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January 8, 2014**

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Postponed to 02/12/14 25

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Approved 25-26

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 8, 2014**

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 Wednesday, January 8, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager said he has 3 changes as follows: Postpone Consent Calendar Item 10(m) on the Afternoon Agenda to the January 29, 2014 Council meeting; Postpone Item H(3) on the evening agenda to the February 12, 2014 Council Meeting; and postpone Item H(5) on the evening agenda to the January 29, 2013 Council meeting.

Councilor Wurzburger would like to move Item 9(3) to be heard first under Presentations, because they have to attend another public meeting at 6:00 p.m.

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

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzburger voting for the motion and none against.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the following Consent Calendar, as amended.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

Against: None.

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(c) is incorporated herewith to these minutes as Exhibit "1"

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 6, 2014, regarding Item 10(b), is incorporated herewith to these minutes as Exhibit "1(a)."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(d) is incorporated herewith to these minutes as Exhibit "2."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(e) is incorporated herewith to these minutes as Exhibit "3."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 6, 2014, regarding Item 10(e), is incorporated herewith to these minutes as Exhibit "4."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(f) is incorporated herewith to these minutes as Exhibit "5."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 6, 2014, regarding Item 10(f), is incorporated herewith to these minutes as Exhibit "6."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(g) is incorporated herewith to these minutes as Exhibit "7."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(h) is incorporated herewith to these minutes as Exhibit "8."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(i) is incorporated herewith to these minutes as Exhibit "9."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(j) is incorporated herewith to these minutes as Exhibit "10."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 6, 2014, regarding Item 10(j), is incorporated herewith to these minutes as Exhibit "11."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(k)(1) is incorporated herewith to these minutes as Exhibit "12."

A copy of Proposed Amendments to Bill No. 2014-1, Item 10(k)(l) Animal Services, is incorporated herewith to these minutes as Exhibit "13."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(k)(2) is incorporated herewith to these minutes as Exhibit "14."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(k)(3) is incorporated herewith to these minutes as Exhibit "15."

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding Item 10(m) is incorporated herewith to these minutes as Exhibit "16"

A list of the polling places and precinct board members for the March 4, 2014 Regular Municipal Election, regarding Item 10(p), is incorporated herewith to these minutes as Exhibit "17."

- a) **CONSIDERATION OF RESOLUTION NO. 2014-01 (MAYOR COSS). A RESOLUTION REPEALING RESOLUTION NO. 2013-1, RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS. (YOLANDA Y. VIGIL)**

- b) **BID NO. 14/19/B – FY 2013/2014 AGUA FRIA, ALTA VISTA & AVENIDA CORDONIZ WATER MAIN REPLACEMENT PROJECT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; BLUELINE CONSTRUCTION, INC. (DEE BEINGESSNER)**
- c) **BID NO. 14/21/B – FIRE DEPARTMENT UNIFORMS. (JAN SNYDER)**
 - 1) **CAPITAL CITY UNIFORMS**
 - 2) **NEVE’S UNIFORMS & EQUIPMENT**
 - 3) **ROADRUNNER SCREEN PRINTERS**
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – MEDICAL DIRECTION SERVICES FOR FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES (EMS); HEALTHFRONT, P.C. (BRIAN CALDWELL)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – REFURBISH ROCK SALE STOCKPILES FOR STREETS AND DRAINAGE MAINTENANCE DIVISION; NEW MEXICO SALT & MINERALS. (DAVID CATANACH)**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – REFURBISH RED SCORIA CINDER STOCKPILES FOR STREETS & DRAINAGE DIVISION; MONARCH MOUNTAIN MINERALS & AGGREGATES. (DAVID CATANACH)**
- g) **REQUEST FOR APPROVAL OF GRANT AWARD – SANTA FE ARTS COMMISSION 2014 PICS INTERNSHIP PROGRAM; PRINCETON INTERNSHIPS IN CIVIL SERVICE. (DEBRA GARCIA Y GRIEGO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- h) **REQUEST FOR APPROVAL OF GRANT AGREEMENT – NEW MEXICO CLEAN DIESEL GRANT PROGRAM; NEW MEXICO ENVIRONMENT DEPARTMENT, AIR QUALITY BUREAU. (CINDY PADILLA)**
 - 1) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER BID NO. 13/20/B FOR CNG FRONT LOADING REFUSE COLLECTION UNIT FOR ENVIRONMENTAL SERVICES DIVISION; BRUCKNER TRUCK SALES, INC.**
 - 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE/BUDGET ADJUSTMENT – GRANT FUND.**

- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CAPITAL IMPROVEMENT PROGRAM AGREEMENT – FY 2013/2014 WASTEWATER DIVISION PUBLICLY OWNED TREATMENT WORKS REPAIR, REPLACEMENT AND EXTENSION, CONTRACT CIP #947; TLC COMPANY, INC. D/B/A TLC PLUMBING AND UTILITY. (STAN HOLLAND)**

- j) **CONSIDERATION OF RESOLUTION NO. 2014-2 (COUNCILOR WURZBURGER). A RESOLUTION DECLARING CITY SUPPORT FOR THE “UNITED FOR HOMES” CAMPAIGN TO RAISE REVENUE FOR THE NATIONAL HOUSING TRUST FUND SO THAT COMMUNITIES NATIONWIDE CAN BE SUPPORTED IN THEIR EFFORTS TO END HOMELESSNESS. (ALEXANDRA LADD)**

- k) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 29, 2014:**
 - 1) **BILL NO. 2014-1: AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987 (COUNCILOR BUSHEE). (JOHNNY MARTINEZ)**

 - 2) **BILL NO. 2014-2: AN ORDINANCE RELATING TO THE PROHIBITION OF THE PROCUREMENT OF TOBACCO BY MINORS; AMENDING SUBSECTION 16-15.4 SFCC 1987, TO AMEND THE DEFINITION OF “TOBACCO PRODUCT” AND CREATE A NEW DEFINITION FOR “ELECTRONIC SMOKING DEVICE” (COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). (ALFRED WALKER)**

 - 3) **BILL NO. 2014-3: AN ORDINANCE RELATING TO SANTA FE SMOKE FREE ORDINANCE, SECTION 10-6 SFCC 1987; AMENDING SUBSECTION 10-6.2 TO INCLUDE FINDINGS RELATING TO ELECTRONIC SMOKING DEVICES AND AMENDING SUBSECTION 10-6.3 TO INCLUDE DEFINITIONS FOR “ELECTRONIC SMOKING DEVICE” AND “TOBACCO PRODUCT” (COUNCILOR TRUJILLO). (ALFRED WALKER)**

- l) ***[Removed for discussion by Councilor Bushee]***

- m) **CONSIDERATION OF RESOLUTION NO. 2014- ____ (COUNCILOR BUSHEE, MAYOR COSS AND COUNCILOR IVES). A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A HOSPITAL STUDY GROUP FOR THE PURPOSE OF GATHERING INFORMATION AND MAKING RECOMMENDATIONS RELATED TO THE CURRENT GENERAL STATE OF CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER). (KATE NOBLE) *(Postponed to the Council Meeting of January 29, 2014)***

- n) **CONSIDERATION OF RESOLUTION NO. 2014-3 (COUNCILOR WURZBURGER AND COUNCILOR IVES). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE FIRE CHIEF TO, FROM TIME TO TIME, COLLABORATE WITH A VARIETY OF COMMUNITY STAKEHOLDERS WITH AN INTEREST IN PROTECTING NEIGHBORHOODS FROM A WILDFIRE, TO PRODUCE AND IMPLEMENT TANGIBLE WILDFIRE MITIGATION STRATEGIES; AND AUTHORIZING THE CITY TO LOBBY THE LEGISLATURE DURING THE 2014 LEGISLATIVE SESSION, FOR FUNDING TO IMPLEMENT WILDFIRE MITIGATION STRATEGIES. (ERIC LITZENBERG)**
- o) **CONSIDERATION OF RESOLUTION NO. 2014-4 (COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE EMERGENCY MANAGER TO, FROM TIME TO TIME, COLLABORATE WITH A VARIETY OF COMMUNITY STAKEHOLDERS WITH AN INTEREST IN MAINTAINING, UPDATING AND MONITORING THE PROGRESS OF PROJECTS THAT ARE PLACED IN THE CITY'S ALL-HAZARD MITIGATION PLAN; AND AUTHORIZING THE CITY TO LOBBY THE LEGISLATURE, DURING THE 2014 LEGISLATIVE SESSION, FOR FUNDING FOR PROJECTS IN THE ALL-HAZARD MITIGATION PLAN. (ANDREW PHELPS)**
- p) **REQUEST FOR APPROVAL OF APPOINTMENT OF PRECINCT OFFICIALS FOR THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION.**
1) **REQUEST FOR APPROVAL TO EXTEND CITY CLERK'S HOURS ON FEBRUARY 25, 2014, FROM 5:00 P.M. TO 9:00 P.M., TO ALLOW PRECINCT OFFICIALS TO VOTE ABSENTEE FOR THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION.**
- q) **CONSIDERATION OF RESOLUTION NO. 2014-___ (COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO EXPLORE THE OPTIONS FOR DEVELOPING A COMMUNITY PARA MEDICINE PROGRAM WITHIN THE FIRE DEPARTMENT AND TO PROMOTE PUBLIC/PRIVATE PARTNERSHIPS TO MAKE SUCH A PROGRAM SUCCESSFUL AND SUSTAINABLE. (ERIK LITZENBERG) (Postponed at December 11, 2013 City Council Meeting). (Postponed)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – DECEMBER 11, 2014.

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council meeting of December 11, 2014, as presented.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and none against.

9. PRESENTATIONS

e) CREATIVE SANTA FE ART SPACE SURVEY REPORT. (CYNDI CONN)

A letter dated January 8, 2014, with attachments, from Cyndi Conn, Executive Director, Creative Santa Fe, is incorporated herewith to these minutes as Exhibit "18"

Ms. Conn read the cover letter into the record from Exhibit "18" Please see Exhibit "18 for the text of this letter. Ms. Conn introduced Heidi Kurtz, Vice-President, Property Development, Artspace, which is the largest nonprofit developer of affordable art spaces in the country.

Ms. Kurtz reviewed the information in Exhibit "18" Please see Exhibit "18' for the specifics of this presentation. Ms. Kurtz noted Artspace is based in Minneapolis, Minnesota. She noted they will be presenting a much more comprehensive summary of the findings provided this evening, at the History Museum. She said the full survey and data is available to everyone.

The Council commented and asked questions as follows:

- Councilor Bushee asked if they have locations in mind.

Ms. Kurtz said they asked about locations in the survey and the priority sites for investigation include the Railyard and Baca Street areas, downtown and the St. Michael's Drive area, which were the 3 top responses.

- Councilor Bushee asked if that is where the responders live or would like to be located.

Ms. Kurtz said they probably don't live there, but would like to be located there.

- Councilor Bushee asked if this is a little along the lines of the beehives, noting there are so many needs in so many areas of the creative industries.

Ms. Kurtz said the bread and butter of what they do is serving individual artist needs in the live/work spaces. The information gathered is helpful in assessing and analyzing the number of organizations seeking affordable performing art space, but she is unsure this project is the right vehicle for this. However, the Governing Body will have the information to show them the need.

- Councilor Ives noted they use the term "self-proprietor," and asked how that differs from "sole proprietor."

Ms. Kurtz said she doesn't know. She said what she means by that term, is the people that live in their buildings might have as many as 3 jobs, and may derive very little income from their art. The hope is that they are cottage industries, micro-businesses, entrepreneurs, and the goal is, by living in the collective space they can increase their income from their art, individually or collectively through forming a company.

a) SANTA FE GREEN CHAMBER OF COMMERCE – 2013 BUSINESS RECYCLING AWARDS. (CINDY PADILLA, GLENN SCHIFBAUER).

Cindy Padilla, Environmental Services Division Director, introduced Carolyn Parrs, Board Chair, New Mexico Green Chamber of Commerce. She said the City has worked closely with Ms. Parrs on business programs and in looking at green businesses in the community.

Ms. Parrs presented the awards for recycling for 2013, as follows:

Santa Fe Recycler of the year – Nate Downey, Santa Fe Permaculture.

Mr. Downey thanked the City, especially the City employees who have been instrumental in helping water harvesting to happen in Santa Fe.

2013 Northern New Mexico Business Recycler of the Year – Positive Energy Solar.

Karen of Positive Energy Solar, thanked everyone on behalf of the entire company, commenting that they won this award last year, and she is surprised to win again this year.

Ms. Parrs thanked the Council for allowing them to be in attendance today to present these awards.

Ms. Padilla said it is important to look at residences, but we also need to look at businesses which generate the majority of our waste. She said it takes a lot of leadership from the business community and the Green Chamber to promote recycling, and she hopes there will be an increase in commercial recycling in the City in the future.

- b) SANTA FE FIRE DEPARTMENT AWARDS: FIREFIGHTER OF THE YEAR – FIREFIGHTER SETH WILLIAMS; UNIT COMMENDATION AWARD – ENGINEER JEFFERY VALDEZ AND FIREFIGHTER ASHELY OWENS; EXCEPTIONAL DUTY AWARD – CAPTAIN FRED HAWKINS; AND WHEELER CIVILIAN RECOGNITION AWARD – FAYE BATES. (CHIEF ERIK LITZENBERG.**

Erik Litzenberg, Fire Chief, presented the awards as listed, reading the criteria for nomination and the letters of nominations for each winner(s) of these prestigious awards.

Faye Bates, Wheeler Civilian Recognition Award winner, said neither herself nor her husband Patrick would be here this evening without the professionalism and speedy response of the 911 dispatcher, and the “miracle men” of Fire Station #7. She said, “I just want to say, once again, how much your professionalism, your personal care and your expertise and authority with which you carried out your duties made all the difference in our lives, and I want the world to know that. You’re very special and I thank you again.”

Mayor Coss thanked Chief Litzenberg, commenting we have always had a special Fire Department in Santa Fe. He said it is always good to hear of these accomplishments.

- c) INTRODUCTION OF AMERICORPS MEMBERS SERVING FOR SANTA FE HABITAT FOR HUMANITY AND EARTH CARE. (RITA KLOFTA)**

Mayor Coss introduced the Americorps members serving for Santa Fe Habit For Humanity and Earth Care as follows: Rita Klofta, Alex Fitzgerald, Aerial Protasnic, Carmen O’Dean, Jackie Monroe, Laura Strutz, Naomi Flores, Macina Hart, Aubrey Coffman, Ashley Zappi, and Gerardo Pineda-Ayala.

Mayor Coss thanked the Americorps members for their contribution to Santa Fe in their service to our country and our community.

d) VELOCITY PROJECT UPDATE. (KATE NOBLE)

A handout from Samobi Industries, LLC, demonstrating the Samobi Blocks, is incorporated herewith to these minutes as Exhibit "19."

Ms. Noble gave a brief overview of the Velocity Project, a key business development initiative, on which staff from the Economic Development Division has been working. A pilot project was launched in 2013. She said the goals of the project includes helping these companies to grow to be able to create jobs, to create a community of entrepreneurs and to invigorate and celebrate entrepreneurial efforts and the development of small businesses in Santa Fe.

Ms. Noble introduced 8 of the 12 people participating in the project, the Class of 2014. Each of the businesses described their business and what they expect to get from participation in the program.

Ms. Noble introduced Ross Cheney, a new member of the Economic Development staff, noted he was involved in the first Velocity Project as a coach and will be continuing his involvement through this Velocity Project.

Mayor Coss departed the meeting to attend a Rosary and asked Mayor Pro-Tem Wurzbarger to assume the duties of the Mayor

CONSENT CALENDAR DISCUSSION

- 12 (I) CONSIDERATION OF RESOLUTION NO. 2014-5 (COUNCILOR DOMINGUEZ).
A RESOLUTION ENCOURAGING THE CITY MANAGER TO ESTABLISH AN
ADMINISTRATIVE POLICY THAT WOULD CLARIFY THAT THE CITY
MANAGER IS ALLOWED TO GRANT ADMINISTRATIVE LEAVE TO
EMPLOYEES WHO SERVE AS A MUNICIPAL REPRESENTATIVE ON A NON-
CITY DECISION-MAKING BODY, IF IT IS DETERMINED TO BE IN THE BEST
INTEREST OF THE CITY. (SANDRA PEREZ)**

A copy of an Action Sheet from the Finance Committee meeting of Tuesday, January 7, 2014, regarding this Item is incorporated herewith to these minutes as Exhibit "20."

Councilor Bushee said she saw this for the first time last night at the Finance Committee, and it puzzled her. She asked Mr. Snyder if he has the ability to do this administratively at this time.

Mr. Snyder said he does have the ability and, although he hasn't done this, it has been done by past City Managers.

Councilor Bushee asked the need for a Resolution. She said this is coming on the heels of lots of flack from people about how we're always passing resolutions that waste staff time. She reiterated she doesn't understand the need for this Resolution, and if this already happens, she wants to know the need.

Mr. Snyder said he has no answer. He spoke with Councilor Dominguez who said he wanted to formalize the practice moreso than currently formalized. He said he has the authority in the Personnel Rules and Regulations, to offer administrative leave to employees on a number of different occasions, this being one of those options.

Councilor Bushee said, "What I would hope, if you for some reason need to do this to formalize [it,] it would really define what non-City Decision-Making body means. Last night it was pointed out that there is a PERA Board, and they mentioned the Municipal Leave, but we don't have anybody but Councilors that serve on the Municipal League [board]. And I wonder, for instance, AFSCME Local 3999 Board members, if they are considered to be a non-City Decision-Making body, and are there other folks that you regularly give this to. And if you're going to do this, first, I don't quite get the point of doing it, and why it's not defined, what non-City Decision-Making body is. This is just peculiar."

Councilor Bushee said, "Can you tell me, does this apply to... We only got two examples last night and it's built in here, PERA and the New Mexico Municipal League, which, I don't know of any City employees that serve on subcommittees or what have you, so it's particular to this PERA Board. Again, I'm asking does this mean, for instance, the officers of AFSCME."

Sandra Perez said, "The two examples listed in the Resolution. The PERA Board, I mentioned to Melissa [Byers] that I know specifically, by their governance, they have positions that are municipal positions. So you have to be currently employed in a municipal government in order to run for those positions. I believe the Retiree Health Care Board also has similar positions."

Councilor Bushee asked if the City currently gives administrative leave to those other officials.

Ms. Perez said, "My understanding is, no. I'm not aware that we've been asked specifically. I know there was a discussion with the former City Manager, and an individual who was an AFSCME member who had been elected to the PERA Board, or else he was joining a subcommittee. And I know that he approached the former City Manager about the possibility of

having that time and to be used for the subcommittee as administrative leave. The current City Personnel Rules say under unusual circumstances, very broadly written. The Former City Manager at that time, given the time frame for when the time was being asked to attend the meetings, the number of meetings that were to occur, his feeling at the time was that it was not in the best interest of the City at that moment to grant that specific leave that was being requested. So, my understanding was that it was denied. I was not part of those conversations or that discussions.”

Ms. Perez continued, “One of the things when this Resolution came forward, and in discussions with Councilor Dominguez and with Melissa Byers, your legislative liaison staff, I pointed out that I saw a benefit for the Resolution, was one. It helped bring some definition, if it was this Governing Body’s policy decision to say administrative leave for services as a municipal representative on a board or commission, that requires a municipal representative that it is in the best interest to grant that administrative leave, that having something that specific is a good policy direction for an otherwise general policy that’s written into the rules. That’s the first part. The second part that I pointed out to Councilor Dominguez was the prescription of the number of hours which really limits the amount of time, thereby reaffirming for the City employee, that the City job is primary, their voluntary work and/or otherwise service on this board was secondary... was very helpful. Because at the State level, there is a similar general policy for administrative leave. Five consecutive days, very broad. They carve out, very specifically, service on a State board or commission, you get administrative leave to attend. They don’t prescribe the number of hours.”

Ms. Perez continued, “My personal experience with it, when I served as the State Personnel Director, I had a staff member who was on both the PERA Board and the Retiree Health Care Board. He joined numerous subcommittees, became the chairman of numerous subcommittees. He worked more for the PERA Health Board and the Retiree Health Care Board than he did for the State Personnel Board [Office?]. It was very difficult to carve back in that time, when the rule so specifically said, you get administrative leave to go. This Resolution calls out the Board as municipal representative, which in our mind says, part of the governance-ship says the position is a municipal representative. Not, oh, I want to be on this Board and I happen to be a City employee. It specifically says it’s a municipal position, you run for it, they’re looking for that level of experience or knowledge that comes with it, and it carves out the number of hours.”

Ms. Perez continued, “In respect to whether or not this covers the AFSCME members and attendance at their Board meetings, we have an AFSCME contract that specifically prescribes the amount of time that AFSCME staff or AFSCME elected officials...”

Councilor Bushee asked if that is a negotiated benefit.

Ms. Perez said, "Yes, that's correct. So we see this as being something other than what the union contract prescribes already for either time on City time or time on their own time to take care of union business. This is something very specific to boards that have a municipal representative."

Councilor Bushee asked Mr. Snyder for an example of when he has authorized administrative leave so far, "or your predecessor."

Mr. Snyder said, "One correction to what Sandy mentioned. I believe the previous City Manager did authorize up to 8 hours a month for the employee to participate on the PERA Board, and that's my belief. However, I have not granted any administrative leave that would fall under this current Resolution in the last 6 months. I have granted administrative leave for other circumstances, not Board-related circumstances."

Councilor Bushee said, "The reason I asked, and I brought this up last night, is I had someone approach me in the past, and it's not anything under my purview, so I said they should talk with you or the previous City Manager. It's my understanding, for instance, we have one employee that works with the Rodeo Board and they've been granted a certain amount of hours, and then we had folks that were serving on either the Queen or Court for Fiesta Council and they were granted less hours. And so, even with this, whatever formalizing that we're doing here, it's still up to the City Manager, and it varies according to what they decide, so I don't quite get the whole effort of formalizing this when you already currently do it. And it doesn't say, okay, we want you to give 4 hours across the board period, so that it's equitable. If I thought that's what we were trying to do, I might be more interested."

Mayor Pro-Tem Wurzbürger said, "It sounds to me, Councilor Bushee, you've made your position clear on this. May I go to Councilor Dominguez."

MOTION: Councilor Dominguez moved, seconded by Councilor Ives, to adopt Resolution No. 2014-05, as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbürger.

Against: Councilor Bushee.

Explaining her vote: Councilor Bushee said, "This is unnecessary. No."

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2014-06 (COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR WATER PROJECTS FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 51ST LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2014. (NICK SCHIAVO)

An amendment sheet to Item 11, Legislative Priorities – Water, submitted by Councilor Ives, is incorporated herewith to these minutes as Exhibit “21.”

Councilor Ives said he believes the Resolution is self evident, noting it is in response to request from our Legislative Delegation that we identify water projects of significance to the City. It’s meant to supplement our existing legislative priorities.

MOTION: Councilor Ives moved, seconded by Councilor Calvert, to adopt Resolution No. 2014-06, as presented by staff and with the amendments set out in Exhibit “21.”

DISCUSSION: Councilor Bushee said she wants to be added as a cosponsor, and is glad to see that staff quickly came up with a long list of projects. She said,, “I hope, given that this Governor has put water on her call, that we, at the very least.... what would you say is your first priority. Are they listed in order of priority, Nick.”

Nick Schiavo said, “Yes.”

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

12. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, HIGH SUMMIT CORP.; SUMMIT SOUTH CO; AND RALPH BRUTSCHE V. CITY OF SANTA FE, CASE NO. D-101-CV-2009-03914 IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEW MEXICO AND QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 10-CV-00617 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO.

Councilor Ives recused himself from participating in the Executive Session discussion regarding Qwest Corporation.

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, in accordance with the New Mexico Open Meetings Act, § 10-15-1(H)(7) NMSA 1978, that the Council go into Executive Session for discussion regarding pending litigation in which the City of Santa Fe is a participant., High Summit Corp. Summit South Co., and Ralph Brutsche v. City of Santa Fe, Case No. D-101-CV-2009-03914, First Judicial District Court for the State of New Mexico; and Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617, in the U.S. District Court for the District of New Mexico.

VOTE: The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.

Against: None.

Abstain: Councilor Ives.

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

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:30 p.m. Councilor Calvert moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dominguez, Trujillo and Wurzbürger voting in favor of the motion, no one voting against, and Councilors Dimas, Rivera and Ives absent for the vote.

14. ACTION REGARDING HIGH SUMMIT CORP, SUMMIT SOUTH CO., AND RALPH BRUTSCHE V. CITY OF SANTA FE, CASE NO. D-101-CV-2009-03914, IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEW MEXICO.

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to “take the City Attorney’s advice in the conceptual discussion that we had.”

VOTE: The motion was approved on a voice vote, with Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzbürger voting in favor of the motion and no one voting against.

15. ACTION REGARDING QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 10-CV-00617 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO.

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to accept staff’s recommendation.

VOTE: The motion was approved on the following roll call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzbürger.

Against: None.

Abstain: Councilor Ives.

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of January 8, 2014, is incorporated herewith to these minutes as Exhibit "22."

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution respectfully requesting that the City of Santa Fe's Congressional Delegation support efforts to build, preserve, rehabilitate and operate rental housing that is affordable for extremely low income veterans and their families. Councilor Bushee, Mayor-Pro-Tem Wurzburger, Councilor Ives and Councilor Dominguez asked to be added as cosponsors. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "23."
2. A Resolution calling on the State of New Mexico and the Public Regulation Commission to follow Santa Fe's lead in making New Mexico the nation's solar power leader and set the goal of generating ten percent of the State's energy from solar by 2020. Councilor Bushee, Mayor-Pro-Tem Wurzburger, Councilor Ives and Councilor Dominguez asked to be added as cosponsors. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "24."

Councilor Calvert said, "Go Forty-Niners."

Councilor Wurzburger

Councilor Wurzburger introducing the following:

1. An Ordinance relating to the single-use bag Ordinance, Section 21-8 SFCC 1987; amending Subsection 21-8.1 to modify the legislative findings related to paper grocery bags; and amending Subsection 21-8.4 to eliminate the requirement that retail establishments collect a paper grocery bag charge of not less than ten cents for each grocery bag provided to customers. Councilors Bushee and Ives asked to be added as cosponsors. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "25."

2. A Resolution directing staff to create and establish an annual award to recognize and honor the accomplishments and contributions of an outstanding woman-owned business that is situated in the City of Santa Fe and establishing a selection committee for the annual award. Councilors Bushee and Ives asked to be added as cosponsors. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "26."
3. A Resolution relating to Construction Apprenticeship Programs; establishing an Apprenticeship Development Task Force to create an Apprenticeship Development Plan for the City of Santa Fe that will benefit Santa Fe County residents and the Santa Fe construction industry. Councilors Bushee and Ives asked to be added as cosponsors A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "27."

Councilor Wurzburger said, "I would just comment editorial on this one, this is one we've long expected for those of us who voted against the Community Workforce Agreement. We were willing to develop a option which would support the apprenticeship program. And so I am looking for sponsors and now you finally see what it looks like after I've been working it out in the community."

4. A Resolution directing staff to work to support development of the Santa Fe Arts & Creativity Center as an Economic Development Project to provide affordable live, work, creation, performance, sales space for artists and creative businesses in Santa Fe and to strengthen Santa Fe's economy. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "28."

Mayor Pro-Tem Wurzburger said the Resolution currently is cosponsored by Councilors Rivera, Calvert, Ives and Mayor Coss.

Councilor Trujillo

Councilor Trujillo asked Brian Snyder, City Manager, to make arrangements to honor the City Champions in Volleyball and Football at one of the City Council meetings in February.

Councilor Trujillo wished a Happy Birthday to his daughter Krystianna, who turned 12 years old on Monday.

Councilor Rivera

Councilor Rivera had no communications.

Councilor Ives

Councilor Ives had no communications.

Councilor Dominguez

Councilor Dominguez wished a Happy Birthday to his son who is 21 years old today.

Councilor Dimas

Councilor Dimas said, "Go Cowboys."

Councilor Bushee

Councilor Bushee said, "Given that I was just reminded when you brought forward the one [Resolution] on the Apprenticeship Program, I would like to dredge up the remainder of what we had discussed in the CWA that was the second version which really dealt with requiring a certain percentage of any jobs to contractors over a certain threshold be Santa Fe residents. Again, I want to reuse it. I think Judy may be the attorney we left off with. They don't have to be I'm going forward with the union section of it, the part that we had some legal opinions that said we can require a certain percentage of jobs be local any time we're spending public dollars, City dollars. So there's a lot of work. It also entailed apprenticeships, but I want to bring up that other piece."

[Staff's question here is completely inaudible]

Councilor Bushee, responding to staff's question, said, "All the legal opinions that you had gotten. Some of it was out of a Boston case and just requiring a certain percentage. You know, we had bounced around between 50 to 100, and I don't know that we want..."

Mayor Pro-Tem Wurzbarger asked, "So are you asking for that information or you're actually introducing something."

Councilor Bushee said, "I'm asking that it be put in the form of a resolution."

Councilor Bushee continued, "And this harkens back to a long time ago, and I've looked up old minutes, but I have a concern and I've had this concern for some time, and we actually gave direction back in 2006, and we didn't get anywhere. But I would like to follow up with creating a policy around how we give out, or administer or offer up any government liquor licenses at the City-owned facilities. I would like to have a policy. And you can look at some minutes. I can forward them to you from 2006 where I raised that and never got a really good response or follow-through on it."

Mr. Snyder said, "If you could forward the minutes, it would be great. I'll definitely look into it."

END OF AFTERNOON SESSION AT 6:40 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Rebecca Wurzbarger, at approximately 7:05 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

- * Mayor David Coss
 - Councilor Rebecca Wurzbarger, Mayor Pro-Tem
 - Councilor Patti J. Bushee
 - Councilor Christopher Calvert
 - Councilor Bill Dimas
 - Councilor Carmichael A. Dominguez
 - Councilor Peter N. Ives
 - Councilor Christopher M. Rivera
 - Councilor Ronald S. Trujillo
- * *[Mayor Coss arrived at the meeting shortly before Item H(7) was heard and considered by the Governing Body]*

Others Attending

Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

David McQuarie, 2997 Calle Cerrada, said he has come here frequently for 13 years to talk about access for people with disability, and there has been some improvement. However, they are falling back again. He said recently there has been a sentiment with the U.S. Federal Highway Administration that the City will survey and bring up all the public right of ways including curb ramps and bus stops. He said the City won't include bus stops because they don't think it's part of the public right-of-way, but he thinks that it is, because after all, the buses drive along all of the roads. He said right now they're not installing signs like they were paid to, "where is the money and who is getting rich." He said overall he requests and his petition is to have an audit done on the City staff for compliance with the public for persons of disability and civil rights issue. He said he

would like people to know that Santa Fe doesn't believe in the disabled. He said he has come here about this over and over again. He said, for example, on Sandoval, if you are disabled and use a mobility device you can use the other side of the street. You can't go on our side. If I can't go on the sidewalk, I'll go in the street and you are liable."

Stephanie Beninato [no address given], said she is here to ask for the Council to give the public some time to be educated about the Charter amendments that will be on the ballot in March. She thinks many people don't understand what's going on. She has been trying to read about it and she has a lot of questions about it. She doesn't understand how this makes the government more transparent or responsible. She one of the Mayoral candidates said he looked at it as being an overseer of the City Manager. She said, "At \$70,000, and you know the manager of the manager is going to be paid more than the manager. We'll be paying the Mayor \$150,000 to oversee when we already have an oversight body that is the Mayor and the City Council now. So again, I'm confused as to why people keep talking about it being stronger, being transparent and more responsible. And I was thinking the City Could help the people make an informed decision by having an education session on that."

Ms. Beninato said she also is concerned about losing the tax on food. She said the economy, dealing with the government, is described as flat, and when it has to do with small businesses, small businesses are supposed to keep raising peoples' pay, but we are in a supposed flat economy. She said, "I believe this \$750,000 represents about 3% of the City's budget on a yearly basis, that's what I've been told. To me, that's what businesses are being asked to grow to do cost of living adjustments on wages. There needs to be parity and responsibility and an obligation, that if you want businesses to grow, then how can you get the City to grow in its revenues without having to raise taxes."

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2013-40: ADOPTION OF ORDINANCE NO. 2014-1 COUNCILOR CALVERT). AN ORDINANCE RELATING TO SEWER RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS; AMENDING SUBSECTION 22-6.2 SFCC 19087, TO ESTABLISH THAT THE SANTA FE HOUSING ASSISTANCE ORDINANCE SHALL HAVE JURISDICTION OVER PROPERTIES OUTSIDE THE CITY LIMITS; AND AMENDING RULE 8A OF EXHIBIT A OF CHAPTER 22, SFCC 1987, CITY OF SANTA FE SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO ESTABLISH CUSTOMER WHOLESALERATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS THAT ARE CONNECTED TO THE CITY SEWER SYSTEM. (BRYAN ROMERO).)(Rehearing required due to lack of notice by publication)**

Mayor Pro-Tem Wurzbarger said this was heard at the previous Council meeting and we're rehearing it tonight, solely for purposes of having the proper notice.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to adopt Ordinance No. 2014-1, as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.

Against: None.

Absent for the vote: Councilor Bushee.

- 2) **CONSIDERATION OF BILL NO. 2013-41: ADOPTION OF ORDINANCE NO. 2014- 2 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE RELATING TO THE CITY OF SANTA FE CAMPAIGN CODE AND PUBLIC CAMPAIGN FINANCE CODE, AMENDING SUBSECTIONS 9-2.3(I) SFCC 1987, AND 9-3.3(E) SFCC 1987, TO AMEND THE DEFINITION OF CONTRIBUTION TO INCLUDE AS A CONTRIBUTION, CERTAIN EXPENDITURES BY PERSONS OTHER THAN THE CANDIDATE OR THE CANDIDATE'S POLITICAL COMMITTEE. (ZACHARY SHANDLER). (Rehearing required due to lack of notice by publication)**

Mayor Pro-Tem Wurzburger said this is being reheard under the same condition as the previous one. She said it was heard at the previous meeting and is on this evening's agenda for purposes of proper notification.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to adopt Ordinance No. 2014-2, as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

Absent for the vote: Councilor Bushee.

- 3) **CONSIDERATION OF BILL NO. 2013-42: ADOPTION OF ORDINANCE NO. 2014- ____ (MAYOR COSS). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; AMENDING ORDINANCE NO. 2013-2 FOR THE PURPOSE OF APPROVING AND ADOPTING A SECOND AMENDED LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC., FOR AN INDOOR MULTIPURPOSE FACILITY, A LOCAL ECONOMIC DEVELOPMENT PROJECT. (FABIAN TRUJILLO) *(This item is postponed to the Council Meeting of February 12, 2013)***
- A. **REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT SECOND AMENDED PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND RODEO PROPERTY, INC. *(This item is postponed to the Council Meeting of February 12, 2013)***
- B. **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY. *(This item is postponed to the Council Meeting of February 12, 2013)***

Councilor Wurzbarger said this item has been removed from the agenda and is postponed to the Council meeting of February 12, 2014.

- 4) **CONSIDERATION OF BILL NO. 2013-43: ADOPTION OF ORDINANCE NO. 2014-3 (COUNCILOR TRUJILLO) AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; AMENDING SECTIONS 12-6-12.6 RELATING TO DRIVING WITH A REVOKED LICENSE; 12-12-3 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; 12-12-11 RELATING TO ABSTRACT OF TRAFFIC CASES; CREATING A NEW SECTION 12-12-3.1 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES AS ARE NECESSARY. (ALFRED WALKER)**

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2014-3 as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

Absent for the vote: Councilor Bushee and Councilor Rivera.

- 5) **CONSIDERATION OF BILL NO. 2013-44 : ADOPTION OF ORDINANCE NO. 2014-__ (COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTION 14-8.14(E) SFCC 1987, TO EXTEND FOR ONE YEAR THE PERIOD DURING WHICH IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100% AND TO REDUCE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS BY 50% FOR A PERIOD OF ONE YEAR THEREAFTER; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (MATTHEW O'REILLY) *(This item is postponed to the Council meeting of January 29, 2013)***

Mayor Pro-Tem Wurzburger said, "I need to note that this has been postponed to the January 29, 2014 meeting, and at that point I will have, before then, a substitute bill that will require an amendment to the title, and therefore the bill will need to be published again.

Councilor Dominguez asked if Item #3 was postponed to a date certain.

Yolanda Vigil, City Clerk, said it is postponed to the Council meeting of February 12, 2013.

- 6) **CONSIDERATION OF BILL NO. 2013-45: ADOPTION OF ORDINANCE NO. 2014-4 (COUNCILOR RIVERA). AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (GREG SMITH)**

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to adopt Ordinance No. 2014-4 as presented, with the amendments in the Council packet.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

Absent for the vote: Councilor Bushee.

- 7) **CASE #2013-93. APPEAL JENNIFER JENKINS, FOR JENKINSGAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR AQUAFINA DEVELOPMENT LLC, APPEALS THE SEPTEMBER 12, 2013 DECISION OF THE PLANNING COMMISSION IN CASE #2013-58, DENYING A REQUEST FOR PRELIMINARY SUBDIVISION PLAT APPROVAL TO DIVIDE THREE PARCELS OF LAND LOCATED AT 4701 AND 4702 RUFINA STREET AND 4262 AGUA FRIA STREET INTO TWENTY THREE LOTS AND DENYING A REQUEST FOR A VARIANCE TO PERMIT THE CONSTRUCTION OF TWO LOT ACCESS DRIVEWAYS INSTEAD OF A CONTINUOUS SUBCOLLECTOR STREET CONNECTING AGUA FRIA STREET TO RUFINA STREET. (ZACHARY SHANDLER AND KELLEY BRENNAN). (Postponed at December 11, 2013 City Council Meeting).**

A Memorandum prepared December 27, 2013, for the January 8, 2014 Meeting of the Governing Body, with attachments, to the Members of the Governing Body from Kelley Brennan, Interim City Attorney and Zachary Shandler, Assistant City Attorney, regarding *Appeal of JenkinsGavin Design & Development, Inc., Agent for Aguafina Development LLC, from the September 12, 2013 Decision of the Planning Commission in Case #2013-58, denying its Application for Preliminary Subdivision Plat Approval and a Variance from the City's Access and Traffic Calming Standards, in Case No. 2013-93*, is incorporated herewith to these minutes as Exhibit "29."

A letter to The Honorable David Coss and Santa Fe City Council, from Liddy Padilla, President, Las Acequias Neighborhood Association, regarding the Aquafina Appeal, in support of the appeal with 3 contingencies set out in the letter, is incorporated herewith to these minutes as Exhibit "30." [STENOGRAPHER'S NOTE: The letter was not dated nor signed, but Liddy Padilla addressed the Governing Body during the Public Hearing and said she failed to sign the letter, but it was from her as the President of the Association.]

A copy of maps and drawings used by Jennifer Jenkins, JenkinsGavin Development & Design, Inc., in her presentation to the Governing Body, is incorporated herewith collectively to these minutes as Exhibit "31."

Mayor Coss returned to the meeting

Public Hearing

Presentation by the Appellant

Mayor Pro-Tem Wurzburger gave Ms. Jenkins 10 minutes for her presentation, noting it has been through committees.

Jennifer Jenkins, JenkinsGavin Design & Development, agent for Aquafina Development was sworn. Ms. Jenkins introduced her partner Coleen Gavin, saying she and Ms. Jenkins are here on behalf of Aquafina LLC, in request for an appeal of a Planning Commission denial of a Preliminary Plat Application that occurred in September 2013.

Ms. Jenkins distributed copies of her presentation to the Governing Body [Exhibit "31"], because she was unable to make her presentation via power point because of technical issues.

Ms. Jenkins said, "The Aquafina properties are located on the west side of the Las Acequias Neighborhood, accessed via Rufina as well as Agua Fria as you can see on the front page of the packet that you have there. And the southern two properties that are adjacent to Rufina you rezoned recently from R-1 to R-3. As part of the rezone process, there was a strong desire among the Las Acequias Neighborhood, that we had been working with very closely on this project, to keep the density of the R-5 piece low. They were very concerned about the R-5 piece that has already been zoned R-5 for some time, and having that developed R-5 densities, they were very concerned about that in terms of the density next to them, in terms of potential traffic impacts. And so as part of the rezone of the southern two tracts, we agreed to develop that R-5

piece at R-3 densities or less, and it's actually quite a bit less, on the condition that these 3 tracts can be accessed via private lot access driveways. The City Code in the Subdivision Standards, says that you can access 8 lots or less with a private lot access driveway. It can be base course or you can do further than that. And the reasoning behind this is when you have very low traffic volumes, a very robust road section becomes somewhat unnecessary and cost prohibitive."

Ms. Jenkins continued, "So we agreed, as part of the rezone approval that, with the lot access driveway configurations, which you can see on the next sheet. And now, the sheet is oriented differently, so Agua Fria is to your left and you can see Rufina to the right, because of the linear nature of the site. So this is what was submitted, which is in accordance with our agreements with you as well as our agreements with the neighbors. We have an 8 lot subdivision, which is about 1½ lots per acre, accessing Agua Fria with an emergency turnaround at the end. And then the two parcels off Rufina are also accessed... there's 8 lots to the north, and then the southern tract to the far right, as 7 lots, and those are also accessed via lot access driveways."

Ms. Jenkins continued, "And in submitting this preliminary plat to City staff and with review by the Planning Commission.... and staff, I wish I could show you this...."

Mayor Pro-Tem said, "So far, everything you're saying, we've been able to follow without technology, so I would appreciate if you would just continue."

Ms. Jenkins said, "A condition from City Staff as part of the preliminary revision review is that the roadway coming north of Agua Fria, that in lieu of the two cul de sacs that kind of abut one another there, that would be one subcollector roadway that would be built all the way to Agua Fria with no access to Agua Fria, so all those homes would have access only to Rufina. And that is problematic for several reasons. One of the big issues is Power Line Road, and I think you all recalled that we had a lot of discussion about power line easement. And if you look at page 2, and you see the little blue house there, it is just to the west next to our property, that is the Tapia Family. They have an easement and that is their access to their home down the power line easement. And if there was a road that went all the way through there, it would be very challenging to prevent further access and cut-through traffic to the power line easement, and that was the wishes of this body. So, that ending, those roads, we protect that. We protect his access because he has a legal easement there, and we also protect, again, any undue cut through traffic through the power line easement which nobody wants."

Ms. Jenkins continued, "So this configuration accomplishes a lot of things. It keeps the density down. We have been asked since day 1 to keep the density as low as possible. It's 23 lots on 11.5 acres. It's the least dense neighborhood in this vicinity. And these lot access driveways enable us to do that."

Ms. Jenkins continued, "And if you look at page 4, this is what, in accordance with staff's request, what the project might look like if we developed the R-5 piece to its maximum density, developed the tract just next to that to 11 lots instead of 8 lots, and developed the last tract on the right to 8 lots instead of 11. It's 51 lots, instead of 23. It's a big difference. The neighbors have been clear, they don't want this. We've been clear, we don't want this. We've been working very hard to accommodate a lot of needs here. And with this application we submitted to the City, we accomplish that. And so with that, I would ask for your support of our appeal request this evening."

Speaking to the Request

Liddy Padilla, President, Las Acequias Neighborhood Association, was sworn. Ms. Padilla apologized for not signing the letter [Exhibit "30"], but she said did present the letter, and it is from her. Ms. Padilla said, "The Neighborhood Association does support the Aguafina project that Ms. Jenkins just presented. We do have 3 contingencies in the letter that we would like to address further with them as this proceeds. But at this point the neighborhood and the Board is very supportive of the 23 lots that are being presented."

Linda Flatt, 950 Vuelta del Sur, member of the Board for Las Acequias was sworn. Ms. Flatt said, "I just wanted to say ditto to what she said. But I also wanted to say it seems ironic to me, as I look at the plans. We have been fighting so hard for less density and we turn around and know now, that Cielo Azul is now going to build 222 houses one property away. Very sad. I just feel that we're one step forward and six back, because we really think the South Side needs to start thinking seriously about density, and we thought seriously about it, that's why we're going with what Jennifer is talking about."

William Mee, President, Agua Fria Village Association, 2073 Camino Samuel Montoya, was sworn. He said, "Usually, when you see someone from Agua Fria supporting a proposal like this, it is because it actually has access to Agua Fria Street, and so this would really set precedence for us. But because it is so low density, it just makes a lot more sense to let these 8 houses have access to Agua Fria, than to force them to go back through Rufina. This Christmas season, I happened to go a lot of the houses on the East side. And a lot of the multi-million dollar

homes with higher density than this are on base course roads, so if it's good enough for the East side, it's good enough for us out there."

Stephanie Beninato, no address given, was sworn. Ms. Beninato said, "I just wanted to talk about the idea that these driveways are 50 foot right-of-ways, at least from what I can see on the drawing. and that's a fairly big driveway, and I think emergency vehicles could get up that driveway and then have an ability to turn around. I've just been working with somebody who is in a subdivision where the road was supposed to be 32 feet wide, and wound up being 20 feet wide, and now they would like the City to maintain it, but the City never agreed to maintain it. So I think also that if these are driveways and the City does not intend to maintain it, that needs to be clearly stated, too, so people 20 years from now, don't have some unrealistic expectation. And that if you agree to a 50 foot right-of-way, and not something that shrinks down over time. Thank you."

The Public Hearing was closed

Councilor Bushee returned to the meeting.

Councilor Dominguez said, "First off, to the Applicant [Appellant], you've received the letter, and do you agree with these conditions."

Ms. Jenkins said, "Yes. We have worked with them and discussed these, and yes, we are in agreement to address their concerns about the lighting and the open space. And the drainage issue, we feel we already have addressed through the way we've engineered it, but we'll continue to dialogue with them as we prepare the final plat application, and make sure everything is working properly."

Councilor Dominguez said his additional question is about the process, and asked what is the next step.

Ms. Jenkins said, "If we are successful this evening, then we will proceed with preparing our Final Plat Application, and we will go back to the Planning Commission. So there is another public hearing, and there's more process yet to go."

Councilor Dominguez asked when they would address the details.

Ms. Jenkins said, "We would kick off on that right away, to finalize the plans and get them detailed."

Councilor Dominguez said, "So you're willing to do it at final..."

Ms. Jenkins said, "With respect to the final, yes, these items will be reflected on the final plat."

Councilor Rivera said, "This was approved by City Council several months ago, and obviously the Planning Commission had issues with it. Is this going to be the process that the Applicant has to follow from here on out, that the Planning Commission potentially rejects everything that the City Council had already approved, and then they have to come back for an appeal every time."

Ms. Baer said, "The Planning Commission read the conditions of the Council very closely, and as they read that condition specifically, it said that they should pay attention to the concerns of the neighborhood. And they felt that they did that, and they still could not support this application."

Councilor Rivera said, "Okay, so again, the process is the applicant still going to the Planning Commission with something that's already been approved by the Council could potentially delay them every time, if the Planning Commission decides..."

Ms. Baer said, "If the Council directs the Planning Commission to approve this, then I believe they would do that."

Ms. Brennan said, "If I may add to this Mayor, Councilors, Councilor Rivera, if you grant the appeal you essentially will be approving the variance and preliminary subdivision plat and the final subdivision plan follows the design approved for the preliminary subdivision plat."

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to uphold the appeal in Case #2013-93, with all conditions of approval as outlined in the letter from the Neighborhood Association, with direction to staff to come up with the Findings of Fact and Conclusions of Law.

DISCUSSION: Councilor Bushee said she is glad the Council approved what the neighbors are requesting, in terms of amenities. She said, "I just want to remind you. I believe it's still in the Code, that any new roads would require bicycle lanes to be striped, so make sure you make note of that."

Ms. Jenkins said, "The lot access driveway standard for just these little dead end roads would not mandate bicycle lanes."

Councilor Bushee said, "Okay. You're right. They've small. All right. Thank you."

[Councilor Calvert's question here is inaudible because his microphone was turned off]

Ms. Baer said, "The Fire Department did ask for secondary access, but specifically said that he would ask for compliance with Fire Code 2009 at the time of development plan or subdivision plat approval. Though he was not specific to that point, he did say that he supported.... He said a couple of things to the Planning Commission. One, was that the County probably would not respond from the Agua Fria side if there were an emergency, and that it would take longer for the City Department to respond if he didn't have access all the way through from Rufina. And then, secondarily, he said that it would take longer if he didn't have access all the way through, but he also didn't say that he wouldn't support this."

Ms. Jenkins said, "If I may just elaborate further, the threshold requiring secondary access is 30 lots, so obviously we're below that. But yes, Tamara is correct. So what is connecting those two cul de sacs are water lines and sewer lines which essentially have to be kind of drivable and accessible. So the idea that we had to accommodate, potentially, an emergency connection there for emergency purposes only, was to overlay that on the 25 foot easement that will be going through there to connect those two cul de sacs, so that would function as that purpose. I respect the Fire Marshal's concern about having to go all the way around and come in through Agua Fria to access that northern tract. So that is quite a doable thing."

Councilor Calvert asked if the Power Line Roadway would be a possibility.

Ms. Jenkins said, "It would be a possibility, but frankly, the Fire Department, if there's a fire they are allowed to go wherever they need to if there is a drivable area. But I think that would be a possibility, but it also would need to be gated and that has other ramifications in terms of Mr. Tapia and all of that. So I don't know if that is an ideal scenario."

[Councilor Calvert's remarks here are completely inaudible because his microphone was turned off]

Ms. Jenkins said, "We can definitely explore that option as we move forward with the final plat submittal, and we will explore and make sure we are accommodating emergency access the best way possible."

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzburger.

Against: None.

I. ADJOURN

Mayor Coss said he has nothing to introduce this evening and said, "Thank you for finishing expeditiously, and we are adjourned."

The meeting was adjourned at approximately 7:45 p.m.

Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
January 8, 2014

The governing body of the City of Santa Fe met in an executive session duly called on January 8, 2014 beginning at 6:05 p.m.

The following was discussed:

- 1) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, High Summit Corp.; Summit South Co; and Ralph Brutsche v. City of Santa Fe, Case No. D-101-CV-2009-03914 in the First Judicial District Court for the State New Mexico

PRESENT

Councilor Bushee
Councilor Calvert
Councilor Dimas
Councilor Dominguez
Councilor Ives
Councilor Rivera
Councilor Trujillo
Councilor Wurzbarger

ABSENT

Mayor Coss

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Marcos Martinez, Assistant City Attorney

- 2) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico.

PRESENT

Councilor Bushee
Councilor Calvert
Councilor Dimas
Councilor Dominguez
Councilor Rivera
Councilor Trujillo
Councilor Wurzbarger

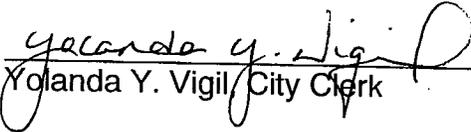
ABSENT

Mayor Coss
Councilor Ives (Recused)

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Marcos Martinez, Assistant City Attorney

There being no further business to discuss, the executive session adjourned at 6:30 p.m.


Yolanda Y. Vigil, City Clerk