County is saying you may have control over water, but we control land use, and our standards say you need to provide a 100-year water supply. He said this being done through the County adopted water supply regulations.

Councilor Heldmeyer would like the 100-year requirement to be an information item at PUC. If the County is going to start invoking this now, it makes the situation about providing water to County developments even more complicated.

Councilor Ortiz said he was prepared to support this motion. If it fails, and there is a motion to approve, he is prepared to support an amendment which starts to get at this long standing issue with the County, and with developers who are being told by the County through the EZA that they need to get a more secure source of water, and tell them to come to the City, particularly in Agua Fria. He said many of those people "crow" long and hard about their traditional way of life. Yet, their very property in their plan is proposing the kind of development which will permanently change and alter that way of life. He believes the affordable units should start staying in the City given the limited water resources for affordable units, and not go out into the County. If the County is serious about affordable housing, as it contends, the County can extract some of the water which is wheeled through us to them, and dedicate it for projects such as the one before the City, and not just for the big projects where it is resisting the City on the boundaries. He would support an amendment which clearly makes the requirement for affordability to remain as a condition for getting water, but not giving affordable housing credits within the City to this development, so they would have to find the offsets for the affordable as well as for the market rate units.

The motion failed to pass on the following roll call vote:

For: Councilor Ortiz, Councilor Calvert and Councilor Heldmeyer.

Against: Councilor Trujillo, Councilor Wurzbarger, Councilor Bushee, Councilor Dominguez and Councilor Chavez.

Councilor Chavez moved, seconded by Councilor Bushee, to approve this request with all of the conditions, the new ones which were added and the ones they agreed to.

Clarification of the Motion: Councilor Wurzbarger asked if this includes her condition that we will not use City affordable housing credit. Councilor Chavez said it doesn't, because they are going through our homes program, and he can't accept this as a friendly amendment.

Councilor Ortiz moved, seconded by Councilor Wurzbarger, to amend the main motion to provide that the affordable housing pool is not allowed to this particular project and they have to proceed with getting all of the required offsets for both the affordable and market units.

Discussion: Councilor Bushee said she doesn't think we should make this policy decision, with regard to the County and the way its handling its development and connections, on the back of this development. They have already gone above and beyond in making one more unit available. She said we are playing with numbers, when, in all likelihood, if we go a little too far, they can't make this development happen either. She doesn't think it is fair to do this on the back of this development which will generate five affordable live/work units.

The motion to amend the main motion was approved on the following roll call vote:

For: Councilor Trujillo, Councilor Wurzbarger, Councilor Calvert, Councilor Dominguez, Councilor Ortiz and Councilor Heldmeyer.

Against: Councilor Bushee and Councilor Chavez.

Discussion on the main motion as amended: Councilor Wurzbarger asked when they come back with live/work, will we be getting five affordable units.

Michael Tavelli said you will get five units, regardless of what kind they are.

Councilor Bushee asked if the County has any provisions for giving water to affordable units.

Mr. Pacheco said he is unaware of the County's affordable housing ordinance in terms of water, although he believes they do provide water for its affordable units, but he isn't certain.

Councilor Bushee asked if County residents are precluded from residing in these units.

Mr. Pacheco said he did sit with the County, and we agreed that our affordable housing requirements were much higher than theirs, so they will be perfectly happy with this project in terms of their affordable housing.

Councilor Wurzburger would like staff to clarify if this means that people who go into these homes will be City residents until they move into the homes.

Mr. Pacheco said the big impact will be that the City will hold five liens in the City's name. If those houses should sell, the City will have the opportunity to put someone in the house from the City.

Councilor Wurzburger said then we can keep putting City people in these in perpetuity.

Mr. Pacheco said yes.

Councilor Chavez said whether the residents are in the City or the County, they will pay property tax, and the City will get ten cents on the dollar from the property tax.

Councilor Heldmeyer said if the property is in the County, the property tax to the City is zero.

The main motion, as amended, was approved on the following roll call vote:

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

Against: Councilor Calvert and Councilor Heldmeyer.

Michael Tavelli said some of the Councilors didn't attend the original meeting with the PUC. He and his brother are 5th generation Santa Feans, and you are helping local people, not just people in affordable housing, but local people who have been here for 150 years. He said, "We're not from California, so thank you very much."

END OF CONSENT CALENDAR DISCUSSION

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Discussion of Water Rights Purchase, Pursuant to §10-15-1(H)(8) NMSA 1978.**

- b) **Discussion of Pending Litigation Regarding Las Soleras Annexation, Pursuant to §10-15-1(H)(7). NMSA 1978.**
- c) **Discussion of Settlement Agreement with Tierra Contenta Corporation, Pursuant to §10-15-1(H)(7) NMSA 1978.**
- d) **Discussion of Proposed Settlement Agreement in City of Santa Fe vs. Robert N. Hilgendorf, et al, No. D-0101-CV-2006-00971; City's Ferguson Water Well, Pursuant to §10-15-1(H)(7) NMSA 1978.**

Councilor Heldmeyer moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of the discussion of the water rights purchase, pursuant to §10-15-1(H)(8), and pending litigation regarding Las Soleras Annexation, the Settlement Agreement with Tierra Contenta Corporation and the proposed Settlement Agreement in City of Santa Fe v. Robert N. Hilgendorf, et al, pursuant to §10-15-1(H) (7).

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

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, and Councilor Trujillo.

Against: None

Absent: Councilor Chavez and Councilor Wurzbarger.

The Council went into Executive Session 8:43 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

At 9:33 p.m., Councilor Bushee moved, seconded by Councilor Dominguez, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were the water rights purchase, pending litigation regarding Las Soleras Annexation, the Settlement Agreement with Tierra Contenta and the Settlement Agreement in City of Santa Fe vs. Robert N. Hilgendorf, et al.

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

12. ACTION REGARDING THE WATER RIGHTS PURCHASE. (FRANK KATZ)

Councilor Bushee moved, seconded by Councilor Heldmeyer, to approve the water rights purchase as recommended by staff. The motion was approved on the following roll call vote:

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

Against: None

Absent: Councilor Wurzburger.

13. ACTION REGARDING SETTLEMENT WITH TIERRA CONTENTA CORPORATION. (FRANK KATZ)

Councilor Dominguez moved, seconded by Councilor Chavez, to approve the proposed settlement. The motion was approved on the following roll call vote:

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

Against: None

Absent: Councilor Wurzburger.

14. ACTION ON PROPOSED SETTLEMENT AGREEMENT CITY OF SANTA FE V. ROBERT N. HILGENDORF, ET AL., NO. D-0101-CV-2006-00971; CITY'S FERGUSON WATER WELL. (MAUREEN REED AND STEVE HAMILTON, MONTGOMERY & ANDREWS)

Councilor Dominguez and Councilor Trujillo recused themselves from voting on this item. Mayor Coss said the reasons the Councilors are recusing themselves is that they have been invited to visit our Sister City in China, and the liaison to the Sister Cities Committee is Mr. Hilgendorf's wife, noting he is unsure this is a conflict.

Councilor Chavez moved, seconded by Councilor Ortiz, to approve the proposed Settlement Agreement in this case. The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Heldmeyer and Councilor Ortiz.

Against: None

Abstain: Councilor Dominguez and Councilor Trujillo.

Absent: Councilor Wurzburger.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Bushee

Councilor Bushee introduced three resolutions:

- a) A Resolution directing staff to research the adoption of a Citizens on Patrol Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."
- b) A Resolution directing staff to promote and accommodate alternate modes of transportation at the Railyard. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."
- c) A Resolution regarding the elimination of CPPC and combining it into the Planning Commission, noting she doesn't have copies, but will email the two versions which Ms. Price has written.

She would like an update on the concerns of Willie Saiz at the Railyard with regard to his ingress and egress.

Mr. Katz said the plan is to cut off Romero Street at the far end of that little piece of the Railyard and he would continue to have his easement to the Railyard.

Councilor Bushee asked Mr. Katz to provide this information in writing to Mr. Saiz.

Councilor Chavez noted a letter was sent to Mr. Saiz which confused the Railyard issue with another issue we discussed under executive session, and asked Mr. Katz to clarify that with Mr. Saiz as well.

Councilor Bushee would like staff to address Tom Romero's concerns about projects or programs that need parking at El Museo. She said there are conflicting reports from the Railyard Corp. and what our staff had intended. She wants assurances by the next Public Works meeting that there is a plan in place which isn't going in a different direction.

She said she received a letter about Ft. Marcy Park with regard to the various improvements that were expected, and said people want to know what will be done. She needs to know if it will be necessary to pursue additional funds.

She said there was a water main leak on West Alameda, noting there is a concern that there will be others with similar damage. She will provide the email to the City Manager.

Councilor Ortiz

Councilor Ortiz introduced the following, asking that they go to the Finance Committee process as a packet:

- a) A Resolution repealing the Integrated Pest Management Board. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
- b) An ordinance amendment dissolving the Citizens Police Incident Review Board. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "5.";
- c) A an ordinance amendment dissolving the Grievance Review Board. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "6.";
- d) An ordinance amendment repealing the Integrated Pest Management Board. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7.";
- e) A Resolution dissolving the Airport Community Association. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."; and
- f) A Resolution dissolving the Regional Cultural Arts and Tourism Advisory Board. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Ortiz said he is working on a simple Resolution to dissolve the CPAC, and what happens after that can be discussed.

Councilor Ortiz introduced a Resolution for Calle Serena Park, one of the pocket parks in District 4 which was funded, to engage the public process in terms of naming public spaces, and to put forward the name of Martin Luther King, Jr., as the person to whom the park can be named; and if the public process brings this name forward that we establish a monument or memorial. He is pushing to get the park open and dedicated by August 28th, which is the anniversary date of his "I have a dream" speech. The Resolution is cosponsored by Councilor Trujillo, Councilor Bushee and Mayor Coss. He said the NAACP has polled the neighborhood, noting a neighborhood process was done with regard to this park. He asked that it go to the Parks Commission and Public Works.

Councilor Ortiz wished his father-in-law, Tony Jacquez, a happy 70th birthday, noting he was attending his birthday party earlier in the afternoon and the reason he was absent from the afternoon session.

Councilor Dominguez

Councilor Dominguez said he has nothing to communicate.

Councilor Calvert

Councilor Calvert said, in further response to Councilor Bushee's questions, he received a status report on Ft. Marcy from Fabian Chavez, who told him he has only \$400,000 for parks improvements this year. He is hoping to get the turf started by the end of this year. He said the playground equipment referred to in the letter was not in the budget.

Councilor Calvert said the leak was an Irrigation system on West Alameda which caused the property owner's wall to fall down. Robert Romero said there were structural problems with the wall, but the City is still responsible for repairing it. He suggested to Mr. Romero this would be a prime opportunity to install a Firefly meter to detect leaks such as that one to prevent these kinds of problems.

Councilor Trujillo

Councilor Trujillo said he just received a message that his son pitched "one heckuva" game tonight, and congratulated his son on this accomplishment, saying he is very proud of him.

Councilor Heldmeyer

Councilor Heldmeyer said she has been contacted by some women in Santa Fe who want to know if the City can change its policy to use the interior of the City recreational facilities to walk without charge, because they're used to walking outside for free, but they're scared to do that right now. They are not asking to use the pool, ice rink and such, just to be allowed into the buildings without charge. She asked the City Manager to look into this.

She introduced a Resolution regarding employee benefits for adoption of children. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

She introduced a Resolution cosponsored by Councilor Chavez, directing staff to initiate a petition method annexation for Airport Road. She asked that it go to the Public Works and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Heldmeyer expressed disappointment that the three-month evaluation of City Manager Galen Buller was not on the agenda. She would like this evaluation to be done as well as the evaluation of the Deputy City Manager. She believes this is better done earlier rather than putting it off.

Councilor Heldmeyer said resolutions are being passed to ask staff to work on resolutions which were adopted in the past, telling the City to follow its own ordinances. She learned this week that an executive decision was made with regard to how people should pay for the Summer Youth Program, although the Council adopted a policy in February 2006, to do a sliding fee scale for this program. This change was not brought to the Council, nor discussed during the budget process. She said although we made more money this year with a set fee than with a sliding fee, the people in the higher income bracket paid a lot less than they would have paid, and the people in the lower income bracket paid a lot more. These kinds of changes must be done by a vote of this body, and she said she is very upset this was done as a unilateral administrative decision. She wants to discuss this during the evaluation of the City Manager's performance. She wants more information on how this happened.

Councilor Chavez

Councilor Chavez said Gilbert Romero called this afternoon to let him know the Caballeros had a follow-up meeting after the Public Works Committee meeting on Monday, met with its Board of Directors and polled the membership. Mr. Romero said they have rescinded their position, are asking the Public Works and Council to do the same, and to go back to the Resolution which was introduced which would support the Library Board's recommendation to name the Southwest Room in the Public Library after Pedro Ribera-Ortega and the Library in Tierra Contenta after Mike J. Maloof.

Councilor Chavez introduced a Resolution repealing the Resolution establishing the 400th Anniversary Committee to do some cleanup language. This is being done as the result of him attending the All Indian Tribal Council in Isleta. This Resolution, in order to be more sensitive to our Pueblo brothers and sisters, removes any reference to "celebrating" the 400th anniversary. In their eyes it is not a celebration nor a reconquest. He said he pledged to the Pueblo Governor James Mountain, on behalf of the Mayor and Council, to act with respect and sensitivity during the 400th anniversary in order to get them to participate. He spoke about other language changes he is proposing including a change from "Indo Hispano" to "Indio Hispano," on line 23. He asked that this Resolution go to Public Works and Finance. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Councilor Chavez introduced an amendment to the Plaza Vendors ordinance to do some cleanup language. He asked that the ordinance go to the Business & Quality of Life, Finance, and Public Works Committees. A copy of the ordinance is incorporated herewith to these minutes as Exhibit "13."

Mayor Coss

Mayor Coss said the Governing Body has been invited to Parajal, our Sister City in Mexico, on July 17-21, for their Fiestas. He said last year, our Sister City in China invited us to visit them the week of September 16, 2007, after Fiestas and between Council meetings. He said he is looking for people interested in going on either of these trips.

Mayor Coss said he will guarantee that the City Manager's review will be on the next agenda, noting he and Mr. Buller have already discussed this.

Mayor Coss said Mr. Katz has advised we need to introduce a Resolution on the reorganization which was adopted in the budget, and he is willing to sponsor that Resolution. Responding to the Mayor, Ms. Vigil said the Resolution can be brought directly back to the Council. Mayor Coss asked that the Resolution be emailed to all of the Councilors.

Mayor Coss introduced a Resolution which is cosponsored by Councilor Wurzbarger, approving participation in the program of the North Central New Mexico Economic Development District. He asked that it go to the Economic Development Review and Finance Committees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Mayor Coss commented on a news editorial today which said the Governing Body had not given the Police any priorities or focus. He said through strategic planning, the budget, and the five public meetings we just held, he believes this Governing Body made its priorities very clear, and reiterated those priorities: (1) continue our commitment to the Drug Task Force and to the Gang Task Force; (2) create stronger ties to neighborhoods with effective lines of communication [which speaks to the Resolution just introduced by Councilor Bushee with regard to establishing a Citizens on Patrol Program]; and (3) intensify recruitment and retention efforts.

Mayor Coss thanked the Governing Body for all the work they have done on public safety.

H. ADJOURN

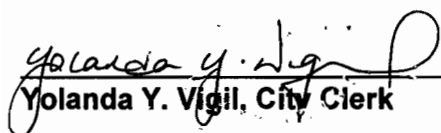
There being no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:00 p.m.

Approved by:



Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer