



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
SEPTEMBER 24, 2008
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9-19-08 TIME 11:00 am

SERVED BY _____

RECEIVED BY tydominguez

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 – September 10, 2008
8. PRESENTATIONS
 - a) Muchas Gracias – Gerald George, Water Journeyman – 2008 American Water Works Association Rocky Mountain Section Award Recipient. (Gary Martinez) (5 minutes)
 - b) Muchas Gracias – Owen Lopez. (5 minutes)
 - c) Presentation of Fire Truck to Hillsboro Fire Department. (Chief Chris Rivera) (5 minutes)
 - d) Proclamation – September 24, 2008 as Curtis Neal Windham Jr. Day. (Sevastian Gurule) (5 minutes)
9. CONSENT CALENDAR
 - a) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Chavez)
A Resolution Urging the Federal Government to Create an Adequately Funded Comprehensive National Surface Transportation Plan. (Mark Tibbetts)
 - b) Request for Approval of Grant Agreement in the Amount of \$35,000 to be Used for Funding the International Conference on Creative Tourism; State of New Mexico Department of Finance and Administration. (Tom Maguire)



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- c) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger, Councilor Calvert, Councilor Romero and Councilor Bushee)
A Resolution Adopting the Long Range Water Supply Plan. (Claudia Borchert)
- d) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Mayor Coss, Councilor Chavez, Councilor Romero, Councilor Trujillo and Councilor Calvert)
A Resolution Authorizing the Issuance of a Request for Proposals to Prepare a Master Plan for City Facilities at the Siler Road Property and the Downtown City Hall Area. (Martin Valdez)
- e) Adoption of New Fees for Building Permits and Development Review:
 - 1) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger)
A Resolution Adopting New Fees for Development Review Applications Such as Annexation, Rezoning, Subdivision, Development Plans, Special Exceptions, Variances, Appeals, Code Amendments, Etc. Submitted to the Land Use Department. (Jack Hiatt)
 - 2) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Wurzbarger)
A Resolution Adopting New Fees for Plan Reviews, Building Permits, Secondary Mechanical Permits, Secondary Plumbing Permits, Secondary Electrical Permits, Grading Plan Reviews, Grading Permits, and Sign Permits. (Jack Hiatt)
- f) Bid No. 09/04/B – Plaza Construction – Phase II and Agreement; AIC General Contractor, Inc. (Chip Lilienthal)
- g) Request for Approval of Change Order No. 3 – Police Department Renovations – Phase I; Samcon, Inc. (Chip Lilienthal)
- h) Request for Approval of Procurement Under Federal Price Agreement – Heavy Duty Backhoe Loader for Parks Division; Tom Growney Equipment, Inc. (Fabian Chavez)



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- i) Request for Approval of Professional Services Agreement – Project Manager Services; Santa Fe Rape Crisis and Trauma Treatment Center. (David Chapman)
- j) Request for Approval of Capital Cooperative Agreement – 2008 Legislative Appropriations for Engineering Division; New Mexico Department of Transportation. (David Chapman)
 - 1) Request for Approval of Budget Increase – Project Fund.
- k) Request for Approval of Change Order No. 1 – Cerrillos Road Reconstruction Project Phase IIA – Richards Avenue to Cielo Court – New Items not Included in Original Bid; A.S. Horner, Inc. (Eric Martinez)
- l) Request for Approval of Procurement Under Cooperative Agreement – Three (3) 15 Passenger Shuttle Buses; National Bus Sales. (Walter Roybal)
- m) Request for Approval to Re-Budget Cash Balances in CIP Railyard Parking Fund. (Walter Roybal)
- n) Request for Approval of Professional Services Agreement – Renewable Energy Developer for Wastewater Management Division (RFP #09/07/P); Sunedison Utility Solutions, LLC. (Nick Schiavo)
- o) Request for Approval of Contract – Capital Outlay for Senior Services Division; State of New Mexico, New Mexico Aging and Long-Term Services Department. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- p) Request for Approval of Budget Increase for Legal Services in Risk Fund. (Frank Katz)
- q) Request for Approval of Professional Services Agreement – Lobbyist Services (RFP #09/01/P); Mark A. Duran & Associates. (Richard Mares)
- r) Request for Approval of Emergency Management Coordinator Position Under City Manager for Fire Department and Emergency Management Performance Grant. (Chief Chris Rivera)



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- s) Request for Approval of Amendment – Railrunner Phase III Traffic Control Plan at Cerrillos Road/St. Francis and St. Michael's Drive; New Mexico Department of Transportation (David Catanach)
 - t) Request for Approval of New Mexico Army National Guard's Request to Construct an Army Aviation Support Facility on their Leased Property. (Jim Montman)
 - u) Request for Approval of 2009 Employee Holiday Calendar. (Kristine Kublie)
 - v) CONSIDERATION OF RESOLUTION NO. 2008-_____. (Councilor Ortiz, Councilor Wurzbarger and Councilor Dominguez)
A Resolution Designating Water Rights for the City's Northwest Quadrant Project. (Kathy McCormick) (**Postponed to October 6, 2008 City Council Meeting**)
10. MATTERS FROM THE CITY MANAGER
11. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- a) Discussion of Northwest Quadrant and Santa Fe Public Schools, Pursuant to §10-15-1 (H)(8) NMSA 1978.
 - b) Consideration of Filing an Amicus Brief in American Atheists, Inc. vs. Duncan in the United States Court of Appeals for the 10th Circuit in Support of the State of Utah Highway Patrol, Pursuant to §10-15-1 (H)(7) NMSA 1978.
12. Action on the Counter Offer from the Santa Fe Public Schools Regarding the Northwest Quadrant. (Frank Katz)
13. Approval of Filing Amicus Brief in American Atheists, Inc. vs. Duncan. (Frank Katz)
14. MATTERS FROM THE CITY CLERK
15. COMMUNICATIONS FROM THE GOVERNING BODY



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REGULAR MEETING OF
THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. INVOCATION
- D. ROLL CALL
- E. PETITIONS FROM THE FLOOR
- F. APPOINTMENTS
- G. PUBLIC HEARINGS:
 - 1) Request from Shookhee Park for a Restaurant (Beer & Wine) Liquor License to be located at Xiclo Restaurant, 919 West Alameda. (Yolanda Y. Vigil)
 - 2) CONSIDERATION OF BILL NO. 2008-49: ADOPTION OF ORDINANCE NO. 2008-_____.
An Ordinance Authorizing the Issuance and Sale of The City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2008B in an Aggregate Principal Amount Not to Exceed \$23,930,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Refunding And Improvement Revenue Bonds, Series 1997A; and City of Santa Fe Gross Receipts Tax Improvement Revenue Bonds, Series 1999; Providing that the Refunding Bonds will be Payable and Collectible From the Gross Receipts Tax Revenues Distributed to the City; Providing for the Disposition of the Receipts Derived from the Gross Receipts Tax Revenues; Establishing the Form, Terms, Manner of Execution and Other Details of the Refunding Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, in Connection with the Refunding Bonds; Providing for Redemption Of The Series 1997A And 1999 Bonds; Approving Certain Other Agreements and Documents in Connection With The Refunding Bonds; Ratifying Action Previously Taken in Connection With the Refunding Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (David Millican) **(Postponed at August 27, 2008 City Council Meeting)**



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- 3) CONSIDERATION OF BILL NO. 2008-52: ADOPTION OF ORDINANCE NO. 2008-_____. (Councilor Calvert)
An Ordinance Repealing Section 25-2.10 SFCC 1987 for the Purpose of Discounting the Rainwater Harvesting Barrel Rebate Program. (Dan Ransom)

H. ADJOURN

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

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

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

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SANTA FE CITY COUNCIL MEETING
September 24, 2008**

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 24, 2008**

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 September 24, 2008, 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 Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

Others Attending

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

5. APPROVAL OF AGENDA

Mr. Buller said 9(v) states it will be postponed to the October 6, 2008, and it will be a public hearing at that meeting.

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

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

Councilor Chavez said, regarding Item G(3) on the evening agenda, the caption reads in part, "... for the purpose of 'discounting'..."

Councilor Calvert said that should be "discontinuing" not "discounting."

Councilor Chavez asked what happens since it is posted incorrectly, noting it is a public hearing.

Yolanda Vigil, City Clerk, said she doesn't have the Notice of Public Hearing with her, but she believes the notice which was advertised is correct. She will check this prior to the start of the evening session.

6. APPROVAL OF CONSENT CALENDAR

Mayor Coss said Councilor Dominguez has requested, if it is okay with the Governing Body, to have discussion on Consent Agenda Item 9(e)(1) and (2), noting Councilor Dominguez said he will be here in a few minutes.

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

For: Councilor Calvert, Councilor Chavez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Dominguez.

- a) CONSIDERATION OF RESOLUTION NO. 2008-79 (COUNCILOR CHAVEZ). A RESOLUTION URGING THE FEDERAL GOVERNMENT TO CRETE AN ADEQUATELY FUNDED COMPREHENSIVE NATIONAL SURFACE TRANSPORTATION PLAN. (MARK TIBBETTS)**
- b) REQUEST FOR APPROVAL OF GRANT AGREEMENT IN THE AMOUNT OF \$35,000 TO BE USED FOR FUNDING THE INTERNATIONAL CONFERENCE ON CREATIVE TOURISM; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (TOM MAGUIRE)**
- c) CONSIDERATION OF RESOLUTION NO. 2008-80 (COUNCILOR WURZBURGER, COUNCILOR CALVERT, COUNCILOR ROMERO AND COUNCILOR BUSHEE). A RESOLUTION ADOPTING THE LONG RANGE WATER SUPPLY PLAN. (CLAUDIA BORCHERT)**

- d) **CONSIDERATION OF RESOLUTION NO. 2008-81 (MAYOR COSS, COUNCILOR CHAVEZ, COUNCILOR ROMERO, COUNCILOR TRUJILLO AND COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS TO PREPARE A MASTER PLAN FOR CITY FACILITIES AT THE SILER ROAD PROPERTY AND THE DOWNTOWN CITY HALL AREA. (MARTIN VALDEZ)**
- e) ***[Removed for discussion by Councilor Dominguez]***
- f) **BID NO. 09/04/B – PLAZA CONSTRUCTION – PHASE II AND AGREEMENT; AIC GENERAL CONTRACTOR, INC. (CHIP LILIENTHAL)**
- g) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – POLICE DEPARTMENT RENOVATIONS – PHASE I; SAMCON, INC. (CHIP LILIENTHAL)**
- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – HEAVY DUTY BACKHOE LOADER FOR PARKS DIVISION; TOM GROWNEY EQUIPMENT, INC. (FABIAN CHAVEZ)**
- i) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROJECT MANAGER SERVICES; SANTA FE RAPE CRISIS AND TRAUMA TREATMENT CENTER. (DAVID CHAPMAN)**
- j) **REQUEST FOR APPROVAL OF CAPITAL COOPERATIVE AGREEMENT – 2008 LEGISLATIVE APPROPRIATIONS FOR ENGINEERING DIVISION; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- k) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE IIA – RICHARDS AVENUE TO CIELO COURT – NEW ITEMS NOT INCLUDED IN ORIGINAL BID; A.S. HORNER, INC. (ERIC MARTINEZ)**
- l) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – THREE (3) 15 PASSENGER SHUTTLE BUSES; NATIONAL BUS SALES. (WALTER ROYBAL)**
- m) **REQUEST FOR APPROVAL TO RE-BUDGET CASH BALANCES IN CIP RAILYARD PARKING FUND. (WALTER ROYBAL)**
- n) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – RENEWABLE ENERGY DEVELOPER FOR WASTEWATER MANAGEMENT DIVISION (RFP #09/07/P); SUNEDISON UTILITY SOLUTIONS, LLC. (NICK SCHIAVO)**

- o) **REQUEST FOR APPROVAL OF CONTRACT – CAPITAL OUTLAY FOR SENIOR SERVICES DIVISION; STATE OF NEW MEXICO, NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (RON VIALPANDO)**
 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- p) **REQUEST FOR APPROVAL OF BUDGET INCREASE FOR LEGAL SERVICES IN RISK FUND. (FRANK KATZ)**
- q) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LOBBYIST SERVICES (RFP #09/01/P); MARK A. DURAN & ASSOCIATES. (RICHARD MARES)**
- r) **REQUEST FOR APPROVAL OF EMERGENCY MANAGEMENT COORDINATOR POSITION UNDER CITY MANAGER FOR FIRE DEPARTMENT AND EMERGENCY MANAGEMENT PERFORMANCE GRANT. (CHIEF CHRIS RIVERA)**
- s) **REQUEST FOR APPROVAL OF AMENDMENT – RAIL RUNNER PHASE III TRAFFIC CONTROL PLAN AT CERRILLOS ROAD/ST. FRANCIS AND ST. MICHAEL'S DRIVE; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CATANACH)**
- t) **REQUEST FOR APPROVAL OF NEW MEXICO ARMY NATIONAL GUARD'S REQUEST TO CONSTRUCT AN ARMY AVIATION SUPPORT FACILITY ON THEIR LEASED PROPERTY. (JIM MONTMAN)**
- u) **REQUEST FOR APPROVAL OF 2009 EMPLOYEE HOLIDAY CALENDAR. (KRISTINE KUBLIE)**
- v) **CONSIDERATION OF RESOLUTION NO. 2008- ____ (COUNCILOR ORTIZ, COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ). A RESOLUTION DESIGNATING WATER RIGHTS FOR THE CITY'S NORTHWEST QUADRANT PROJECT. (KATHY McCORMICK). (Postponed to October 6, 2008, City Council meeting. This will be a public hearing)**

7. APPROVAL OF MINUTES: Reg. City Council Meeting – September 10, 2008.

Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the minutes of the Regular City Council Meeting of September 10, 2008, as presented. The motion was approved on a voice vote, with Councilors Calvert, Chavez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against and Councilor Dominguez absent.

8. PRESENTATIONS

a) MUCHAS GRACIAS – GERALD GEORGE, WATER JOURNEYMAN – 2008 AMERICAN WATER WORKS ASSOCIATION, ROCKY MOUNTAIN SECTION AWARD RECIPIENT. (GARY MARTINEZ)

Gary Martinez introduced Gerald George, the recipient of the 2008 American Water Works Association, Rocky Mountain Section, Award. He said it is an honor to congratulate him for this prestigious recognition of his work.

Mayor Coss presented the award to Mr. George and congratulated and thanked him for his work on behalf of the City.

b) MUCHAS GRACIAS – OWEN LOPEZ

Mayor Coss said Owen Lopez could not be here this evening, and this item will be postponed to the next meeting.

c) PRESENTATION OF FIRE TRUCK TO HILLSBORO FIRE DEPARTMENT. (CHIEF CHRIS RIVERA)

Chief Rivera introduced Fire Chief Steve Detlov, Deputy Chief Russ Bowen, Firemen Richard Spellman and Don Mahini, and spouses Gloria Spellman and Kay Bowen. He said seven communities made applications for the fire engine, but Hillsboro Fire Department was chosen by the Department, recommended by the Public Safety Committee and approved by the Council on August 11, 2008. He said the decision was made because of Hillsboro's letter of submittal which he read into the record, noting it is in a very depressed area of Sierra County, 34% of the population is over age 65 and 35% is below the poverty level.

Mayor Coss said Hillsboro is a beautiful town. He is pleased to be able to do this for the Hillsboro Fire Department, and presented the title to the 1988 Class A fire engine to the Department.

The Fire Chief thanked the City for this donation and presented the Mayor with a hat from the department. He said the fire truck is a welcome addition, commenting he hopes he won't have to use it, but it is nice to have it when it is needed.

d) PROCLAMATION – SEPTEMBER 24, 2008 AS CURTIS NEAL WINDHAM, JR., DAY.

Mayor Coss congratulated the 2008 undefeated football champions, the Santa Fe Forty-Niners.

Mayor Coss introduced Curtis Neal Windham, Jr. and his wife Michelle. He said we are honoring Mr. Windham for his hard work, dedication and contribution to the youth of Santa Fe.

He presented Michelle with flowers on behalf of the City.

Mayor Coss read the proclamation into the record declaring September 24, 2008, as Curtis Neal Windham, Jr. Day in Santa Fe. He said Mr. Windham is a great volunteer and congratulated him on his winning season, and wished him luck in his new position as a coach at St. Michael's High School.

Mr. Windham thanked the Mayor and the Council. He said his success was because of the members of the team and assistant coaches Cory Bernal, Bobby Sanchez and George Olivas as well as his wife and the other wives who sacrificed a lot so they could work with the kids.

Coach Olivas presented a poster which has been signed by every team member, and indicates the teamwork resulting in the successful season.

CONSENT CALENDAR DISCUSSION

Item 9(e)(1) and (2)

Councilor Dominguez was not in attendance at this time, so Mayor Coss postponed this item until such time as Councilor Dominguez arrives at the meeting.

10. MATTERS FROM THE CITY MANAGER

Mr. Buller said staff is requesting postponement of Item G(2) on the Evening Agenda on advice of the City's bond counsel.

Councilor Calvert moved, seconded by Councilor Romero, to amend the Agenda to postpone item G(2) on the Evening Agenda to the Council meeting of October 6, 2008, and to approve the agenda as amended. The motion was approved on the following Roll Call vote:

For: Councilor Calvert, Councilor Chavez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Dominguez.

Mr. Buller reminded everyone that the Truck for Trash Fall Cleanup day will be held on Saturday in cooperation with Keep Santa Fe Beautiful and New Mexico Clean and Beautiful. He said they will be meeting at the Siler Road Complex between 7:00 and 9:00 a.m., and bags will be given out then. He said after the cleanup, Keep Santa Fe Beautiful is hosting a picnic at Frenchy's Park. He said if more information is needed, please call his office 955-6848.

11. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) **DISCUSSION OF NORTHWEST QUADRANT AND SANTA FE PUBLIC SCHOOLS, PURSUANT TO §10-15-1(H)(8) NMSA 1978.**
- b) **CONSIDERATION OF FILING AN AMICUS BRIEF IN AMERICAN ATHEISTS, INC., VS. DUNCAN, IN THE UNITED STATES COURT APPEALS FOR THE 10TH CIRCUIT, IN SUPPORT OF THE STATE OF UTAH HIGHWAY PATROL, PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

Councilor Wurzbarger moved, seconded by Councilor Romero, that the Council go into Executive Session for the purpose of discussing the Northwest Quadrant and Santa Fe Public Schools, pursuant to §10-15-1(H)(8), and consideration of filing an *amicus* brief in American Atheists, Inc., vs. Duncan, in support of the State of Utah Highway Patrol, pursuant to §10-15-1(H)(7).

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

For: Councilor Calvert, Councilor Ortiz, Councilor Trujillo, Councilor Romero and Councilor Wurzbarger.

Against: None.

Absent: Councilors Dominguez and Chavez.

The Council went into Executive Session at 5:32 p.m.

Councilor Dominguez arrived during the Executive Session

MOTION TO COME OUT OF EXECUTIVE SESSION

At 6:03 p.m., Councilor Trujillo moved, seconded by Councilor Wurzbarger, 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. The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, Trujillo, Romero, and Wurzbarger voting for the motion and none against.

12. ACTION ON THE COUNTER OFFER FROM THE SANTA FE PUBLIC SCHOOLS REGARDING THE NORTHWEST QUADRANT. (FRANK KATZ)

Councilor Wurzbarger moved, seconded by Councilor Ortiz, to accept the counter

offer proposal presented by staff and reviewed in the Executive Committee. The motion was approved on a voice vote with Councilors Calvert, Dominguez, Ortiz, Trujillo, Romero and Wurzburger voting in favor of the motion and Councilor Chavez voting against the motion.

13. APPROVAL OF FILING *AMICUS* BRIEF IN AMERICAN ATHEISTS, INC. V. DUNCAN.

Councilor Calvert moved, seconded by Councilor Wurzburger, to accept the City Attorney's recommendation to file an *amicus* brief in American Atheists, Inc. v. Duncan. The motion was approved on a voice vote with Councilors Calvert, Chavez, Dominguez, Ortiz, Trujillo, Romero and Wurzburger voting for the motion and none against.

14. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

CONSENT CALENDAR DISCUSSION

9(e) ADOPTION OF NEW FEES FOR BUILDING PERMITS AND DEVELOPMENT REVIEW:

- 1) CONSIDERATION OF RESOLUTION NO. 2008- 82 (COUNCILOR WURZBURGER). A RESOLUTION ADOPTING NEW FEES FOR DEVELOPMENT REVIEW APPLICATIONS SUCH AS ANNEXATION, REZONING, SUBDIVISION, DEVELOPMENT PLANS, SPECIAL EXCEPTIONS, VARIANCES, APPEALS, CODE AMENDMENTS, ETC., SUBMITTED TO THE LAND USE DEPARTMENT. (JACK HIATT)**
- 2) CONSIDERATION OF RESOLUTION NO. 2008- 83 (COUNCILOR WURZBURGER). A RESOLUTION ADOPTING NEW FEES FOR PLAN REVIEWS, BUILDING PERMITS, SECONDARY MECHANICAL PERMITS, SECONDARY PLUMBING PERMITS, SECONDARY ELECTRICAL PERMITS, GRADING PLAN REVIEWS, GRADING PERMITS AND SIGN PERMITS. (JACK HIATT)**

Councilor Dominguez said he saw in one of the line items on one of the spread sheets, something about relocation, and he wants to know what this is, noting he saw nothing in the packet about what that meant or what that was specific to. He said, in terms of relocation, he would like to be convinced this is something which will be positive for the public. He said it may be efficient internally, but he wants to know how it will better serve the public.

Mr. Hiatt said the relocation is designed to take care of the overcrowding and some of the issues which surround being located here at City Hall. He said they studied the permits, where they're happening, and the inspections and where those are happening. He said part of the master plan is that when the new building is built on Siler, it has been anticipated in the master plan and the feasibility study that those two divisions would go there – Inspections Enforcement and Permits.

Councilor Dominguez said recently he had to pull a permit, and it was very nice to be able to go from one side of the building to the cashier at the other side to pay for the permit. He asked if thought has been given to the flow and how disruptive this may or may not be to the public. He understands and respects the internal efficiencies and accommodations, but he wants to know how this impacts the public.

Mr. Hiatt said they have gone through a number of processes and thought about this. He said, at the Land Use Subcommittee meeting, Councilor Wurzbarger asked to postpone this discussion on the relocation until the Council can deal with the issues involving the entire general fund, and he intends to do that. In the meantime, the reduction in the anticipated revenues which will be generated from these fees has caused him to rethink the whole thing, because there won't be nearly as many staff as the result of the increases as he had anticipated. He said he will go back, revise the Memorandum, and give you some pluses and minuses about the benefits. However, the relocation won't be done until we have satisfied the Manager, and then he will bring it back to the Council.

Councilor Dominguez said then this fee isn't necessarily to pay for relocation.

Mr. Hiatt said he can reassure the Council that they will not be doing a relocation in the immediate future. He said if he can prepare a Memorandum to the City Manager which is satisfactory and convinces him, he will come back to the Council, through the Land Use Subcommittee and the Public Works Committee. However, they won't be moving right now because there are too many issues floating around.

Councilor Chavez asked, if relocation isn't part of the plan at this time, how many staff can be hired with the fees.

Mr. Hiatt said all of this depends on the revenue and the course of the economy. He said he anticipates that by approving this fee increase, the Council is approving nine FTEs for the Land Use Department. Mr. Hiatt said, "Five of those nine positions are simply permitting us to stay in the same place we are right now, to continue the services that we're providing right now. Four, you can count on, will improve services."

Councilor Chavez said then the fee increase, along with more full time employees, will be equal to improved services.

Mr. Hiatt said it will have a very positive impact.

Councilor Chavez said originally Mr. Hiatt was looking at 18 additional positions, and now it is down to nine.

Mr. Hiatt said at one point in time we thought it would generate enough money for 30 positions, but that's gone, and we're back to nine.

Councilor Chavez said then those nine will be housed where they are currently, and you won't be moving them, nor relocating.

Mr. Hiatt reiterated that he has no anticipation that they will be moving in the immediate future.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2008-82. The motion was approved on the following roll call vote:

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

Against: None.

Explaining his vote: Councilor Ortiz said we are now in a position where these fees aren't going for the uses for which we had hoped. He said because of financial problems we have discovered, these fee increases become a necessity and we have no choice because of financial problems. It was on this basis he voted yes at Finance Committee, and it is on that basis he votes yes now.

Explaining her vote: Councilor Wurzbarger said she votes yes for the very same reasons as Councilor Ortiz.

Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2008-83. The motion was approved on the following roll call vote:

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

15. COMMUNICATIONS FROM THE GOVERNING BODY.

Councilor Dominguez

Councilor Dominguez said he attended a neighborhood meeting earlier this week, noting he and Mr. Buller discussed responsibilities of homeowners in cutting existing vegetation, in this case by the sidewalk in the street as well as on medians. He needs to schedule time with Mr. Buller to come up with a policy on how to deal with that.

Councilor Dominguez said he will be introducing a resolution at the next meeting directing staff to conduct another Youth Summit specific to historic preservation or preservation in general. He said Santa Fe County and the DWI Task Force, along with Rio Arriba, Los Alamos and other adjoining counties want to do a Youth Conference. He said he will be bringing some legislation on that very soon.

Councilor Dominguez said he won't be attending the last Council meeting in October.

Councilor Dominguez would like to add his name as cosponsor to Item 9(c) which was approved in the afternoon session.

Councilor Calvert

Councilor Calvert introduced a Resolution establishing a task force to research, study and recommend alternatives to the City's Alarm System Ordinance, and to recommend a proposed ordinance that would in false alarm reduction. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "1." He asked that it go to the Public Safety Committee, the Finance Committee and then to the Council. He said this is the result of the hearing of the bill at Public Safety where everyone requested a task force to look into this further. He said, in the interest of democracy at it's finest, we will have that task force and limit it to be expeditious to come up with recommendations.

Councilor Calvert asked everyone to support the raffle to help Officer Jason Hill and to purchase the tickets through the Police Department, saying he believes this is a worthy cause. He said anybody in the community can make a contribution to Officer Hill's fund.

Mayor Coss said that probably can be done through the Police Officers Association or the FOP.

Councilor Calvert said grand opening for the Santa Fe Community Convention Center is tomorrow, noting the ribbon cutting is at 10:00 a.m., there will be tours from noon through 3:00 p.m., and the reception will be 5:00 to 8:00 p.m. He said everyone is invited to attend.

Councilor Trujillo

Councilor Trujillo introduced a Resolution directing staff to research and study the establishment of a family-friendly "Movies in the Park" Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Trujillo said he was going to introduce a resolution recognizing and celebrating the River Festival and Fishing Derby as an annual event to be held on the first Saturday in June. However, Gary Martinez and staff at the Water Division want to discuss this more, so he will defer introducing that resolution.

Mayor Coss said when he introduces that Resolution, he would like to be a cosponsor.

Councilor Trujillo said he sponsored a Resolution acknowledging the City Champions last year, but we only gave two trophies. He would like a list of everyone from last year, and he wants to make sure the City acknowledges those teams once they are the City Champions, and not at the end of the school year. He asked Mr. Buller to contact whoever is charge of that, and get it moving forward again.

Councilor Wurzbarger

Councilor Wurzbarger said the Railyard event was amazing and she enjoyed every moment, and said we should all be very proud about what we've accomplished there.

Councilor Wurzbarger reminded the community that on Sunday at 3:00 p.m., they are invited to the Community Convention Center to help us welcome more than 100 international guests and another 100 from the United States, who are attending the Santa Fe UNESCO First International Creative Tourism Conference. This is a four-day conference, and the community is invited to attend at no charge on Sunday afternoon to meet and greet the delegates. On Monday, the community is invited to attend the opening session at no charge. She said further information is available on their website at santafecreativetourism.org if they would like to attend the entire conference. She said the daily fee to attend the conference is \$125 including meals.

Councilor Wurzbarger thanked the Council for their support in this effort, and said the Council will be recognized at the Sunday reception. She said the delegates are particularly interested in meeting with the Governing Body. She said this has been a big effort, but it is something of which we can be very proud. She hopes the community and the Governing Body will attend.

Councilor Chavez

Councilor Chavez reminded the residents in the Sierra Vista/Hickox/Baca Street area that there will be a follow-up neighborhood meeting to develop the neighborhood plan on Monday at 6:30 p.m. He thanked staff for the tickertape to get the word out.

Councilor Chavez said we will be celebrating National Hispanic Heritage Month, and he passed out a schedule of events beginning on September 27, 2008, on the bandstand. There will be a series of workshops showcasing local artists and craftsmen in the hallway of the Community Convention Center until they can move into the new space for some of the presentations during the month. He said a poster will be featured during National Hispanic Heritage Month, noting it was produced in 1979 and the artist has signed and dated the poster. He said the posters will be for sale. He invited the public to the bandstand on Saturday, and to participate in the events during the month.

Councilor Chavez introduced a Resolution in rough draft form directing staff to prepare recommendations for the Governing Body's consideration regarding assistance to Santa Fe's Sister City of Parral, Mexico. The people are in need of humanitarian and technical assistance. He understands they need drinking water badly. He said Councilor Ortiz has asked to cosponsor the Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3." He asked that it go to Public Works and Finance and then to the City Council as quickly as possible.

Councilor Ortiz

Councilor Ortiz said he will be introducing a Resolution regarding the application

process for City or governmental liquor licenses for use on the City Railyard property. He noted Frank Katz sent out an opinion, and the resolution builds on that opinion. He is still working on the Resolution, and it will be in rough draft.

Councilor Ortiz said the St. Michaels/Santa Fe football game is scheduled on Friday. He said he read in the newspaper there is an issue with what is normally scheduled, noting about 2,000 people won't be able to see the game. He said he hopes the City would be in a position to help to resolve these kinds of issues. He asked who is positioned in the City to be the liaison to the Schools. He said the situation is unfortunate, noting that there will be a home field advantage for St. Michael's, but 2,000 people won't be able to watch the game.

Councilor Romero

Councilor Romero said she, Councilor Calvert and the Mayor attended a forum on September 12, 2008, in Pojoaque on No Child Left Inside. She said the idea is to get more children outside with their families educating them. The forum was sponsored by the Sierra Club and the Santa Fe Mountain Center. She said a resolution will be coming forward from Councilor Calvert, Mayor Coss and her to support the coalition. She thinks this links directly to the healthy lifestyles task force work and other work.

Councilor Romero said she and Councilor Wurzbarger will be meeting with Patrick Nicholson the first week in October to talk about one of the first neighborhood plans coming forward, and it should be before "the folks" at the end of October

Councilor Romero said, in the spirit of working better with the County, she contacted Robert Griego and Paul Olafson, and asked Santa Fe County staff to remove six very large *Russian sage* from the County Courthouse area. The County donated those to the Casa Linda Neighborhood Association Park, and they will be donating the rest to a neighborhood park.

Councilor Romero noted, in the spirit of working better with the New Mexico DOT, that trucks were driving behind Santa Rosa Drive at 3:15 a.m. on Saturday morning in the Pacheco Street area. She said Chris Bluett was contacted, noting the residents have had mounds of dirt piled behind their homes. She said Mr. Bluett worked with the contractor, but this is unacceptable. She said it would be really helpful for the City to send a stern message that we want their contractors to abide by the "rules of engagement" to which they agreed – the hours of operation.

Mayor Coss

Mayor Coss said the idea of turning on the water at the rock fountain across from the Hotel St. Francis is a good move, and he asked that we run it for a day or two until we have to turn it off for the winter.

Mayor Coss introduced a Resolution to create a Census 2010 "Complete Count Committee," to provide the City with assistance and advice in obtaining the most accurate and complete population count in the upcoming decennial census. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

END OF AFTERNOON SESSION AT 6:30 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:05 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee

Others Attending

Galen Buller, City Manager
Frank Katz, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

E. PETITIONS FROM THE FLOOR

Bob Martinez said he recently traveled to Parral, Mexico, and was welcomed by the people, government, state and culture. He said there has been a serious flood in Parral, and he wants to assist the people. He said the big issue right now is to get bottled water to the area. He has received permission from Governor Richardson and the Consulate of Chihuahua as of Monday to take humanitarian goods across the border into Mexico without taxation and "without the political and the time frame of going through." He said he will be going to Mexico with a load of items as soon as possible, including bottled water and items of critical need for infants and the elderly.

Mr. Martinez would like the City to become involved, saying a big truck of water would go 100 times further than bottled water. Responding to questions from the Council, Mr. Martinez said the following items are needed:

- 1) Baby food, formula and blankets.
- 2) Potable water, including bottled water.
- 3) No used clothing will be allowed because of concerns about health issues, and all clothing items must be new and in the original package.

4) Someone from the City's Water Division to travel to Parral, to assess the water delivery system and make suggestions to restore clean potable water.

4) Medical supplies are welcome.

Mr. Martinez said people wanting to help can call him at 473-0953. He hopes to get the whole community engaged in providing humanitarian aid to the good people of Parral. He urged the Council to support Councilor Chavez's Resolution. He said he is in constant contact with Rudy Fernandez who is in constant contact with the government of Parral.

Mayor Coss said the Caballeros and the Fiesta Council established a fund at the State Employees Credit Union for donations to Parral, and people can make contributions to that fund by contacting the Credit Union. He asked everyone to help if at all possible, saying these people are really on their own.

Councilor Chavez said Councilor Ortiz has asked to be a cosponsor of the Resolution, noting it is in draft form, and the City will do everything possible within our purview to help in Parral.

F. APPOINTMENTS

Solid Waste Management Joint Powers Board

Mayor Coss said he would like to postpone this item to the next Council meeting, saying he has more work to do on this matter.

Mayor's Committee on Disability

Mayor Coss appointed the following individual to serve on the Mayor's Committee on Disability:

Ronda K. Butler-Villa – to fill unexpired term ending 01/2009.

Councilor Calvert moved, seconded by Councilor Chavez, to approve the appointment.

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

G. PUBLIC HEARINGS

- 1) REQUEST FROM SHOOKHEE PARK FOR A RESTAURANT (BEER & WINE) LICENSE TO BE LOCATED AT XICLO 919 WEST ALAMEDA. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil. She said there has been a liquor license there in the past, but due to the change in ownership, the business is required to submit a new application. She said staff recommends that this business 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 Calvert moved, seconded by Councilor Dominguez, to grant the request for a Restaurant (Beer & Wine) Liquor License to be located at Xiclo Restaurant, 919 West Alameda.

The motion was approved on the following Roll Call Vote:

For: Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

Against: None.

- 2) CONSIDERATION OF BILL NO. 2008-49; ADOPTION OF ORDINANCE NO. 2008- ____ . AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX REFUNDING REVENUE BONDS, SERIES 2008B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$24,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO, GROSS RECEIPTS TAX REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1997A; AND CITY OF SANTA FE GROSS RECEIPTS TAX REVENUE BONDS, SERIES 1999; PROVIDING THAT THE REFUNDING BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM THE GROSS RECEIPTS TAX REVENUES; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE REFUNDING BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, IN CONNECTION WITH THE REFUNDING BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997A AND 1999 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE REFUNDING BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE REFUNDING BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DAVID MILLICAN). Postponed at August 27, 2008 City Council meeting.**

This item was postponed to the Council meeting of October 6, 2008.

3) CONSIDERATION OF BILL NO. 2008-52; ADOPTION OF ORDINANCE NO. 2008-____ (COUNCILOR CALVERT). AN ORDINANCE REPEALING SECTION 25-2.10 SFCC 1987, FOR THE PURPOSE OF DISCOUNTING DISCONTINUING THE RAINWATER HARVESTING BARREL REBATE PROGRAM. (DAN RANSOM)

Councilor Chavez said he has concerns about the word "discounting" which was used in the published caption instead of "discontinuing," and questions whether we should hear this item. He would like to postpone this item to the next meeting, so the correct language is in the caption.

Frank Katz said he believes this is clear, and certainly it was clear from the discussion at all of the committees. It was clear from the article in the newspaper today. He believes if anybody had an interest in the Rainbarrel Program they were put on notice, and would be here if they wanted to speak to it. He believes we can move forward with consideration of this bill.

Dan Ransom said most of the information is in the Memorandum. He said staff continues to look at all of the programs and determine the cost to save an acre foot of water, and each time they do that, the Rainbarrel Program is at the bottom of that list. He said when you add the staff time to run the program, the cost to save an acre foot of water in this program is \$2,963, while the average cost is approximately \$1,700. He said the other programs fall well underneath the \$1,700 mark. This is the way staff determines whether a program is cost effective.

Public Hearing

There was no one speaking for or against the Ordinance.

The Public Hearing was closed

Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2008-50.

Discussion: Councilor Chavez asked Mr. Ransom, in administering the program, if he experienced difficulty in getting the suppliers of the rainbarrels to comply with the guidelines because the rainbarrels had to meet certain manufacturer's specifications and things like that.

Mr. Ransom said yes, and the reason more staff time was spent on this program was because they are doing more inspections of the rainbarrels for qualification.

Councilor Chavez said the City had specifications we wanted all of the retailers to follow. He is hearing this isn't the case, and they were buying rainbarrels which didn't meet the City's specifications and did not qualify for the Rainbarrel Program and caused more staff time to be used than anticipated in the beginning. He said we trusted that the retailers would provide the product which met specifications.

Councilor Calvert said one of the biggest problems was the safety aspect of the barrels.

Councilor Chavez said this is the reason we designed the program as we did, and we trusted that the retailers would provide that product and they did not. He asked if retailers were signing affidavits that their products met specification when they did not.

Mr. Ransom said this is correct.

Councilor Chavez said the cost/benefit analysis is somewhat misleading, reiterating that the retailers which agreed to participate in the program didn't meet their part of the bargain, so that made the whole system flawed. He said rainbarrels should be one of the basic, low tech methods of water harvesting. He said we are going to shift those funds to other rebate programs, so if someone can afford a \$1,000 washing machine, they'll get a \$100 rebate which is good for that family. However, he believes we should keep the program in place for those who can't afford that, but who can purchase 1-2 rainbarrels. He said a dynamic has played out that has made this program less effective. He believes conservation should be a part of the equation. He believes the program should stay in place.

Councilor Calvert said nobody is arguing against conservation as a big part of our water strategy. He doesn't think the entire problem is the suppliers, but there were a few suppliers that ruined it for a lot of people. He said these people provided cheaper rainbarrels, but those didn't meet our specifications in terms of safety. He said the problem with rainbarrels is, although it is very basic technology, what happens with rainbarrels is when there is a drought there is nothing in the barrel because there has been no rain.

Councilor Calvert said we are looking for more productive things, especially with the new bill on our water budget. He said if we were to, for example, help people with their drip irrigation systems, there is more potential to save water. Many people have installed drip irrigation systems, but they don't maintain or operate them correctly and tend to overwater and never adjust them. He believes we can help them and save lots more water than we do with rainbarrels. He said we can get a bigger bang for the buck with our conservation funds by looking at other things, and some are in the outdoor watering arena. He said we haven't spent a lot of time in this area. Most of our conservation efforts to date have been spent inside households. He said the one of the directions we want to pursue which will be more productive is irrigation, and we can spend our money better on those types of things.

Councilor Trujillo noted that Mr. Ransom's Memorandum says that to date less than 100 rainbarrels have been processed for rebate, and asked for an exact figure for this year.

Mr. Ransom said as of the date of the Memorandum it was 89 barrels for the calendar

year. He said in 2007 the City rebated 368 rainbarrels at \$11,040, and in 2008, the City had rebated 89 rainbarrels as of the date of the Memorandum at \$2,670.

Councilor Trujillo said then it's not really a lot of money.

Councilor Calvert pointed out that there is a lot of staff time.

Councilor Trujillo asked if there is a possibility that we could set a limit of 100 rainbarrel rebates per year, noting it is decreasing every year.

Councilor Calvert said anything is possible. However, it isn't just a matter of the money we're spending, it's the results we're getting for the money spent. He said we've spent \$2700 this year, but the question is if we're saving that much water. He said the cost of the program, measured against the water we save, makes it the most expensive thing we're doing right now. He said he would rather spend the money more productively.

Councilor Chavez said he questions why we're getting these results. He said if we were all following the same specifications, staff would not be spending so much time inspecting, and the cost/benefit analysis would be better. He said we're looking at the worst case scenario and because of that, we're dragging this program down which he believes is wrong.

Councilor Calvert said there are several people from the landscape industry on the Advisory Committee, and they work with these things on a daily basis. He doesn't believe they have a particular axe to grind in recommending that we discontinue this program. He does not believe rainbarrels are "all that effective." He said if you're very conscientious and have more than one rainbarrel, you might be able to catch rain and hold it until you need it. However, most people wait until they need it, and they don't have anything in the rainbarrel, and in a drought, that's always going to be the case. In those situations, people will be using drip irrigation systems more, and the reason we'll get more productive use of our resources if we look at those types of approaches.

Councilor Chavez believes it should be all of that. However, he is saying that rainbarrels are the most basic, low technology form of water harvesting. He said people wanted second barrels, but they are rebated for only one. He said we could have provided an incentive to use rainbarrels by letting them buy two instead of one if that works for them. He said most people he knows who use rainbarrels use them because they are trading one gallon of potable water for one gallon of rainwater. This is on their scale of economy and they know what they can collect.

Councilor Chavez said he isn't arguing against the other suggestions Councilor Calvert is making, but he is arguing that we should keep this as part of the conservation program. He said we need to be able to administer a program which provides the most basic water harvesting fixtures.

Councilor Calvert said, just as in the retrofit program, we have no control over whether or not people falsify information, and we can't prevent someone from selling something.

Councilor Chavez said, at the time we established the retrofit program, he said we were setting up an industry which would be similar to the black market because it set the price. He said if we are going to set things in place which depend on outside manufacturers or retailers to provide the service, we should be able to have checks and balances. We shouldn't let a program fall to the wayside because people don't follow the specifications which the City established.

Councilor Calvert said we don't want people to use products that are unsafe, and reiterated we have control over some things, but others we don't.

The motion failed to pass on the following Roll Call vote, because the result was a tie vote, 3 in favor and 3 against, and any vote cast by the Mayor for or against the motion would not result in the five votes which are necessary to adopt an ordinance:

For: Councilor Calvert, Councilor Dominguez and Councilor Romero.

Against: Councilor Chavez, Councilor Trujillo and Councilor Ortiz.

Explaining his vote: Councilor Trujillo said we could limit it to 100 so it works, so he votes no.

Explaining his vote: Councilor Dominguez doesn't believe there is anyone who won't buy a rainbarrel just because they won't get a rebate. He believes people will buy the rainbarrel because it's the right thing to do, so he votes yes.

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 7:35 p.m.

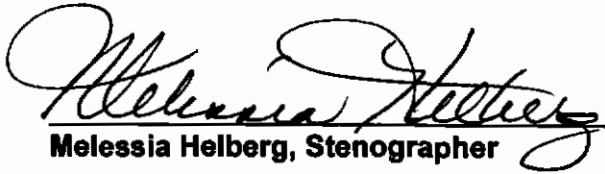
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer