



Agenda REGULAR MEETING OF
THE GOVERNING BODY
JUNE 10, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 6-5-09 TIME 3:10pm

SERVED BY _____

RECEIVED BY Indomiguera

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – May 27, 2009
Special City Council Meeting – June 1, 2009
9. PRESENTATIONS
 - a) Employee of the Month of June 2009 – Jim Gallegos, Leonard Padilla and Cristella Roybal-Siqueiros, GIS Section. (5 minutes)
 - b) Muchas Gracias – Tom Maguire. (5 minutes)
 - c) Muchas Gracias – Science Fair Awards (Councilor Chavez) (5 minutes)
 - d) Muchas Gracias – Cedar Mountain Solar and Los Amigos. (5 minutes)
 - e) Proclamation – 11th Annual Relay for Life. (Gloria Martinez) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 09/28/B – Canyon Road Power Plant (Water History Museum) – Step II and Agreement Between Owner and Contractor; AIC General Contractors, Inc. (Chip Lilienthal)
 - 1) Request for Approval of Budget Increase – Project Fund.



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- b) Bid No. 09/29/B – Water Transmission and Distribution System Rehabilitation Project for Water Division; TLC Plumbing and Utility. (Brian Snyder)
- c) Request for Approval of Professional Services Agreement – Water Rate Evaluation Services Project (RFP #09/22/P); Stepwise Utility Advisors. (Brian Snyder and Maya Martinez)
- d) Request for Approval of Change Order No. 1 (Revised) – Pueblos del Sol Trail System and Park Improvements; Advantage Asphalt and Seal Coating, LLC. (Martin Valdez)
- e) Request for Approval of Procurement under State Price Agreement – 2009 Summer Pavement Maintenance Program – Crack Sealing; Dismuke Construction. (David Catanach)
- f) Santa Fe Municipal Airport. (Jim Montman)
 - 1) Request for Approval of Change Order No. 1 – ARFF Building Construction; AIC General Contractors, Inc.
 - 2) Request for Approval of Agreement – Terminal Building Office, Counter and Floor Space; American Eagle Airlines, Inc.
- g) Request for Approval of Professional Services Agreements – 2009/2010 1% Lodgers' Tax: Community Arts Promotion Program; Eight (8) Various Vendors. (Debra Garcia y Griego)
- h) Request for Approval of Amendment No. 1 to Professional Services Agreement – Preventative Maintenance Program at GCCC; Travers Mechanical Services. (Liz Roybal)
- i) Request for Approval of Funding Recommendations for Human Services Providers for FY 2009/2010. (Terrie Rodriguez)
- j) CONSIDERATION OF RESOLUTION NO. 2009-____. (Councilor Trujillo and Councilor Romero)
A Resolution Approving the Design and Installation Plan for the 400th Anniversary Banners. (Jeanne Price)



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- k) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Mayor Coss)
A Resolution Supporting June 26 as the United Nations International Day in Support of Victims of Torture. (Jeanne Price)
- l) Request for Approval to Publish Notice of Public Hearing on July 8, 2009:
 - 1) Bill No. 2009-32: An Ordinance Amending Section 26-1.16 SFCC 1987 Adjusting the Santa Fe Homes Program Sale Prices for Energy Efficiency; and Making such other Changes as are Necessary. (Councilor Calvert) (Ted Swisher)
 - a) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert)
Request for Approval of a Resolution Amending the Administrative Procedures for the Santa Fe Homes Program (SFHP) to Adjust the Santa Fe Homes Program Sale Prices for Energy Efficiency.
 - 2) Bill No. 2009-33: An Ordinance Amending Certain Items of the Santa Fe Residential Green Building Code, Being Exhibit A of Chapter VII SFCC 1987, to Clarify and Correct Text; to Provide Equitable Requirements for Different Heating and Air Conditioning Equipment that Result in Higher Greenhouse Gas Emissions Than the Equivalent Code-Minimum Equipment; and to Better Align Items With Their Purpose for the Size of Trees at Planting and for Water Efficient Fixtures. (Councilor Calvert) (Katherine Mortimer)
 - a) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert)
A Resolution Amending Certain Items in the Administrative Procedures for the Santa Fe Residential Green Building Code to Clarify and Correct Text; to Provide Equitable Requirements for Different Heating and Air Conditioning Equipment that Result in Higher Greenhouse Gas Emissions Than the Equivalent Code-Minimum Equipment; and to Better Align Items with their Purpose for the Size of Trees at Planting and for Water Efficient Fixtures. (Katherine Mortimer)



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- 3) Bill No. 2009-34: An Ordinance Repealing Article 20-25 SFCC 1987 Maintenance and Installation of Alarm Devices and Systems and Creating a New Article 20-5 SFCC 1987 Regarding Alarm Systems, False Alarm Reduction and Making such other Changes as are Necessary. (Councilor Calvert and Councilor Dominguez) (Melissa Byers and Lydia Lioce)
- m) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Trujillo)
A Resolution Supporting the New Mexico Litter Control and Beautification Act of 1985 which Provides Public Funds in the Form of Grants for the Purpose of Enhancing Local Litter Control and Beautification Programs. (Gilda Montano)
11. CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution Adopting the Fiscal Year 2009/2010 Operating Budget. (David Millican) **(Postponed at May 27, 2009 City Council Meeting)**
12. Request for Approval of Sole Source Procurement and Professional Services Agreement – Landscape Design Services for Santa Fe Community Convention Center; Design Office. (Chip Lilienthal) (Postponed at May 13, 2009 City Council Meeting). **(Postpone to July 8, 2009 City Council Meeting)**
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:

Discussion of Negotiations Concerning Purchase of College of Santa Fe, Pursuant to §10-15-1 (H) (8) NMSA 1978.
15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE



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- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) CONSIDERATION OF BILL NO. 2009-24: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Calvert)
An Ordinance Amending Exhibit I, 'Mountainous or Difficult Terrain Boundary', of Chapter 14 SFCC 1987. (Jeanne Price)
 - 2) CONSIDERATION OF BILL NO. 2009-25: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Trujillo)
An Ordinance Amending Article 24-4 SFCC 1987, The Santa Fe Traffic Operations Program or "Stop", Regarding Violations of the Traffic Code Detected by a Camera or Speed Device. (Anthony Robbin)
 - 3) CONSIDERATION OF BILL NO. 2009-26: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Trujillo)
An Ordinance Amending Section 1-3.2 SFCC 1987 to Increase the Judicial Education Fee From \$2.00 to \$3.00 to Reflect State Law; Designating the Use of the Corrections Fee to Reflect State Law; and Replacing the Traffic Safety Fee of One Dollar (\$1.00) With a Public Safety Fee of Five Dollars (\$5.00) With the Use of Such Public Safety Fee Being Designated to the Police Department. (Judge Ann Yalman)
 - 4) CONSIDERATION OF BILL NO. 2009-30: ADOPTION OF ORDINANCE NO. 2009-_____.
Case #ZA 2009-01. 1411½ Second Street Rezoning. Amalesch Krien, Agent for Adriana Siso and Christel Blomqvist, Requests Rezoning of 0.161± Acre from R-5 (Residential, 5 Dwelling Units Per Acre) to C-2 (General Commercial). The Property is Located East of Cerrillos Road, North of Jay Street. (Donna Wynant)
- I. ADJOURN



Agenda

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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.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
June 10, 2009**

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2009-30; ADOPTION OF ORDINANCE NO. 2009-26. <u>CASE #ZA 2009-01. 1411 ½ SECOND STREET</u> <u>REZONING. AMALESCH KRIEN, AGENT FOR</u> <u>ADRIANA SISO AND CHRISTEL BLOMQVIST,</u> <u>REQUESTS REZONING OF 0.161± ACRE FROM</u> <u>R-5 (RESIDENTIAL, 5 DWELLING UNITS PER</u> <u>ACRE) TO C-2 (GENERAL COMMERCIAL).</u> <u>THE PROPERTY IS LOCATED EAST OF</u> <u>CERRILLOS ROAD, NORTH OF JAY STREET</u>	Approved	24-25
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 10, 2009**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on June 10, 2009, 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 Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

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

Mayor Coss said there is an opening next door at the Community Convention Center, and Councilor Wurzbarger will be representing the City. He said other Councilors who want to attend can do so, as long as a quorum of the Council is present at this meeting at all times.

6. APPROVAL OF AGENDA

Galen Buller said Item 10(h) is to be removed from the from the Consent Calendar because it is going back through committees.

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

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, 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 Chavez, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Ortiz.

- a) **BID NO. 09/28/B – CANYON ROAD POWER PLANT (WATER HISTORY MUSEUM) – STEP II AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; AIC GENERAL CONTRACTORS, INC. (CHIP LILIENTHAL)**
 - 1. **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- b) **BID NO. 09/29/B – WATER TRANSMISSION AND DISTRIBUTION SYSTEM REHABILITATION PROJECT FOR WATER DIVISION; TLC PLUMBING AND UTILITY. (BRIAN SNYDER)**
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WATER RATE EVALUATION SERVICES PROJECT (RFP #09/22/P); STEPWISE UTILITY ADVISORS. (BRIAN SNYDER AND MAYA MARTINEZ)**
- d) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. (REVISED) – PUEBLOS DEL SOL TRAIL SYSTEM AND PARK IMPROVEMENTS; ADVANTAGE ASPHALT AND SEAL COATING, LLC. (MARTIN VALDEZ)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – 2009 SUMMER PAVEMENT MAINTENANCE PROGRAM – CRACK SEALING; DISMUKE CONSTRUCTION. (DAVID CATANACH)**

- f) **SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – ARFF BUILDING CONSTRUCTION; AIC GENERAL CONTRACTORS, INC.**
 - 2) **REQUEST FOR APPROVAL OF AGREEMENT – TERMINAL BUILDING OFFICE, COUNTER AND FLOOR SPACE; AMERICAN EAGLES AIRLINES, INC.**
- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – 2009/2010 1% LODGERS' TAX; COMMUNITY ARTS PROMOTION PROGRAM; EIGHT (8) VARIOUS VENDORS. (DEBRA GARCIA Y GRIEGO)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PREVENTATIVE MAINTENANCE PROGRAM AT GCCC; TRAVERS MECHANICAL SERVICES. (LIZ ROYBAL)**
[This item was removed from the Agenda to be sent back through committees]
- i) **REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS FOR HUMAN SERVICES PROVIDERS FOR FY 2009/2010. (TERRIE RODRIGUEZ)**
- j) **CONSIDERATION OF RESOLUTION NO. 2009-60 (COUNCILOR TRUJILLO AND COUNCILOR ROMERO). A RESOLUTION APPROVING THE DESIGN AND INSTALLATION PLAN FOR THE 400TH ANNIVERSARY BANNERS. (JEANNE PRICE)**
- k) **CONSIDERATION OF RESOLUTION NO. 2009-61 (MAYOR COSS). A RESOLUTION SUPPORTING JUNE 26 AS THE UNITED NATIONS INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE. (JEANNE PRICE)**
- l) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 8, 2009:**
 - 1) **BILL NO. 2009-32: AN ORDINANCE AMENDING SECTION 26-1.16 SFCC 1987, ADJUSTING THE SANTA FE HOMES PROGRAM SALE PRICES FOR ENERGY EFFICIENCY; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT). (TED SWISHER)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR CALVERT). REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM (SFHP) TO ADJUST THE SANTA FE HOMES PROGRAM SALE PRICES FOR ENERGY EFFICIENCY.**
 - 2) **BILL NO. 2009-33: AN ORDINANCE AMENDING CERTAIN ITEMS OF THE SANTA FE RESIDENTIAL GREEN BUILDING CODE, BEING EXHIBIT A OF CHAPTER VII SFCC 1987, TO CLARIFY AND CORRECT TEXT; TO PROVIDE EQUITABLE REQUIREMENTS FOR DIFFERENT HEATING AND AIR CONDITIONING EQUIPMENT THAT RESULT IN HIGHER GREENHOUSE GAS**

EMISSIONS THAN THE EQUIVALENT CODE-MINIMUM EQUIPMENT; AND TO BETTER ALIGN ITEMS WITH THEIR PURPOSE FOR THE SIZE OF TREES AT PLANTING AND FOR WATER EFFICIENT FIXTURES (COUNCILOR CALVERT). (KATHERINE MORTIMER)

a) CONSIDERATION OF RESOLUTION NO. 2009-____ (COUNCILOR CALVERT). A RESOLUTION AMENDING CERTAIN ITEMS IN THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO CLARIFY AND CORRECT TEXT; TO PROVIDE EQUITABLE REQUIREMENTS FOR DIFFERENT HEATING AND AIR CONDITIONING EQUIPMENT THAT RESULT IN HIGHER GREENHOUSE GAS EMISSIONS THAN THE EQUIVALENT CODE-MINIMUM EQUIPMENT; AND TO BETTER ALIGN ITEMS WITH THEIR PURPOSE FOR THE SIZE OF TREES AT PLANTING AND FOR WATER EFFICIENT FIXTURES. (KATHERINE MORTIMER)

3) BILL NO. 2009-34. AN ORDINANCE REPEALING ARTICLE 20-25 SFCC 1987, MAINTENANCE AND INSTALLATION OF ALARM DEVICES AND SYSTEMS AND CREATING A NEW ARTICLE 20-5 SFCC 2987, REGARDING ALARM SYSTEMS, FALSE ALARM REDUCTION AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT AND COUNCILOR DOMINGUEZ). (MELISSA BYERS AND LYDIA LIOCE)

m) CONSIDERATION OF RESOLUTION NO. 2009-62 (COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS. (GILDA MONTANO)

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY, 27, 2009
SPECIAL CITY COUNCIL MEETING – JUNE 1, 2009.**

MOTION: Councilor Wurzbarger moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council Meeting of May 27, 2009, as presented.

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

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the minutes of the Special City Council Meeting of June 1, 2009, as presented.

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

9. PRESENTATIONS

b) MUCHAS GRACIAS – TOM MAGUIRE.

Mayor Coss, assisted by Councilor Wurzbarger, presented a Muchas Gracias certificate to Tom Maguire who is leaving the City to pursue other endeavors.

Tom Maguire thanked the Mayor and Council for this honor. He said he and his wife just returned from a visit to Santa Fe's Sister City, Zhang Jia Jie, China, and presented Mayor Coss with a gift to the City from Zhang Jia Jie. He said he attended an eight day music and arts festival in Zhang Jia Jie in May, and he believes the City is on the right track by having Sister Cities in so many different places. It provides an opportunity for us to talk about Santa Fe in our role as cultural ambassadors to those cities, and thanked the City for having him involved with the Sister Cities program.

Mayor Coss thanked Mr. Maguire for his work, agreeing that the Sister Cities program is important to Santa Fe.

a) EMPLOYEES OF THE MONTH FOR JUNE 2009 – JIM GALLEGOS, LEONARD PADILLA AND CRISTELLA ROYBAL-SIQUEIROS, GIS SECTION.

Mayor read the letter of nomination from Denise Salazar-Vigil and Mary Ann Seiderer into the record and presented each employee with a plaque and a check from Employee Benefits Committee. Mayor expressed appreciation for their exemplary work on behalf of the City.

Jim Gallegos thanked Denise Salazar-Vigil for instilling a team spirit among the three of them, and the Governing Body for this honor. Christella Roybal-Siqueiros thanked Denise Salazar-Vigil, the Mayor and Council, coworkers and the public that makes their job easy. Leonard Padilla thanked Denise Salazar-Vigil, his coworkers and the Mayor and Council for this honor.

Councilor Dominguez thanked them for their work saying, as a fellow cartographer, he understands their value to the City.

c) MUCHAS GRACIAS – SCIENCE FAIR AWARDS (COUNCILOR CHAVEZ)

Mayor Coss, assisted by Councilor Chavez, presented Muchas Gracias to students winning Science Fair Awards, only one of whom was in attendance which is Sarah Hartsey, a student at Desert Academy, who won first place at the New Mexico State Science & Engineering Fair in Junior Chemistry.

Mayor Coss said other winners in the Science and Engineering Fair are: Alexander Wang, Pinon Elementary School, Mathematical Sciences; Daniel S. Ben-Naim, Pinon Elementary School, Microbiology, Serena Robinson, Santo Nino Regional Catholic School, Medicine & Health Sciences and Sophie Farr, Santo Nino School, Physics and Astronomy. Councilor Chavez would like to mail the certificates to those who are not in attendance this evening.

d) MUCHAS GRACIAS – CEDAR MOUNTAIN SOLAR AND LOS AMIGOS.

Mayor Coss presented Muchas Gracias Certificates to Cedar Mountain Solar and Los Amigos for being exceptional partners in the green collar job apprenticeship program, for their commitment to local youth and to community work force development, noting they were nominated by Fabian Trujillo, Economic Development.

The representatives of Cedar Mount Solar and Los Amigos thanked the Council for this great program, saying we need to continue to educate our kids who are our future, and said it is an honor to work with YouthWorks, an outstanding organization in the community, and looks forward to working with in the future.

Mayor Coss thanked the representatives from YouthWorks for their assistance.

Councilor Trujillo said YouthWorks was a great help with the fishing derby over the weekend, noting they cleared that stretch along the river, which he appreciates very much.

e) PROCLAMATION – 11TH ANNUAL RELAY FOR LIFE. (GLORIA MARTINEZ)

Mayor Coss read the proclamation into the record, and presented it to Elena Chavez-Tercero who is representing the American Cancer Society.

Councilor Chavez said the City Council committed to a team and so far Councilors Dominguez and Trujillo and himself have signed up. He said they are pledged to walk two hours each, and people can recruit family and friends to help them.

Elena Chavez-Tercero spoke about the Relay for Life function on May 12th at Santa Fe High, and issued a special invitation for cancer survivors to come at 4:00 p.m. She said the first lap will be at 5:00 p.m., and survivors will take the first lap led by mariachis. She spoke about the genesis for this event, and that it is an opportunity for people who don't have cancer to understand what it means to have cancer, as well as a way to raise money. She said St. Vincent's Hospital, PNM, Best Buy and others are participants. She urged the Governing Body to attend and participate and encouraged the public to participate as well.

Councilor Chavez asked Councilor Romero if she would be available to read the proclamation on June 12th. Ms. Chavez-Tercero said the best time to read the proclamation would be right before the survivor's lap at 5:00 p.m.

Councilor Romero said she would be honored to attend and read the proclamation, noting her sister is a two-time survivor of ovarian cancer. Councilor Chavez said his mother passed away of breast cancer and his sister has just been diagnosed with breast cancer. Councilor Trujillo said he lost his father when he was 19, and his wife Amber had cervical cancer. Councilor Bushee said her mother is a breast cancer survivor, noting Councilor Dominguez's mom currently is undergoing treatment for breast cancer.

Councilor Dominguez said he has worn the ribbon to every meeting, even before he found out about his mother. He said he will be participating at 2:00 a.m.

Ms. Chavez-Tercero said people wanting more information can go to www.relayforlife.org/sfnm. She said it isn't too late to join the effort.

11. CONSIDERATION OF RESOLUTION NO. 2009-64. A RESOLUTION ADOPTING THE FISCAL YEAR 2009/2010 OPERATING BUDGET (DAVID MILLICAN). (Postponed at May 27, 2009 City Council Meeting)

A copy of a three-page document, distributed to the Mayor and Councilors by Councilor Wurzburger, which includes her proposed action, conditions and amendments, is incorporated herewith to these minutes as Exhibit "1."

David Millican, Finance Director said the Finance Committee has had four meetings on the budget and the Council has had two meetings. At the last meeting, at the direction of the City Council, staff identified an additional level of budget balancing measures for Council consideration totaling \$1,244,000. The Council also identified a number of priorities which it felt were sufficiently high priority that they should be added back into the budget. He said a list of these are included in the packet. He said, as he reviewed all of the motions which were made at the last meeting, he discovered that his list did not include the restoration of the Neighborhood Planner position. He said the net change, as the result of Council direction, the net of the priorities which are restored to, or included in the budget, the total budget proposed by the City Manger, with add-backs, will use about \$700,000 less than the budget which was recommended and proposed by the City Manager and staff.

Councilor Wurzburger said her motion is built on the "fixes up" from where we were at the end of the last meeting, where we spent significant time debating the most recent version of the budget and had made a variety of amendments which were accepted by the majority of the Governing Body.

MOTION: Councilor Wurzburger moved, seconded by Councilor Bushee for purposes of discussion, "to [adopt Resolution No. 2009-64] approve the City Manager's proposed budget, including the recommended levels of reserved and designated fund balances in the General Fund, subject to the following conditions and incorporating the amendments that follow: Reductions in cost identified by the City Manger and Finance Director as a result of the direction given by the City Council at the May 27th and June 1st City Council meetings as follows:

1. Correction of calculations to reduce personnel cost appropriations by \$562,000 in all affected funds and business units;
2. Reduce appropriations for pro-rata shares of insurance costs by \$200,000 in all affected business units;
3. Reduce General Fund appropriations totaling approximately \$69,000 for housing planner and

direct staff to return with consideration of these positions under the Critical Positions funding program;

4. Reduce appropriations totaling \$97,000 for a full time Culture, Arts and Tourism Planner in the Convention and Visitors Bureau fund;
5. Establish an \$85,000 General Fund savings estimated funding source resulting from a voluntary furlough program extended to employees who do not work on 24/7 operations;
6. Establish a \$75,000 General Fund Savings estimate based on Council's direction to staff to reduce contract expenditures by at least \$75,000;
7. Reduce Fire Department payroll appropriations by \$30,000 to reflect change in Assistant Fire Chief's expected retirement;
8. Reduce appropriations for Department Directors and City Manager to reflect imposition of a mandatory forty-hour furlough; and
9. Implement additional reduction approved by the City Council at its June 1st meeting by reducing the appropriation for the PIO [Public Information Officer] after the incumbent leaves the position in the summer of 2009. The estimated savings for Fiscal 2009-2010 is \$75,000. Savings in future years will approximate \$85,000.

In addition, increase appropriations in the City Manager's recommended budget to reflect the City Council's judgment that the following items are high priorities and should be funded in Fiscal 2009-2010:

- a) Restore proposed reductions in the Library Division's budget by increasing appropriations for supplies and book purchases by \$85,000 for the entire system including the Southside Branch with funding from the General Fund and the CIP GRT Fund;
- b) Appropriate \$50,000 in the CVB and Arts Commission for contract planning services provided by one or more vendors related to CAT Plan implementation.
- c) Restore the Children and Youth allocation percentage from 85% of the normal allocation level to 100% (3% of State-shared Gross Receipts Tax) for an increase of \$166,000 to prevent use of Children and Youth Fund balances to support programs in Fiscal 2010 and to sustain funding in future years;
- d) Reallocate funding for Airport fire operations from the Fire/Public Safety Property Tax Fund to the traditional source of funding, CIP GRT (\$377,000) and from the General Fund (\$100,000);
- e) Appropriate \$75,000 from the General Fund for a new firefighter position to the Fire Department budget; and

- f) Appropriate \$65,000 from the General Fund for winter homeless program support.

EXPLANATION OF THE MOTION: Councilor Wurzbarger said, "And again the amendments that follow are the amendments which were previously approved by the majority of the Council, that at the end of the meeting when the vote was called for the whole package, the budget was defeated.. The amendments, again are listed on page 2 and page 3 [Exhibit "1"] which were drafted by Dave Millican by going through the minutes that were produced from the meeting to make sure that we had a clear understanding of what we actually passed, or didn't pass. The first condition that I have is with respect to a contingency plan, regarding the concern of several of us that weren't convinced that the general revenue fund may meet the forecast that we have, and I'm not going to beat that to death.

CONTINUATION OF THE MOTION: "Condition 1. Contingency plan. If General Fund revenues drop more than 9% on a year-to-year basis between September 30, 2009 and December 31, 2009, or if mid-year forecasts predict that revenues for the fiscal year will fall below estimates by more than 1%, staff is directed to prepare budget contingency plan to assure that the Fiscal 2009-2010 budget, meaning this budget, is in balance at the end of the fiscal year. Any plan submitted shall not propose use of the Economic Contingency reserve or the State Required budget reserve to provide funding to balance the budget.

Condition 2. Restructuring. Immediately after the adoption of the budget by the City Council the City Manager is directed to reconvene the Restructuring Committee, which has been in process, described in previous budget presentations and to prepare a report of organizational and service restructuring options to reduce the long term costs and increase the organizational efficiency and effectiveness. This report shall be prepared and presented to the Finance Committee by November 30, 2009, with review by the City Council in December for early January.

The study shall include, but by no means be limited to, alternative approaches to service delivery, examination of duplicated functions across the organization, the benefits of centralized compared to decentralized support services, manage numbers, responsibilities, spans of control and pay levels."

CLARIFICATION OF CONDITIONS: Councilor Wurzbarger said, "The only other comment I would make with respect to these two conditions, is that both of these are meant to avoid the problem of getting six months down the road and being back where we've been for the past five months. I do have one more I'll introduce if Councilor Ortiz does not come."

DISCUSSION ON THE MAIN MOTION: Councilor Chavez noted there is a flow chart in the packet. He said, "First, I want to talk about the budget as it was proposed. Staff was directed to reduce their budgets. They did what they were directed to do, and now we're discussing an amended version of that. The budget that was presented by staff was pretty well thought out over a couple of months, and we never really acted on that, but now we're discussing this. So, David, you mentioned earlier that there was a \$700,000 amount. Now, is that the difference between what your proposed budget would have called for versus this amended version."

Mr. Millican said, the schedule I think that Councilor Chavez is looking at is in Section 11, the last page of the four pages included in Section 11, and it's described as Council Directed Balancing and Areas of Concern. He said this schedule actually does have the error that I mentioned, which was to not pick up the restoration of the Neighborhood Planner. But this schedule shows that the total add-backs of \$441,000, which actually should be \$100,000 higher because of the Neighborhood Planner, give or take three thousand, net of the additional reductions that were directed by the Council to the staff, would end up reducing the fund balances in the City by \$700,000 less than the budget proposed by the City Manager. And, the City Manager budget basically look at \$2 million worth of use of General Fund reserves, about \$250,000 of the reduction in use of reserves is in the General Fund, and the other is in other funds at the City.

Councilor Chavez said, "I guess I can appreciate Councilor Wurzbarger's proposal and motion, but I was in the dark on this until about eleven o'clock this morning, and I thought, gee, the budget as far as a municipality is concerned, is the single most important policy that the municipality deals with. And, we've been playing around with this for two months now. And so, I thought, gee, I'd like to know a little bit about what might go on this evening, or this afternoon, and I thought, I haven't heard anything, who could I call, who should I call, who is there to call. So, I called the Finance Director and said, gee do you know anything about what's going on. Have you heard anything. He says, well yes, there's a little proposal that's being floated around... couldn't give me specifics, and I prodded a little bit more and I was told he was directed by a Councilor not to give out that information."

Councilor Chavez continued, "So, now the moving target continues. We're provided with information at the eleventh hour, and we're just expected to just accept it and we should just approve the budget and move on. We had that option. We chose not to pursue that option, and continue with the gamesmanship and backdoor negotiations or deals I knew nothing about. I appreciate the Mayor trying to call me this afternoon. So, I don't know if one would run a business this way, but I really don't think this is the way to be running a city, a municipality. And I don't know that I can agree to everything that's in here, and I'd have to look at it a little bit more, but what I don't appreciate is getting the information at the last minute, even though it's similar, but not that much different than the last time. So, why couldn't the information have been provided."

Councilor Bushee said her experience in this budget process is that everything has been provided at the last minute, and said she had no knowledge in advance the last time we voted on this budget, nor did she have that tonight, but she has decisions to make. She said there is nothing in Exhibit "1," which clarifies what we did at the last meeting with regard to the review that we asked to be done for Public Safety.

Mayor Coss said that is contained in Condition #2 on restructuring.

Councilor Bushee said there was a very specific direction.

Councilor Wurzbarger said this is something which was missed by pulling all of this out of the minutes and should be in the motion.

Councilor Bushee noted she used the term "strategic planning," wrongly at the previous meeting, and asked another Councilor to provide their own version of their expectations for this direction.

FRIENDLY AMENDMENT: Councilor Trujillo said we agreed there would be a joint hearing of the Finance and Public Safety committees with the Police Department. Mr. Millican said the action started as a joint hearing of the Finance Committee and the City Council, and then evolved into a City Council consideration item. The motion appeared to say that the review of organizational structure for Police and Fire should be done by the fiscal year, which he believes meant between now and June 30th. Councilor Bushee asked that this be inserted as a part of Condition #2. Mayor Coss believes the action is to be done in the upcoming fiscal year, and not in this fiscal year, and Councilor Trujillo agreed. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

FRIENDLY AMENDMENT: Councilor Bushee would like to include in Condition #2 that the Finance Committee will review the Sick Leave Buyout Policy, how effective it has been, how costly, the genesis of this policy, all of the pieces with regard to the Sick Leave Buyout Policy. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS**

FRIENDLY AMENDMENT: Councilor Bushee asked, regarding 9(f) of Exhibit "1," to specify \$50,000 from the General Fund for a Winter Homeless Program operated by the Interfaith Community Shelter Group with Faith at Work, which is a 501(c)(3), and \$15,000 of that amount be applied toward Youth Shelters and Family Services Street Outreach Program. **THE AMENDMENT WAS FRIENDLY TO THE MAKER WITH THE CLARIFICATION THAT COUNCILOR BUSHEE IS REQUESTING \$65,000 – THE \$50,000 PLUS \$15,000, FOR A TOTAL OF \$65,000. THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Bushee noted the list of contracts which were provided to the Governing Body, saying she wishes she had the wisdom of the Finance Chair, because she understands he has reviewed the contracts and has a way of looking at this differently. She said this has been done in piecemeal fashion and hopes the next process is better and more comprehensive and effective.

Councilor Wurzbarger would like to wait a few more minutes to see if Councilor Ortiz arrives at the meeting.

CLARIFICATION ON THE MOTION REGARDING A NEW FIREFIGHTER POSITION: Councilor Trujillo asked, regarding Item 9(e) of Exhibit "1," the appropriation of \$75,000 from the General Fund for a new firefighter position, if this is the position which is created from the Short Term Rental position – which was in Land Use, but is being moved to the Fire Department. Mr. Millican said that was not designated by the Council when the motion was made for the \$75,000, it was the addition of an additional firefighter position. He said, "So, the assignment, based on my understanding, would be made by the Fire Chief." Councilor Trujillo said, "So this is an additional position, and not the one... we already have that other one covered." Mr. Millican said this is correct.

CLARIFICATION ON THE MOTION REGARDING THE NEIGHBORHOOD PLANNER: Councilor Bushee asked if the Neighborhood Planner was added to the budget. Councilor Wurzbarger said, "It's in." Mr. Millican said, "Yes. The listing of the motion that you see does not remove it, so it's in because it was included. Councilor Bushee asked the source of the funding. Mr. Millican said, "It's funded from the General

Fund. It was included in the City Manager's recommended budget. We had identified elimination of it because it was a vacancy as a potential further budget balancing measure." Councilor Bushee asked if funds are now coming from reserves. Mr. Millican said, "Actually, it's not going to come from reserves because of the additional budget balancing measures directed by the City Council, so it will not increase the use of reserves."

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED. Councilor Romero said, "I am supportive of these amendments, and I believe that they did come... they came late, but I think we all had an opportunity to review them. In addition to this, I also looked at the Phoenix budget, which... they were facing tremendous difficulty over the last year, and their process was much more of a strategic planning process that included the community. So, it wasn't folks being able to pick what they wanted from a budget, it actually was one that the staff looked at carefully, reviewed and prioritized with the City, rather than themselves, so it was a little bit of a different process. So, we talked about that kind of strategic planning. I would encourage my fellow Councilors to look at what Phoenix has done, that did include about 15-20 community meetings, so that the public also was aware of when you make cuts and it affects services, what are the implications."

Councilor Ortiz arrived at the meeting

Councilor Romero continued, "I am encouraging all of us to take a look at what was done with other cities, and I know Santa Fe does things in a different way, but good, bad or indifferent, I would encourage us to see what others have done that have been successful in that community dialogue for reaching our mutual goals. Mayor that was it. I think we are clear. I will say one thing on the \$75,000, on the contracts. I did look at those very carefully and there is a different way to sort them there in Excel spreadsheet. Most of those expire June 30th. I think staff was going to look at them carefully to see, from their perspective, what the balance was between what was expected, what staff could do, and they were aiming for \$75,000, Dave I think that's the direction, without Council looking at each one, which is not our job. It's actually staffs' job to look at those contracts very carefully and evaluate the efficacy of those \$75,000 worth of contracts. So, in my review of them, some of them did expire, there's some that absolutely had to go forward. There's others that could be, potentially, reduced to the tune of \$75,000. Dave, do you want to add anything to that."

Mr. Millican said, "Our intent was to be more rigorous in our review of contracts and recommendation of those contracts to the Finance Committee and to the Council. We're already begun a process... or I've begun a process at my level for that contract review, and we think that that will be the.... because most contracts are on an annual basis, that renewal is the best place to do contract control, but there are certainly other options possible, some of them which have been mentioned by the Council."

Councilor Wurzbarger said, "I want to, Councilor Romero, if I may, I just want to not put words in your mouth. Because of previous discussions, I want to be clear that all of the items in here are not new today. This was my effort to try to pull together, from the minutes, the decisions that had been made by this group. And so, just in terms of your comment, that the newness, or the most recent newness with respect to this item, had to do with our last meeting. And, again, I think we've all struggled collectively, to try to figure out the evolution of this budget, and so this was my attempt – not to do something behind closed doors. What

I've added to this process is some kind of clarity on what... you know, a starting point from where we were last time, which frankly was very confusing to me at the end of the meeting, which was I didn't know what I was voting on, which was one of the reasons that I voted against the budget at the last meeting. As well as the fact that I felt that the two items that I have repeatedly talked about throughout the budget process, both what assurance I had around the forecast, as well as the issue of restructuring, had not been met."

Councilor Wurzbarger continued, "So, what I have done is to have worked with staff, who have been involved in many other things as well, and came up with these today so that they could be brought forward and have something to work on tonight. So, I appreciate the opportunity to explain that."

Councilor Chavez said, "Again, Councilor Wurzbarger, I appreciate that, but at eleven o'clock, when I called, all I asked for was the information, the same information we have now. I was told by staff that you directed them not to distribute this information."

Councilor Wurzbarger said, "I had not finished this until this afternoon and that's why you didn't get it. It was finished this afternoon, and it is brought to you at the same time. I hope you can deal with the two amendments."

FRIENDLY AMENDMENT: Councilor Wurzbarger proposed to amend the motion, to add a new Condition 3, which requires the City Manager to direct his staff to contact vendors that have professional services contracts which are charged to the General Fund, and that have unspent balances exceeding \$25,000, to request that they accept a reduction of 5% in remaining compensation for the scope of work defined in the contract, effective July 1, 2009. Contracts related to Children and Youth, Human Services and Economic Develop Allocations, the School District and affordable housing related contracts are excluded from this requirement. Staff should inform the vendors of the City's difficult financial situation and make them aware that the labor contracts have been reopened to seek similar concessions. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

CONTINUATION OF THE DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Bushee asked Councilor Wurzbarger if she has any idea of any projections, or does staff.

Councilor Wurzbarger asked if staff has more projected numbers.

Mr. Millican said, "We don't have a good projection of what that would result in, but it would be funding in addition to the \$75,000 identified in the earlier recommendations. One of the things we have in our contract list is how many contracts we had, what the balances were three months ago, but we need to look at the balances now, in terms of... because we don't really want to be talking to people who are within a week or two of completing the scope of work. We want to talk to people with a significant amount of money. It appears that \$25,000 was at a reasonable level to start to look at, as opposed to smaller contracts."

Councilor Chavez said, "So David, in this contract list, there's one contract that kind of "jumped out" at me anyway. It's a contract that we pay the State Tourism Department staff time over at the Visitor's Center, I think at the Lamy Building. And that's about a \$25,000 contract. Would that be part of Economic Development, or is that somewhere else."

Mr. Millican said, "That's not going to be a General Fund contract. It would be in the CVB budget. And, at this point in the year, they probably don't have \$25,000 left on that, so the best place to look at that contract is as it renews for the next fiscal year."

Councilor Chavez said, "So, that would be something that we would have to track, because I can see maybe having that Visitors Center before we were able to build the new facility, but it seems that with the new facility, we ought to be able to do some sort of one-stop shop and even combine the Bienvenidos Center and the one at the Lamy Building into our new facility and provide that information to our visitors. So, that's one contract. It's a long list of contracts, and so I think that's one that I had identified that comes to mind right away. And, then, will we continue to track the contracts as we move forward, because we continue to approve contracts for consulting work and outside vendors, or what have you, and so, are we going to reduce their amounts by this same 5% as we move forward. What's the plan on that."

Mr. Millican said, "This motion does not directly address the question of contracts approved on an ongoing basis. So, I think the direction the City Manager has had and that we are taking, is that we want to be sure that we have the right scope and the right amount of money. But, we had not anticipated having somebody agree to a price, and then immediately ask them for 5%. We should negotiate a 5% lower price if we do that, and that should be in the contract that you receive. That may, or may not work in all cases, but the staff is very aware of that. A second part of my answer to your question Councilor, is we learned a lot about contract tracking, figuring out what we had, what the status of that contract information was and will be making change in accumulating that and keeping track of that during the course of the year. But, we will put special focus on contract renewal, whether it's under \$30,000 and approved by the City Manager, or whether it's contracts that are proposed for approval to the Committee and Council."

Councilor Dominguez said, "I guess I just wanted to give my two cents, if you will, on this. One of the reasons that I'm supporting this, is that I like the idea that we're going to reconvene the restructuring committee, and I've said it all along. It was my hopes that we could have done some of that prior to... but if it's going to take us to a better place hopefully in the future, or at least give us an opportunity have those discussions, that's something that I'm in support of. And, that's something that we haven't had, that particular and specific language, with those specific deadlines, a deadline of November 30th hasn't been incorporated into any previous motion, and so I'm glad that it's in this motion, so we can at least get that on the table. And, we can at least have something in writing to, I guess, hold the administration's feet to the fire, for lack of a better term, in getting some of that done, and giving us an opportunity to take a look at it a little bit more in depth. I just wanted to make that comment."

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

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

Against: Councilor Chavez, Councilor Bushee and Councilor Ortiz.

Explaining his vote: Councilor Trujillo said I'm very thankful that the Fire Department and the Police Department are getting the funding that they do need, so I vote yes.

Explaining her vote: Councilor Bushee said, "I appreciate Councilor Wurzburger's attempt to try to pull this together at the end, and I'm glad for some new insertions, or at least from the last discussions. But, I will say that I don't believe that this budget goes far enough in taking care of what I think is going to get... or worsening conditions, and I think it's been a piecemeal process, and too little too late, and in fact, I take issue with the Mayor's comments that I read after our last meeting, that the Council has been micromanaging this budget. It's one of our sole charges up here... is to produce a balanced and fair budget, given the economic conditions we have, and I don't believe we've achieved that, so I vote no."

Explaining his vote: Councilor Ortiz said, "I'm going to make my comments as well. I think that the work that Councilor Wurzburger did here today, the work that she always does when it comes to these kinds of thorny issues. She steps in and shows the kind of leadership sometimes that is to be admired. And, some of us... all of us really, on the Governing Body, and especially the administration I think gets the benefit of Councilor Wurzburger's hard work. So, this motion is an improvement over where we were at, and what the administration has provided. However, in this budget, as we approve it, what we are doing, especially by adopting the concessions that we forced upon the union, is we are putting the burden on the rank and file, the workers who actually produce the work, while completely ignoring the infrastructure and the top-down bureaucracy that we continue to support here at City Hall. We need to do a pruning, and that pruning needs to come sooner, rather than later. It's my hope that the restructuring committee can do some of that work. It's my hope that there is an administrative change in nine months, so that some of the fights that we've been having are rendered moot. However, this budget, as it's prepared, and the numbers that go behind it, are completely unsupported, given the reality and the economic climate that we're facing here as a community. And we're continuing to believe that we're just going to continue to borrow from the reserves in order to make things better, while completely ignoring the kind of inefficiencies that we currently have here at City Hall, and for those reasons tonight, just like the reasons I had nine days ago on Monday, I think this budget is a fantasy and I don't trust the numbers that have been proposed, and so I vote no."

12. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – LANDSCAPE DESIGN SERVICES FOR SANTA FE COMMUNITY CONVENTION CENTER; DESIGN OFFICE. (CHIP LILIENTHAL) (Postponed at May 13, 2009 City Council Meeting). (Postponed to July 8, 2009 City Council Meeting)

This item is postponed to the City Council meeting of July 8, 2009.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager

Mayor Coss said the SOFA event is happening now, and the Council will take a break at this time so the Governing Body can attend.

Break 6:15 p.m. to 7:25 p.m.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) **DISCUSSION OF NEGOTIATIONS CONCERNING PURCHASE OF COLLEGE OF SANTA FE, PURSUANT TO §10-15-1(H)(8) NMSA 1978.**

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, that the Council go into Executive Session for the purpose of discussion of the negotiations concerning the purchase of the College of Santa Fe, pursuant to §10-15-1(H)(8).

VOTE: The motion was approved on a roll call vote as follows:

For: Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Wurzbarger and Mayor Coss [casting a vote, because a majority vote of the whole Governing Body, five votes, are needed to go into Executive Session].

Against: None.

Absent: Councilor Bushee, Councilor Chavez, Councilor Ortiz and Councilor Trujillo

The Council went into Executive Session at 7:25 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 8:25 p.m., Councilor Wurzbarger 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 unanimously on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against and Councilor Chavez absent.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, as the result of the discussion in Executive Session, to direct staff to develop an ordinance, which Councilor Wurzbarger is introducing, which is consistent with the terms we discussed in Executive Session with regard to the College of Santa Fe.

VOTE: The motion was approved on a voice with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against, and Councilor Chavez absent.

END OF AFTERNOON SESSION AT 8:25 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 8:25 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 Patti J. Bushee
Councilor Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Miguel Chavez,

Others Attending

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

F. PETITIONS FROM THE FLOOR

There were no petitions from the floor.

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2009-24; ADOPTION OF ORDINANCE NO. 2009- 24 (COUNCILOR CALVERT). AN ORDINANCE AMENDING EXHIBIT 1, "MOUNTAINOUS OR DIFFICULT TERRAIN BOUNDARY," OF CHAPTER 14 SFCC 1987. (JEANNE PRICE)**

Jeanne Price presented information regarding this matter to the Governing Body, noting this is one of several ordinance going through the process as the result of the Settlement Agreement with the County.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-24.

DISCUSSION: Councilor Ortiz asked what problems this Ordinance tries to fix.

Ms. Price said it doesn't try to fix anything. It just expands what the City already has in existence into the corresponding area which was in the Settlement Agreement, which would be to the east.

Councilor Ortiz asked if it is required under the Annexation Agreement.

Ms. Price said it isn't required, it is being done to match the existing statutes.

Mr. Katz said the ordinance covers areas where there are steep terrain, and in two years the City will be annexing the area on the east side of town, and this district should apply to that area, noting it hasn't heretofore because it wasn't part of the City. In expanding the boundaries, we need to expand the mountainous and difficult terrain map to include that area.

Councilor Ortiz said then we are taking the mountainous and difficult terrain which currently exists in the EZ and applying this to the City boundaries.

Mr. Katz said it is the opposite.

Councilor Ortiz asked why the current ordinances wouldn't apply once the City annexes these areas, and why do we need to take this action.

Mr. Katz said the District is defined by ordinance by a map which coincided with the City limits. Now that this is being expanded, we have to expand the District to cover that portion which should be in the District because of its terrain.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ortiz and Councilor Romero.

Against: None.

Absent: Councilor Trujillo.

2. CONSIDERATION OF BILL NO. 2009-25; ADOPTION OF ORDINANCE NO. 2009- 25 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLE 24-4 SFCC 1987, THE SANTA FE TRAFFIC OPERATIONS PROGRAM OR "STOP," REGARDING VIOLATIONS OF THE TRAFFIC CODE DETECTED BY A CAMERA OR SPEED DEVICE. (ANTHONY ROBBIN)

Captain Anthony Robbin presented information regarding this matter to the Governing Body, noting this is the second reading of the amendment to the ordinance which is being amended to comply with SB-519 which allows the State to collect ½ of the revenue after vendor fees are paid, imposes a maximum fine of \$100 on any fine, and causes the District Court Judge to appoint a hearing officer. This ordinance amendment incorporates these changes so the City is in line with SB-519. He said staff requests approval of this measure this evening, so staff can move forward with the camera system.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt this Ordinance.

DISCUSSION: Councilor Ortiz asked, regarding the new language on page 16 in paragraph 1, if we are guaranteeing payment by ordinance to the private company which operates the system – the vendor is the ones who get the "first cut."

Captain Robbin said the vendor would be paid first, as well as the hearing officer and any other services.

Councilor Ortiz asked the reason Captain Robbin says, in paragraph 1, that the fees for the hearing officer are paid first. He said, "As I understand it, from a discussion that we had about this, with the contractor, the contractor doesn't pay for the hearing officer, we do. And, under Paragraph 1, the only thing that's being provided for is the contractual terms with the vendor providing the systems and services, not the hearing officer. So, if we want the hearing officer to be paid off the top, we have to put that in paragraph 1. Is that right Captain."

Captain Robbin said he spoke with City Attorney Frank Katz and the language provides that any support fees or fees which could be support in nature, would be paid before the 50-50 split – 50% to the State and 50% to the City. He said Mr. Katz's interpretation is that the vendor is one support contract, and since we have a contract with the hearing officer that would be another support services contract which would be aid first."

Councilor Ortiz said this doesn't make sense to him, especially if you read paragraph 2(b) where it talks about offsetting the City's reasonable cost directly related to administering the STOP program, noting he assumes part of the administrative cost is the cost of the hearing officer. He believes we should first pay all of the fees and expenses for the program, and then ½ to the State and ½ to the City, instead of paying the contractor first and then splitting the cost with the state, and then paying the hearing officer costs out of the City's share. He said it seems we are shorting ourselves the way this is constructed.

Mr. Katz said on line 10, there is the word "and," and what is paid first is an amount equal to the setup, maintenance, board and processing services fee charge for that month, pursuant to the contractual terms. Then there is the "and," which provides, "...and services that assist the City in imposing penalties," and that service would be the hearing officer services. He said what is meant below are the internal City costs which would come out of that "b" column.

Councilor Trujillo returned to the meeting

WITHDRAWAL BY THE MAKER OF THE MOTION TO ALLOW COUNCILOR TRUJILLO, THE SPONSOR OF THE LEGISLATION, TO MAKE THE MOTION TO APPROVE THE ORDINANCE.

FRIENDLY AMENDMENT: Councilor Ortiz proposed a friendly amendment to the ordinance on page 16, line 10, as follows: "... and services, including, but not limited to all costs of the hearing officer, that assist the..." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS,**

Councilor Ortiz said he wants to be sure the cost of the hearing officer is paid before we have to split the funds with the State.

Councilor Ortiz said many of the cameras are being placed on streets which are now being operated by the State. He asked what is the responsibility of the State in all of this, noting the City is bearing the costs of installation and liability for the cameras.

Captain Robbin said staff met with the State Department of Transportation, and everything was taken to the DOT legal department, and the DOT is requesting that an indemnification agreement be entered into between the City and the State, which DOT intends to send to the City Attorney. He said once the indemnification agreement is approved and signed, then they will issue the permits and go forward with the construction.

Councilor Ortiz asked Mr. Katz if he has received any kind of indemnification agreement from the State on this camera program, and Mr. Katz said no.

Councilor Ortiz asked Mr. Katz if it strikes him as fair that the State is getting ½ of the money, and yet the State is asking the City to assume all the liability.

Mr. Katz said the money to the State goes into specific funds, one of which comes back to the jurisdiction which issued the citation. He said, of course, it's not fair, but it is what the State did in the Legislature, but some of the money does come back to the City to the Police Department, according to the amended State statute.

Councilor Ortiz said he appreciated the narrative. However, in terms of the indemnification agreement requested by the State, he asked Mr. Katz if he feels it is fair that the City has to assume all of the risk and all of the liability.

Mr. Katz said he hasn't seen the indemnification agreement, but he leaves the fairness issue to the City Council.

Councilor Ortiz asked when the Council will see the indemnification agreement.

Captain Robbin said staff met with the State DOT a month ago, and they advised that all of the documents we provided were going to Legal, which would prepare a draft and send it to Frank. He said he hasn't made contact with them, and he can follow up again tomorrow. He said, although they didn't give an exact timeline, they didn't think it would be a long endeavor, but it might take some time to go through DOT legal.

Councilor Ortiz asked if we can install cameras without the indemnification agreement in place.

Captain Robbin said no, they have to issue a permit for the installation of the cameras on the State roads, and they won't issue the permit for construction until the indemnification issue is resolved.

Councilor Dominguez asked, with regard to the hearing officer and the people's ability to challenge a citation, if the City is going to do much education about the public's ability to challenge a citation, and are we going to encourage potential violators to challenge the citation.

Captain Robbin said each citation which is written has the options clearly written on the citation. Responding to Councilor Dominguez, he said if people ask we'll certainly tell them they have the option to contest a citation.

Councilor Dominguez reiterated his question: are we going to do any public education for this specifically.

Captain Robbin said there have been public campaigns on the local channel which stipulates that the public has the right to contest a violation. He said, "Our contention is, to anybody that asks, that if they feel it is an unfair citation, to request a hearing."

Councilor Dominguez asked if the public announcements were specific, and Captain Robbin said no, they covered a whole range of topics.

Councilor Trujillo said the PSAs they are doing involve going into the community, showing them exactly where the cameras will be, the process, and what people can do to fight the citations. He said there are no secrets. He said all this ordinance does is to bring the City into compliance with what the State mandated, so there really are no changes except for the friendly amendment from Councilor Ortiz.

Councilor Romero said she thought the speed vans would be part of the whole packet.

Captain Robbin said they are, noting Albuquerque has a weekly posting of location of vans, but not the exact time of location, and "we intend to do the same thing."

VOTE: The motion to approve the Ordinance, as amended, failed to pass on the following Roll Call Vote, for lack of the five votes in the affirmative required to adopt an ordinance, even if the Mayor were to cast a vote:

For: Councilor Calvert, Councilor Romero and Councilor Trujillo

Against: Councilor Dominguez, Councilor Ortiz, Councilor Bushee

Explaining his vote: Councilor Ortiz said, "I'm going to stay consistent with the prior votes, and I will note for the audience, the City of Farmington just turned down a similar proposal for cameras. And so, for the same reasons I've talked about before, because I think that, well, we're giving a "bone" to this private, out-of-state corporation, I vote no.

Explaining her vote: Councilor Bushee said, "I still remain opposed to red light cameras. No."

The Councilors discussed the appropriate action with regard to reconsideration or other action since the motion failed to pass.

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to postpone this item to the next meeting of the City Council on June 24, 2009.

VOTE: The motion was approved on a voice vote, with Councilors Calvert, Romero, Trujillo, Dominguez, Ortiz and Bushee voting in favor of the motion and none voting against.

- 3) **CONSIDERATION OF BILL NO. 2009-26; ADOPTION OF ORDINANCE NO. 2009- 25 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 1-3-2 SFCC 1987, TO INCREASE THE JUDICIAL EDUCATION FEE FROM \$2.00 TO \$3.00 TO REFLECT STATE LAW; DESIGNATING THE USE OF THE CORRECTIONS FEE TO REFLECT STATE LAW; AND REPLACING THE TRAFFIC SAFETY FEE OF ONE DOLLAR (\$1.00) WITH A PUBLIC SAFETY FEE OF FIVE DOLLARS (\$5.00) WITH THE USE OF SUCH PUBLIC SAFETY FEE BEING DESIGNATED TO THE POLICE DEPARTMENT. (JUDGE ANN YALMAN)**

Jeanne Price presented information regarding this matter to the Governing Body.

Councilor Trujillo said this change is made to comply with State statutory change and the only change is that the \$5 goes directly to the Police Department.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to adopt Ordinance No. 2009-25.

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2009-30; ADOPTION OF ORDINANCE NO. 2009-26. CASE #ZA 2009-01. 1411 ½ SECOND STREET REZONING. AMALESCH KRIEN, AGENT FOR ADRIANA SISO AND CHRISTEL BLOMQUIST, REQUESTS REZONING OF 0.161± ACRE FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED EAST OF CERRILLOS ROAD, NORTH OF JAY STREET. (DONNA WYNANT)**

Memorandum dated for the City Council Meeting, to City Council, with attachments, from , is incorporated herewith to these minutes as Exhibit "2."

The staff report was presented by Donna Wynant which is contained in Exhibit "2."

Recommendation: The Planning Commission on 4/16/09, recommended approval of the request for Rezoning from R5 (Residential, 5 dwelling units per acre) to C2 (General Commercial), based on Approval Criteria in Sections 14-3.5 SFCC 2001, and in compliance with requirements as provided in the following City Department review memos at the time of application for permits:

- Solid Waste Division comments;
- Wastewater Division Review Memo;
- Trails and Open Space Review;
- Technical Review Division – Landscape Review Memo;
- Fire Dept. Review Memo;

- Technical Review Division – Engineer Review Memo;
- Public Works Dept – Traffic Review (email comments); and
- Stormwater Management comments.

Public Hearing

Those speaking to the request

There was no one speaking for or against this request.

The Public Hearing was Closed

MOTION: Councilor Romero moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2009-26.

FRIENDLY AMENDMENT: Councilor Calvert asked to clarify that this approval is subject to compliance with the requirements as provided in the City Department review memos at the time of application and permits as listed, and in conjunction with the findings of facts and conclusions of law approved by the Planning Commission. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

VOTE: The motion, as amended, was approved on the following Roll Call vote.

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

Against: None.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. 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 June 10, 2009, is incorporated herewith to these minutes as Exhibit "3."

Councilor Dominguez

Councilor Dominguez introduced a Resolution for the Airport Road Resurfacing Project. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Calvert

Councilor Calvert introduced a Resolution authorizing the allocation of water generated from past City conservation initiatives to the City's Affordable Housing Credit Pool. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo

Councilor Trujillo thanked everyone to came to the River Festival and the Fishing Derby, which was a real success, and a lot of kids caught a lot of fish. He saw a lot of older fishermen in the early morning.

Councilor Trujillo congratulated his children on passing in school, and wished a very special speedy recovery to his wife who just had surgery, noting she is doing well.

Councilor Ortiz

Councilor Ortiz said tomorrow, June 11, 2009, from 6:00 p.m. to 8:00 p.m., at the Santa Fe complex at 624 Agua Street, there will be the Santa Fe premiere of the documentary film "The Money Fix," followed by a community dialogue. It is being sponsored by the Santa Fe Alliance and people need to call 989-5362 to reserve space for the community dialogue. He said there will be additional showings of the documentary on Friday, June 12th, at 8:30 p.m., Saturday, June 13th at 6:30 p.m., and Sunday, June 14th at 4:30 at the old Jean Cocteau Theater. The director will be present on Friday and Saturday, but there will be no dialogue.

Councilor Ortiz said on June 17th, 11:30 a.m. to 1:30 p.m., at the new space where the fish are between City Hall and the Santa Fe Community Center, the Big Brothers/Big Sisters will be holding its recruitment. He said they need 100 volunteers to come into the organization. He noted there will be a free barbecue.

Councilor Calvert said the Councilors have been asked to volunteer to help serve at the barbecue.

Councilor Ortiz said he understands there will be some resolution of the prairie dog issue at Franklin Miles Park on June 16th.

Councilor Bushee

Councilor Bushee said there have been issues regarding the Gonzales trail, funding and potential different surfaces. She said the Rails and Trails Magazine discusses the new paving material which has pulverized tires in the asphalt at a reduced cost, and is more environmentally friendly. She asked Robert Romero to look into this and get back to her on this.

Councilor Romero

Councilor Romero proudly wished Happy Birthday to her granddaughter Giovanna who turned one year old on Saturday.

Councilor Romero introduced two Resolutions as follows:

1. A Resolution directing staff to apply for a six-month extension to an existing Municipal Arterial Program Funding Agreement between NM DOT and the City for the Old Pecos Trail Reconstruction Project. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "6."
2. A Joint Resolution cosponsored by County Commissioner Virginia Vigil, to direct staff to study the feasibility of combining efforts to plan, design and create affordable housing for the benefit of the working citizens of the City and County of Santa Fe. . A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "7."

Mayor Coss

Mayor Coss wished his daughter Celedina a happy birthday.

Mayor Coss said he will be attending the U.S. Conference of Mayors meeting along with Robert Romero, leaving on the American Airlines flight tomorrow out of Santa Fe, and invited everyone for the ribbon-cutting ceremony at 11:00 a.m. tomorrow at the Airport.

Mayor Coss thanked Galen Buller and staff for their work on the budget, the College of Santa Fe and the Economic Recovery Act funds to have \$8.5 million coming in, along with \$5 million from the Water Trust Board. He thanked Mr. Katz for pushing on the annexation work.

Mayor Coss introduced a Resolution on behalf of Councilor Chavez, directing Arts Commission staff to expand the programming of the Community Gallery to include arts and crafts exhibitions. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "8."

H. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:05 p.m.


Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer