



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 8, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 7-2-09 TIME 5:00pm

SERVED BY _____

RECEIVED BY Hydomquez

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 – June 24, 2009
9. PRESENTATIONS
 - a) Employee of the Month for July 2009 – Richard Bemis, Evidence Custodian, Police Department. (5 minutes)
 - b) Muchas Gracias – Rachel Friedman, River and Watershed Coordinator. (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State Price Agreement – Fire Station No. 3 – Furniture; Creative Interiors, Inc. (Chip Lilienthal)
 - b) Request for Approval of Community Development Block Grants – Recovery Funding. (Melisa Dailey)
 - 1) Santa Fe Community Housing Trust
 - 2) City of Santa Fe/QNURU
 - c) Request for Approval of Professional Services Agreements – HUD Shelter Plus Care Program for FY 2009/2010. (Lee Depietro)
 - 1) The Life Link/La Luz – (Four Contracts)
 - 2) Santa Fe Community Housing Trust



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- d) CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution Relating to a Request for Approval of Third Quarter Budget Adjustments for Fiscal Year 2008/2009. (Cal Probasco)
- e) Request for Approval of Grant Awards and Professional Services Contracts for Senior Services Division. (Melanie Montoya)
 - 1) Foster Grandparent Program
 - 2) Retired and Senior Volunteer Program
 - 3) Senior Companion Program
- a) Request for Approval of Budget Increase – Grant Fund
- f) Request for Approval of Cooperative Project Agreement – Appropriations from the American Recovery and Reinvestment Act of 2009; New Mexico Department of Transportation. (David Catanach)
 - 1) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Dominguez)
A Resolution in Support of the Airport Road Resurfacing Project Funded from the American Recovery and Reinvestment Act of 2009 Through a Cooperative Project Agreement With the New Mexico Department of Transportation. (Louie Pacheco and David Catanach)
 - 2) Request for Approval of Budget Increase – Paved Street Resurfacing Fund.
- g) Request for Approval of 2009/2010 Collective Bargaining Negotiations Agreement for Santa Fe Firefighters Association. (Chief Chris Rivera)
- h) Request for Approval 2009/2010 Union/Management Negotiations Agreement; Santa Fe Police Officers Association. (Captain Gary Johnson)
- i) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Mayor Coss and Councilor Romero)
A Resolution Declaring, This Year and Every Year Thereafter, That the Week Preceding Indian Market Shall be Known as "Indian Arts and Culture Week". (Keith Toler)



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- j) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Mayor Coss and Councilor Romero)
A Resolution Declaring This Year and Every Year Thereafter That the Week Preceding Spanish Market Shall be Known as "Spanish Arts and Culture Week". (Keith Toler)
- k) Request for Approval to Publish Notice of Public Hearing on July 29, 2009:
 - 1) Bill No. 2009-37: An Ordinance Amending Section 14-4.3(I) SFCC 1987 Regarding The Purpose And Requirements Of PRC Planned Residential Community Districts. (Councilor Wurzburger) (Jeanne Price)
 - 2) Bill No. 2009-38: An Ordinance Amending Chapter 14 Land Development Laws And Chapter 26 Affordable Housing SFCC 1987 Relating To Appeals. (Councilor Ortiz) (Greg Smith)
- 11. CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert, Mayor Coss, Councilor Ortiz and Councilor Romero)
A Resolution Urging the New Mexico Public Regulation Commission to Find that Third Party Developers Utilizing Solar Power Service Agreements are Not Public Utilities and Not Subject to Regulation by the PRC Thereby Eliminating Market Uncertainty for Renewable Energy. (Nick Schiavo)
 - a) Authorization to File a Brief with Public Regulatory Commission Concerning Case No. 09-00217-UT.
- 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 June 10, 2009 City Council Meeting)**.
- 13. Reconsideration for Inconsistency Between Bill No. 2009-27 and Lease with Santa Fe Air Center, LLC: (Jim Montman)

CONSIDERATION OF BILL NO. 2009-27: ADOPTION OF ORDINANCE NO. 2009-27. (Councilor Trujillo)
An Ordinance Ratifying a Lease of Approximately 1.57 Acres of Land Owned by the City of Santa Fe Located at The Santa Fe Municipal Airport. (Jim Montman)
- 14. MATTERS FROM THE CITY MANAGER



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15. 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.

16. Action on Negotiations Concerning Purchase of College of Santa Fe, Pursuant to
§10-15-1 (H) (8) NMSA 1978

- a) Request for Approval to Publish Notice of Public Hearing on July 29, 2009:
Bill No. 2009-39: An Ordinance Authorizing a Lease of Approximately 61
Acres of Land and Approximately 499,000 Square Feet of Rentable Area
Located Within the Buildings, Together With All Improvements, Building
Systems Equipment and Personal Property Located at 1600 St. Michael's
Drive, Santa Fe New Mexico. (Formerly The College Of Santa Fe)

17. MATTERS FROM THE CITY CLERK

18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS



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H. PUBLIC HEARINGS:

- 1) Request from Floating World, Inc., for a Wholesaler Liquor License (Wine Wholesaling Only) to be located at Floating World, Inc., 320 Tesuque Drive. (Yolanda Y. Vigil)
- 2) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcoholic Beverages at El Museo Cultural de Santa Fe, 1615 B. Paseo de Peralta, Which is Within 300 Feet of Alvord Elementary School, 551 Alarid and Located on City Property. The Request is for ART Santa Fe 2009 to be held on Wednesday, July 22, 2009 from 6:00 – 10:00 p.m. and on Thursday July 23, 2009 from 5:00 – 8:00 p.m. (Yolanda Y. Vigil and Charlotte Jackson)
- 3) CONSIDERATION OF BILL NO. 2009-33: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Calvert)
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. (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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- 4) CONSIDERATION OF BILL NO. 2009-32: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Calvert)
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. (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.
- 5) CONSIDERATION OF BILL NO. 2009-34: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Calvert and Councilor Dominguez)
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. (Melissa Byers and Lydia Lioce)
- 6) **Case # H-09-014.** Appeal of the Historic Design Review Board's Decision on May 12, 2009, Concerning Vacant Property Located at 502 Old Santa Fe Trail in the Downtown & Eastside Historic District. Sommer, Karnes & Associates, LLC, Agent for Dos Caminos, LLC, Requests that the Governing Body Rescind the Denial to Construct an Outdoor Flea Market. (David Rasch) **(Request to Postpone to August 12, 2009 City Council Meeting)**

I. 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.

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
July 8, 2009

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PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615-B, PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID, AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR ART SANTA FE 2009, TO BE HELD ON WEDNESDAY, JULY 22, 2009, FROM 6:00-10:00 P.M. , AND ON THURSDAY, JULY 23, 2009, FROM 5:00-8:00 P.M.

Approved

12-12

CONSIDERATION OF BILL NO. 2009-33; ADOPTION OF ORDINANCE NO. 2009- 31. 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

Approved [amended]

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Approved [amended]

18-19

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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ADJOURN		29

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 8, 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 July 8, 2009, at approximately 6:00 p.m., in the City Hall Council Chambers, following the Special Joint meeting with the Santa Fe County Board of County Commissioners. 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 Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Miguel Chavez,
Councilor Matthew E. Ortiz

Others Attending

Galen Buller, City Manager
Kelley Brennan, Assistant City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

Mayor Coss said Councilor Chavez is attending a National League of Cities meeting in Colorado.

6. APPROVAL OF AGENDA

Mr. Buller said staff has requested that Item 10(b)(2) on the Consent Calendar be removed so they can propose an amendment. He noted staff provided a Memorandum to staff which is in the Council packet.

Councilor Bushee asked if this item will go back through the committees.

Mr. Buller he believes that will be up to the Governing Body when staff makes its presentation on the amendment, and he is unsure if the Council will want to take the amendment to Committee.

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

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Bushee 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 Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Dominguez.

10. CONSENT CALENDAR

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FIRE STATION NO. 3 – FURNITURE; CREATIVE INTERIORS, INC. (CHIP LILIENTHAL)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of July 6, 2009, is incorporated herewith to these minutes as Exhibit “1.”

- b) **REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANTS – RECOVERY FUNDING. (MELISSA DAILEY)**

- 1) **SANTA FE COMMUNITY HOUSING TRUST**
- 2) ***[Removed for discussion at the request of staff]***

- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – HUD SHELTER PLUS CARE PROGRAM FOR FY 2009/2010. (LEE DePIETRO)**

- 1) **THE LIFE LINK/LA LUZ – (FOUR CONTRACTS)**
- 2) **SANTA FE COMMUNITY HOUSING TRUST**

- d) **CONSIDERATION OF RESOLUTION NO. 2009- 68. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THIRD QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2008/2009. (CAL PROBASCO)**
- e) **REQUEST FOR APPROVAL OF GRANT AWARDS AND PROFESSIONAL SERVICES CONTRACTS FOR SENIOR SERVICES DIVISION. (MELANIE MONTOYA)**
 - 1) **FOSTER GRANDPARENT PROGRAM**
 - 2) **RETIRED AND SENIOR VOLUNTEER PROGRAM**
 - 3) **SENIOR COMPANION PROGRAM**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND**
- f) **REQUEST FOR APPROVAL OF COOPERATIVE PROJECT AGREEMENT – APPROPRIATIONS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DAVID CATANACH)**
 - 1) **CONSIDERATION OF RESOLUTION NO. 2009-69 (COUNCILOR DOMINGUEZ). A RESOLUTION IN SUPPORT OF THE AIRPORT ROAD RESURFACING PROJECT FUNDED FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (LOUIE PACHECO AND DAVID CATANACH)**
 - 2) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PAVED STREET RESURFACING FUND.**
- g) **REQUEST FOR APPROVAL OF 2009/2010 COLLECTIVE BARGAINING NEGOTIATIONS AGREEMENT FOR SANTA FE FIREFIGHTERS ASSOCIATION. (CHIEF CHRIS RIVERA)**
- h) **REQUEST FOR APPROVAL OF 2009/2010 UNION/MANAGEMENT NEGOTIATIONS AGREEMENT; SANTA FE POLICE OFFICERS ASSOCIATION. (CAPTAIN GARY JOHNSON)**
- i) **CONSIDERATION OF RESOLUTION NO. 2009- 70 (MAYOR COSS AND COUNCILOR ROMERO). A RESOLUTION DECLARING THIS YEAR AND EVERY YEAR THEREAFTER, THAT THE WEEK PRECEDING INDIAN MARKET SHALL BE KNOWN AS “INDIAN ARTS AND CULTURE WEEK.” (KEITH TOLER)**
- j) **CONSIDERATION OF RESOLUTION NO. 2009- 71 (MAYOR COSS AND COUNCILOR ROMERO). A RESOLUTION DECLARING THIS YEAR AND EVERY YEAR THEREAFTER THAT THE WEEK PRECEDING SPANISH MARKET SHALL BE KNOWN AS “SPANISH ARTS AND CULTURE WEEK.” (KEITH TOLER)**

- k) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 29, 2009:**
 - 1) **BILL NO. 2009-37: AN ORDINANCE AMENDING SECTION 14-4.3(l) SFCC 1987, REGARDING THE PURPOSE AND REQUIREMENTS OF PRC PLANNED RESIDENTIAL COMMUNITY DISTRICTS (COUNCILOR WURZBURGER). (JEANNE PRICE)**
 - 2) **BILL NO. 2009-38: AN ORDINANCE AMENDING CHAPTER 14 LAND DEVELOPMENT LAWS AND CHAPTER 26 AFFORDABLE HOUSING, SFCC 1987, RELATING TO APPEALS (COUNCILOR ORTIZ). (GREG SMITH)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JUNE 24, 2009.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to approve the minutes of the Council meeting of June 24, 2009, as presented.

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

9. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR JULY 2009 – RICHARD BEMIS, EVIDENCE CUSTODIAN, POLICE DEPARTMENT.**

Mayor Coss read the letter of nomination into the record, and presented Mr. Bemis with a plaque and a check for \$200 from the Employee Benefits Committee.

Mr. Bemis thanked the City for this honor and for the opportunity to work with the City, saying he likes his coworkers and the job he is doing.

- b) **MUCHAS GRACIAS – RACHEL FRIEDMAN, RIVER AND WATERSHED COORDINATOR.**

Mayor Coss presented Ms. Friedman with a Muchas Gracias certificate, saying she is leaving to be the City Engineer in Buena Vista, Colorado. He complimented Ms. Friedman on her excellent work for the City and said she will be missed very much.

Ms. Friedman said it was a difficult decision hard to decide to move to Colorado and she will miss Santa Fe, but she looks forward to the opportunities in her new job.

Councilor Trujillo thanked Ms. Friedman for her hard work on the fishing derby.

CONSENT CALENDAR DISCUSSION

**10 b) REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK
GRANTS – RECOVERY FUNDING. (MELISSA DAILEY)
2) CITY OF SANTA FE/QNURU**

A Memorandum dated July 8, 2009, to the City Council from Melissa Dailey, Office of Affordable Housing and Kathy McCormick, Director, Housing & Community Development, is incorporated herewith to these minutes as Exhibit "2."

Melissa Daily presented information from her Memorandum of July 8, 2009. Please see Exhibit "2" for specifics of this presentation. Ms. Daily said staff is requesting that the City Council approve funding source change for CDBG and CDBG-R projects as follows:

Approval of use of CDBG-R funds:

- Homeowner rehabilitation loans at \$95,961 (Homewise)
- Energy Works home weatherization program at \$60,000 (SF Community Housing Trust)

Approval of use of CDBG funds:

- Solar lights in the parks at \$95,961 (City of Santa Fe/Qnuru)

Responding to Councilor Bushee, Ms. Dailey said this request basically switches the funding sources.

MOTION: Councilor Romero moved, seconded by Councilor Calvert, to approve this request, with the amendment as proposed by staff in the Memorandum [Exhibit "2"].

DISCUSSION: Ms. Dailey said it will be necessary to bring this back for the CDBG portion of this, because this changes the annual Action Plan which was just approved. It will be necessary to do a 30 day comment period and approve amendment, but as far as CDBG-R goes, it will not be necessary to do further input if this request is approved this evening.

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

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

Against: None.

Councilor Wurzbarger thanked staff for their work, because this was a very long process of renegotiating what the community wanted, and staff did a great in helping us get through this.

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF RESOLUTION NO. 2009- 72 (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR ORTIZ AND COUNCILOR ROMERO). A RESOLUTION URGING THE NEW MEXICO PUBLIC REGULATION COMMISSION TO FIND THAT THIRD PARTY DEVELOPERS UTILIZING SOLAR POWER SERVICE AGREEMENTS ARE NOT PUBLIC UTILITIES AND NOT SUBJECT TO REGULATION BY THE PRC, THEREBY ELIMINATING MARKET UNCERTAINTY FOR RENEWABLE ENERGY. (NICK SCHIAVO)**
a) **AUTHORIZATION TO FILE A BRIEF WITH THE PUBLIC REGULATORY COMMISSION, CONCERNING CASE NO. 09-00217-UT.**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of July 6, 2009, is incorporated herewith to these minutes as Exhibit "3."

A copy of an Action Sheet from the Public Utilities Committee meeting of July 1, 2009, with attached proposed amendment, is incorporated herewith to these minutes as Exhibit "4."

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez to approve this request, with assurance that Councilor Ortiz's proposed amendment is included in the motion.

DISCUSSION: Councilor Bushee said she would like to be a cosponsor of the Resolution, noting "some others over here have signed on at Public Works."

Mayor Coss said he thinks the entire Council wants to sponsor this Resolution.

Councilor Romero said the Energy Task Force met through the RPA, and the County is pursuing its own version of this Resolution.

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

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

Against: None.

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 JUNE 10, 2009 CITY COUNCIL MEETING)**

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to approve this request.

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

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

Against: None.

13. RECONSIDERATION FOR INCONSISTENCY BETWEEN BILL NO. 2009-27 AND LEASE WITH SANTA FE AIR CENTER, LLC. (JIM MONTMAN)
CONSIDERATION OF BILL NO. 2009-27: ADOPTION OF ORDINANCE NO. 2009-27 (COUNCILOR TRUJILLO). AN ORDINANCE RATIFYING A LEASE OF APPROXIMATELY 1.57 ACRES OF LAND OWNED BY THE CITY OF SANTA FE LOCATED AT THE SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)

Jim Montman presented information regarding this matter from his Memorandum of June 29, 2009, to the City Council.

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, to approve this request.

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

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

Against: None.

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

Councilor Bushee pointed out that the action taken to adopt Resolution No. 2009-67, in the Joint Special Meeting earlier this evening, was done by voice vote, and it should have been done by a roll call vote. Kelley Brennan, Assistant City Attorney, said the motion can be made by anyone who voted with the majority in the previous vote.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to reconsider the action taken on Resolution No. 2009-67 in the Joint Special Meeting of the Santa Fe City Council and Santa Fe County Commission, for the purpose of a Roll Call vote on the Resolution.

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

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

Against: None.

13. 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.

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of discussion of the negotiations concerning the purchase of the College of Santa Fe, and the Lease in Item #16, pursuant to §10-15-1(H)(8).

DISCUSSION: Kelly Brennan clarified that although the Governing Body will be discussing the lease in Item #16, the action will follow the Executive Session after the Council votes to come out of Executive Session.

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

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

Against: None.

The Council went into Executive Session at 6:20 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:40 p.m. Councilor Wurzburger moved, seconded by Councilor Romero, 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.

DISCUSSION: Mayor Coss said the Governing Body would return to Executive Session at the end of the Agenda.

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

Mayor Coss moved items #15, #16, #17 and #18 to the end of the agenda, noting that the Council will go back into Executive Session for more information.

END OF AFTERNOON SESSION AT 7:00 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Miguel Chavez
Councilor Matthew E. Ortiz

Others Attending

Galen Buller, City Manager
Kelley Brennan, Assistant City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Councilor Bushee arrived at the meeting

A copy of a statement from Denise Saccone, spokesperson from the PDAWG Task Force, regarding prairie dog issues and the poisoning of prairie dogs, is incorporated herewith to these minutes as Exhibit "5."

Stefanie Beninato, 604 ½ Galisteo Street, said, "I'm here because in a couple of weeks I'm going to come in front of this body to ask for a variance that the Board of Adjustment didn't grant me, and I think I do deserve it, but I'm also here to ask that you think about changing the dynamics that's been going on in my neighborhood between me and my neighbor for a while. And, I've been trying to change the dynamic in several different ways, but I'm not having any success."

Ms. Beninato continued, "And it seems that the City has deferred to my neighbor in a way that doesn't even make reason to me, because this neighbor is driving the settlement conference process."

And, the City isn't saying to him, hey we have this interest in settling, here's our interest, why don't you really start stepping up to the plate. Why don't you start not being so angry. Why don't you stop, you know, throwing things at your neighbor's house. That kind of thing, and change the dynamic. And, I believe that if you start being more neutral, rather than being so politicized over whatever issues are involved with me and my neighbor, that perhaps that would change the dynamic. And, I am, as I said before, a couple of weeks ago, I have been trying to negotiate with the City. I am perfectly willing to negotiate with the City, even should the City grant me the variance, I'm still willing at that point to not say I won, I don't have to talk to you, but actually to still try to negotiate with the City so that our neighborhood can be a more peaceful place. Because when my neighbors come and say to me, as they did last night, we wanted to introduce ourselves, because anybody who your neighbor bad-mouths so much, must be a good person, meaning I'm a good person. I think that again, and the City has really backed my neighbor to the point where I think he feels that he has no... that he's immune from any kind of City reaction. So, again, that's my petition tonight, is for you, the City Council to consider that in the next two weeks."

Denise Saccone, 825 Calle Mejia, read a statement into the record stating opposition to the poisoning of prairie dogs, as well as speaking on the issues of diseases and fleas from prairie dogs, and requesting the City delay action to exterminate healthy prairie dogs until they have the opportunity to meet with the City Manager and other relevant City officials and they can evaluate the situation on the field.. Please see Exhibit "5," for the text of Ms. Saccone's statement.

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

1) REQUEST FROM FLOATING WORLD, INC., FOR A WHOLESALE LIQUOR LICENSE (WINE WHOLESALING ONLY), TO BE LOCATED AT FLOATING WORLD, INC., 320 TESUQUE DRIVE. (YOLANDA Y. VIGIL)

The staff report was given by Yolanda Vigil, noting there are staff reports regarding litter, noise and traffic, and a zoning verification in the packet. She said the business is not within 300 feet of a church or school, and staff is requesting that this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Romero moved, seconded by Councilor Trujillo, to approve this request.

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

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

Against: None.

Recused: Councilor Romero said she is recusing herself because this is her brother's property.

- 2) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT EL MUSEO CULTURAL DE SANTA FE, 1615-B, PASEO DE PERALTA, WHICH IS WITHIN 300 FEET OF ALVORD ELEMENTARY SCHOOL, 551 ALARID, AND LOCATED ON CITY PROPERTY. THE REQUEST IS FOR ART SANTA FE 2009, TO BE HELD ON WEDNESDAY, JULY 22, 2009, FROM 6:00-10:00 P.M. , AND ON THURSDAY, JULY 23, 2009, FROM 5:00-8:00 P.M. (YOLANDA Y. VIGIL AND CHARLOTTE JACKSON)**

The staff report was given by Yolanda Vigil.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the request for a waiver of the 300 foot location restriction.

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

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

Against: None.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve the request to allow the sale/consumption of alcoholic beverages by Art Santa Fe at El Museo Cultural, on City Property on July 22, 2009 from 6:00 to 10:00 p.m., and on July 23, 2009, from 5:00 to 8:00 p.m.

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

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

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2009-33; ADOPTION OF ORDINANCE NO. 2009- 31 (COUNCILOR CALVERT). 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. (KATHERINE MORTIMER)**

Items 6 and 6(a) were combined for purposes of presentation and discussion, but were voted upon separately.

A copy of a Substitute Amendment to the Administrative Procedures for the Residential Green Building Code, proposed by staff, dated July 7, 2009, is incorporated herewith to these minutes as Exhibit "6."

A copy of a Substitute Amendment to the Residential Green Building Code Exhibit A of Chapter VII SFCC 1987), proposed by staff, dated July 7, 2009, is incorporated herewith to these minutes as Exhibit "7."

A copy of handout regarding Dahl Plumbing Santa Fe, submitted for the record by Dahl Plumbing, is incorporated herewith to these minutes as Exhibit "8."

Katherine Mortimer presented information regarding this matter to the Governing Body from the materials in the Committee packet, noting there are updates of the amendments proposed by staff [Exhibits 6 and "7"]. She said the bill and the associated resolution are to make corrections and clarifications to the Green Building Code, including ground source heat pumps. She noted she had worked closely with Dahl Plumbing to reduce the requirement to 20%, and if people can demonstrate that the greenhouse gas footprint is the same or less than that of the Code minimum equipment, then you wouldn't

have that requirement. It was changed from a requirement to a negative 5 points if you chose not to do this.

Public Hearing

Mayor Coss said each person will have 3 minutes to speak to the issue.

JoAnn Pena said she works at Dahl Plumbing. She said she has been trying to work with Katherine Mortimer for the past two months, and up until today, she has been wanting to make changes. Ms. Pena said Ms. Mortimer doesn't understand how the systems work which do use electricity, but not a whole lot. She make presentations regularly to educate the public on what they're doing, and how much electricity these systems use. She doesn't understand why the heat pumps are singled out. Her argument is, if you're going to single out heat pumps and put a negative 5 points, then you need to look at every single heating system on the market, and you just "can't single out heat pumps." She said Governor Richardson signed HB375 which she supported, noting she had the opportunity to educate legislators and they chose to pass this bill unopposed.

Jay Mayes, Dahl Plumbing. Mr. Mayes said the wording has been confusing to them all along. He would rather see wording like the federal legislation – something like the energy star or the energy star alternatives to Coefficient Of Performance [COP], saying the 3.75 is agreeable to them, noting their machines generally operate above 4.0 and up to 5.5. He said the existing wording is very confusing. They feel that geothermal should be on the same par as it is nationally in every other state, and should be rewarded with points, especially if we're there. He said they don't agree with the CO2 burden that has been assigned and the percentage of coal in the area, and feel it has been "cherry picked out," that a "grid is a grid," and that it should be the same. He said the average for the Western is about 50% which is being reduced all of the time by the Legislature, and by 2020 we have to have 20% more green. So, as the green generation increases, these heat pumps are going to become less and less of a CO2 burden, and they believe this needs to be considered – that they use only 1/3 to 1/4 of the energy that any other system uses. He said they are willing to look at the wording, reiterating that it is confusing and can't accept it as written currently.

Nick Wimmett said he has a house on Baros Street. He said he worked with Mr. Mays and Ms. Pena on a very large project at Ojo Caliente using heat pumps, and as project manager on the huge conversion his company did, which has significantly dropped their energy consumption. He said understanding is "half the battle." He said there is \$400 million in the stimulus package specifically for the geothermal industry. Here in New Mexico, there are approximately six sites being considered for geothermal electric power generation which goes into the grid.

Mr. Wimmett quoted from a headline to a recent article in The New Mexican on July 5, 2009, "Builder and Realtor Team up for the Greenest Jewel," which is about a house project done here in town

by Faren Dancer. Mr. Wimmett quoted from the article, "Dancer is currently service as president of the Santa Fe Area Homebuilders Association. He and fellow members, Dalinda Bangert and Kim Shanahan spent a great deal of time working with Santa Fe's Katherine Mortimer to draft the new residential Green Building Code which went into effect July 1, 2009." The article further quotes Mr. Dancer, "There's six categories in the Residential Green Building Code: site impact, water efficiency, resource efficiency, energy efficiency, indoor air quality and homeowner education. We're going to be the highest designation in all six, which is emerald, Dancer predicted."

Mr. Wimmett said it is curious that the guy who has been the primary resource in drafting this ordinance, as well as people who have worked in this area for years, who have tried but haven't had a conversation with the person who seems to be key in drafting this Code, and believes this is patently irresponsible. He urged the Council to look carefully at that connection,.

Faren Dancer said he has been building for over 35 years, noting he started building green in the 1970's and installing solar systems and water conservation on his projects at that time. He believes he comes with a little credibility. He represents the 750 member Builders Association in Santa Fe and northern New Mexico. He said other Association members who joined him on the City Green Code Committee are also experts in their field – Dalinda Bangert is a licensed architect and HERS rater and Kim Shanahan, a production builder, is also involved with green building for more than 25 years.

Mr. Dancer said the Green Building Committee was active for more than two years, and brought in experts from throughout the community and State, so it wasn't just them sitting there dictating what they think is appropriate. They took expert testimony from many many people. He said he doesn't disagree with the language on ground source heat pumps because he is using that in the emerald home. The approach he took with ground source is that he is creating all electricity on site to offset any carbon footprint that the electrical use of the heat pump creates. This is his approach, although he doesn't expect everyone to take it, but he believes it was the best way for him to get to zero energy for his project. He is a supporter of Dahl Plumbing as well as a customer, so he certainly isn't at odds with what they're doing. However, he knows that we're not talking just about energy savings, but we are also talking about greenhouse gas emissions, and currently most of that comes from the Four Corners area and the reason he chose to produce electricity on site to offset greenhouse gases.

The Public Hearing was closed

Mayor Coss disclosed that his brother works for Dahl Plumbing and sells these systems, so he will recuse himself from voting in the event that his vote becomes necessary to get the required five votes..

Councilor Calvert said, contrary to some of the testimony, these people have not been locked out of the discussion. He said Mr. Schiavo has talked with them several times, and both he and Mr. Schiavo met with two of these people to discuss the issues. He said Mr. Schiavo also met with their expert from

Colorado, and basically developed this language and which everyone agreed was scientific and accurate in terms of performance as well the contribution to greenhouse gases.

Councilor Calvert said the point is not whether these ground source heat pumps work to create or save energy, it is also the type of energy with what we're dealing – we're dealing with conserving energy as well as reducing greenhouse emissions. He said Mr. Schiavo worked conscientiously with PNM to get the most exact statistics on the composition of the sources of electricity in New Mexico. He said they may be different across the Western United States, but this code is specific to Santa Fe and Northern New Mexico, and these are the facts this Council has to consider.

Also, if the grid does get greener by virtue of different sources for producing electricity, the City will amend its ordinance to reflect that. He said this is not a static document, and it is meant to be a living document and change over time with technology and how circumstances change in the real world. He said it is fine that the State adopted something about geothermal heat pumps, but reiterated that this Code is specific to Santa Fe and Northern New Mexico. He said what works very well in other parts of the State may not work quite as well here, especially in terms of greenhouse gas emissions which are in the operation system. He said there also were discussions about a threshold of 3.75 with "several of you, and you were going to provide us with information from some of your projects that you said showed that they were...that they far exceeded that threshold. We have yet to see that information from you."

Councilor Calvert said, "We have spent a lot of time working with you. And, the minus five is not put in there as punitive. What is put in there is an option for somebody to more affordably conserve energy or reduce greenhouse gas emissions if they don't want to put in something like photovoltaic or something that they may figure is cost prohibitive for their project. It just allows them to take minus five points in a certain category, but they can certainly make it up, and if they can do it more cost effective in other categories, they are allowed... and they should do that. So, we're giving choices. We worked on the language; we worked on the threshold. I think we've mentioned other types of systems, other than just ground source heat pumps which we're not trying to single out. And, so I think we've really worked with you well, and I think we've come up with something that is accurate and is scientific based and is based upon even working with your own experts that you referred us to from Colorado, so I think we've done our due diligence and accommodated you well. If you don't understand it, maybe we can work with you on that, but I think it gives you options and it sets thresholds that are realistic and scientific-based."

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-31, with staff amendments updates as presented.

DISCUSSION: Councilor Bushee asked what is the nugget of this change, commenting that it seems he isn't emphasizing geothermal the way it is being done elsewhere in the State and nation.

Councilor Calvert said he is steering away from the term "geothermal," because it can mean different things to different people, noting it also refers to places in California where they have hot springs and they

use actual steam power or heat from those. However, this is about ground source heat pumps, and he wants to make this distinction.

Councilor Calvert said in other parts of the State and nation, some things may work better than they do here in Northern New Mexico. For example, to offset air conditioning energy is fine if you are in Southern New Mexico, but there isn't that much air condition use in Northern New Mexico, so it doesn't become much of a factor. This is the reason this Code is tailored for Northern New Mexico, noting, for example, Albuquerque's Code differs because of the different conditions in that part of the State.

Councilor Bushee asked Mr. Dancer, "What exactly, if we were to amend something in this ordinance, would need to be amended in order to try to find a compromise on this issue."

Mr. Dancer said, "Well, I think the issue has been bantered back and forth for many months, and compromises have already been made. We started at 50% renewable energy to offset the carbon footprint of additional electricity. It is now down to 20%. And, most of you know that with the new solar incentives in the State of New Mexico, generating 20% of your electricity with solar in the coming years is going to be a very easy goal and a very affordable goal based on some of the new legislation. So, I think it's a good compromise in my mind that's already been met."

Responding to Councilor Bushee, Mr. Dancer said he is happy with the ordinance as it has been amended.

Councilor Bushee asked Mr. Wimmett to summarize briefly what he would want to see changed in the ordinance.

Mr. Wimmett said, "We have no problem with the 3.75... is that... Councilor Calvert, we have no problem with that. It's just the wording is not clear to us about that 3.75, the COP we're talking about, Coefficient Of Performance 14[COP]."

Ms. Pena said, "The wording has changed so much, and you said we did participate in conversations with Catherine and Nick, but the thing is we only started speaking with them in March and this was done over email, messages and stuff like that, and we never came to an agreement. We found out about this new change day before yesterday at 3:26 in the afternoon and we weren't even going to be told about this, but it was brought to our attention because Nick had mentioned to Catherine that we needed to be told of this change. And, I just think that again, if you're going to look at one technology, you need to look at all technology."

Mayor Coss said, although he appreciates the remarks, he doesn't want to re-debate or rehear this issue. Mayor Coss noted Councilor Bushee has asked for their suggested language to the ordinance.

Mr. Wimmett said, "Well, to do the *energy star* to have it down there and in plain language, 3.75 or to have third party recognition of the COPs..... or *energy star* or *energy star* equivalent."

Councilor Bushee said, "Mayor, Councilor Calvert, could you just point out..."

Councilor Calvert said, "Okay, you have some packet information on your desk. It has a bunch of amendments and some different items. Okay, it is H-3.. Do you see H-3 on the second page where it says 3.12, the second one, because it says and insert the following text in lieu thereof and it mentions the 3.75 specifically."

Councilor Bushee asked, "Have they seen this language."

Councilor Calvert said, "They have seen it, yes."

Councilor Bushee said, "Because it's spelled out right here... Coefficient Of Performance of 3.75 would have the same greenhouse gas emissions as a Code minimum. 80% efficient natural gas furnace or boiler with a 95% efficient blower would not receive negative points or need to offset with renewable energy."

Ms. Pena said, "We've not seen this."

Councilor Bushee said, "It sounds like it's right there. Sorry you feel like you've been left out of the loop, but I think they spelled it out pretty clearly. So, that's really all I wanted to be clear about. I'm good."

CLARIFICATION OF THE MOTION BY THE CITY CLERK: Yolanda Vigil clarified that the motion includes both staff amendments.

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

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

Against: None.

- a) **CONSIDERATION OF RESOLUTION NO. 2009-73. (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. (KATHARINE
MORTIMER)**

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to adopt Resolution No. 2009-73, as amended.

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2009-32; ADOPTION OF ORDINANCE NO. 2009-32 (COUNCILOR CALVERT). 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. (TED SWISHER)**

Items 4 and 4(a) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

Ted Swisher presented information regarding this matter to the Governing Body, from his Memorandum of May 6, 2009, which is in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to adopt Ordinance No. 2009-32.

DISCUSSION: Councilor Bushee said her only concern is that we're not providing an incentive that is also not a pass-through to the homebuyer. She asked if there is a way to use any kind of fee-in-lieu funds or if there is another way to help to offset some of these benefits, in terms of reducing the carbon footprint and, ideally, utility costs for the homeowner.

Mr. Swisher said, in his opinion, he doesn't see that it is realistic for the City to provide additional financing or funding at this time. However, there are State and federal tax incentive programs which are additional incentives to builders. He said those don't kick-in until they get to the 60 HERS rating, but they are available if people make the extra effort to reach that level of energy efficiency.

Councilor Bushee asked the balance in the in the fee-in-lieu fund, specifically related to buyouts in the Homes Program.

Mr. Swisher said all of the funding related to the Homes Program all goes in the Affordable Housing Trust Fund.

Councilor Bushee said there must be a specific accounting for buyout provisions in the Homes Program.

Ms. McCormick said the buyout goes as a revenue stream, and the revenue stream goes into the Trust Fund, noting there is only about \$250,000 left based on the allocation.

Councilor Bushee asked what has gone into the fund which was specific to the buyout or fee-in-lieu provision.

Ms. McCormick said they have collected no fee-in-lieu at this point in time. Responding to Councilor Bushee, Ms. McCormick said the First National Bank has not come forward with its building permit or development plan, although it would pay the fee-in-lieu once the development is done, but that has been shelved for now.

Councilor Bushee said she wanted the City to provide up-front incentives, and had hoped the revenue stream was in place to do so.

Ms. McCormick said it is a net same cost to the homeowner, in terms of their out-of-pocket expense.

Councilor Bushee said she understands, but, "we're just not able to be as proactive and promotive as I'd hoped we could be."

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

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

Against: None.

- a) **CONSIDERATION OF RESOLUTION NO. 2009- 74 (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.**

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Resolution No. 2009- 74.

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2009-28; ADOPTION OF ORDINANCE NO. 2009-33 (COUNCILOR CALVERT AND COUNCILOR DOMINGUEZ). 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. (MELISSA BYERS AND JEANNE PRICE)**

Melissa Byers presented information regarding this matter to the Governing Body, noting currently the City's alarm ordinance is not being enforced, and is shown to be administratively burdensome. In September 2008, the Public Safety Committee heard a bill which had been introduced, which would put the burden of paying alarm fees on alarm installation and monitoring companies. The Public Safety Committee recommended establishment of a task force to work on a false alarm ordinance which the Police Department could enforce. The bill before the Council is the result of the work of that task force. She said the bill has been heard by the Public Safety, Public Works, Finance, Business & Quality of Life Committees. There is one proposed amendment by Councilor Dominguez which, if adopted, would require alarm installation companies to notify its customers, have outreach and advise them they would have to comply with this ordinance. She said Lydia Lioce, City Alarm Administrator and Deputy Police Chief Contreras are in attendance to answer questions. She said Joseph Salazar, a member of the task force, who is also a part of the alarm industry, is also in attendance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert thanked those who participated on the Task Force and for their work on the ordinance, commenting he believes they came to reasonable compromise and provided a bill which will better serve the people of Santa Fe as well as better utilization of police resources.

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2009-33, with the attached amendment.

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

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

Against: None.

- 6) **CASE #H-09-014. APPEAL OF THE HISTORIC DESIGN REVIEW BOARD'S DECISION ON MAY 12, 2009, CONCERNING VACANT PROPERTY LOCATED AT 502 OLD SANTA FE TRAIL IN THE DOWNTOWN & EASTSIDE HISTORIC DISTRICT. SOMMER, KARNES & ASSOCIATES, LLC, AGENT FOR DOS CAMINOS, LLC, REQUESTS THAT THE GOVERNING BODY RESCIND THE DENIAL TO CONSTRUCT AN OUTDOOR FLEA MARKET. (DAVID RASCH) (Request to postpone to August 12, 2009, City Council meeting.)**

This item is postponed to the Council meeting of August 12, 2009.

15. MATTERS FROM THE CITY CLERK

Yolanda Vigil said the City moved the second Council meeting in August to Monday, August 24, 2009, because of the NMML conference. The NMML is now scheduled for September 2-4, 2009. She asked if the Council would like to move the second meeting back to August 26, 2009, noting there is time to get this on the agenda and hold a public hearing.

Councilor Bushee asked what will be done to reschedule Public Works.

Ms. Vigil said it hasn't been scheduled, and Public Works is set to meet only on August 10, 2009, but if this date is changed, it would meet on August 24, 2009, with the Council meeting on August 26, 2009.

Councilor Romero noted that Labor Day is the Monday following the NMML meeting, and that could impact peoples' plans.

It was the consensus among the Governing Body to place this item on the next meeting agenda.

18. 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 , is incorporated herewith to these minutes as Exhibit "9."

Councilor Romero

Councilor Romero suggested that joint City and County staff, and someone from St. Vincent's Hospital, take the lead on facilitating the meetings called for in Joint Resolution 2009-67.

Councilor Romero said she sent her fellow Councilors a copy of the Resolution which the Council adopted unanimously in 2008, which she and Carol Horowitz developed, requesting a percentage of alcohol sales, and believes this would be a good time to get momentum round that, noting the County is interested in doing something jointly with that Resolution.

Councilor Bushee

Councilor Bushee said the City has an ordinance with regard to moving prairie dogs colonies when public projects are being done, but there is no protocol for prairie dogs when they are in public spaces and parks. She wants to be sure that we strike the proper balance with regard to public safety for prairie dogs and other animal populations which can carry the plague. She said her youngest dog passed away last week and had antibodies for both rabbit fever and the plague, noting that pet wasn't adventurous. She wants to be sure that there are funds available and if staff has measures available to them to take steps, and asked if there is a strategy. She understands the prairie dog population is being moved from Franklin Miles Park. She asked if Robert Romero or Fabian Chavez could address this issue briefly.

Fabian Chavez commented as follows:

- Since 1949, Santa Fe County has had the highest incidence of plague in the State.
- Environmental factors can cause it to spread.
- Rodents are the vector for fleas which spread plague.
- Staff is implementing IPM policies which tell us what to do in these kinds of situations.
- In the past, staff has not dusted for fleas in parks or public space properties such as the Siringo Road Complex.
- The City has not been notified by the State, nor had an outbreak in the City of Santa Fe, but staff will continue to monitor for plague by testing rodent burrow fleas and swab public spaces earlier in the season through the Fall.
- Parks personnel know what to look for, and there will be education of the rest of the City staff, including policies and workshops, with regard to, for example, what to do if someone finds a dead rodent which has no apparent trauma.

- The Department of Health will be collecting any dead rodents for testing at the request of the City of Santa Fe.
- The City will swab-test burrows through the fall, and collect any large flea counts and call State Epidemiology who will come and test those, noting it takes 3-4 weeks to get the test results.
- The bacteria moves very rapidly through an animal once it has contracted the plague, so the next step is to watch for dead rodents.
- Educate the public and City workers not to touch dead rodents.
- The next step is a policy which provides that any dead rodent found on public property, facilities or parks needs to be left on site, and then call the Parks Division immediately because they have the ability to either collect it property or call State Epidemiology which will come and pick it up right away.

Councilor Bushee asked if the City has the resources and staff to do this proactive effort, and are there Homeland Security funds or other State funding possibilities.

Mr. Chavez said the staff can be trained quickly. However, the Division doesn't have the staff and resources to do proactive flea control, and could use additional funds of \$10,000 to \$12,000, for the IPM office for collection and monitoring of flea populations. He said the third option is to contract this work. He said Parks staff is double dusting burrows as well as a contractor which is dusting for burrows in the very large properties because of public safety concerns and that right now, the Division is playing "catch up."

Responding to Councilor Bushee, Mr. Chavez said this season "it's the perfect storm," meaning weather conditions, rapid growth of weeds and vegetation which provides food sources for rodents and cover for predators, high humidity, early rains – everything is just perfect for an outbreak of fleas. He said not all fleas carry plague, but we need to continue to monitor for plague through the end of the season.

Councilor Bushee said her experience with her pet, is that there is labored breathing, and a very quick onset, noting she is still waiting for the official results of the cause of death.

Mr. Chavez said public education is very important, as well as monitoring and burrow dusting, noting other cities may do one or all three, as well as lethal control if that is needed in a very specific population. He said people need to continually monitor their pets for fleas and if at all possible prohibit their contact with any rodent population.

Councilor Bushee wants to be sure that staff stays on top of the problem.

Councilor Bushee said a Memorandum has been written which will go to Public Safety with regard to how we are moving forward on the forfeiture ordinance administratively. The Memo mentions no amendments, nor is there an attempt to open the ordinance. This is to move forward with fees similar to those in Albuquerque, and details as to the funding source and how long it will take to get the impound lot up to speed.

Councilor Wurzburger

Councilor Wurzburger thanked Mr. Chavez for the beauty of the gardens around City Hall.

Councilor Wurzburger said both she and the Mayor received letters and phone calls. She said the City did not plant *elms* in the rose garden, and asked Mr. Chavez to confirm that.

Mr. Chavez said he has not planted any trees in Rose Park and he would never plant the *Siberian elm*.

Councilor Wurzburger reminded the public that the Folk Art Market is this weekend on Saturday and Sunday, noting Sunday is designed for families, and urged the public to attend and to take the bus from the PERA building and the Railyard to the Market downtown.

Councilor Wurzburger urged everyone to attend the opening event on the Plaza tomorrow night for the Folk Art Market.

Councilor Wurzburger said she and Councilor Romero are introducing an ordinance modification to the Short Term Rentals ordinance. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "10."

Councilor Trujillo

Councilor Trujillo urged the public who leave near Franklin Miles Park to keep their dogs and cats in the house while the staff is doing the burrow dusting. He extended condolences to Councilor Bushee for the loss of her dog.

Councilor Trujillo said for those who use the skate park, the City Police are monitoring that to keep kids out of the park until the dusting is done. Currently, the skate park is closed for health reason, and the City will let the public know when it is open again. He hopes construction starts on Franklin Miles Park as soon as possible, and to have it open by September.

Councilor Calvert

Councilor Calvert had no communications.

Councilor Dominguez

Councilor Dominguez said there will be a dance performance on Sunday July 19th at 1:00 p.m., at Plaza Contenta, and asked the City Manager to ask staff to contact him for the contact information and details.

Councilor Dominguez will be hosting office hours on Saturday, 10:00 a.m. to 12:00 noon at Miklos' Coffee House in Tierra Contenta.

Councilor Dominguez introduced two Resolutions:

1. A Resolution at the request of the Las Acequias neighborhood to have some mid-block crosswalks from one side of the street to Las Acequias Park. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
2. A Resolution in response to the media and news articles regarding the memorial established at Cathedral Park. The intent of the Resolution is to bring some sort of closure and permanent space for people to grieve and memorialize the victims of the recent tragedy as well as for all who have lost their lives in the past and the future. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Mayor Coss

Mayor Coss introduced the following:

1. The Ordinance which is still being discussed in Executive Session, which authorizes a lease of approximately 61 acres of land and 499,000 sq. ft. of rentable area for the College of Santa Fe. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."
2. A Resolution supporting the City of Santa Fe Fire Department in its efforts in preparing for the opening of the City of Santa Fe Firefighters History Museum. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14."

Mayor Coss said a Memorandum of Agreement draft has been submitted to the Governor's Office regarding stimulus funds and land purchase funds – the MOU with the Community College regarding a Higher Education Learning District.

He thanked Sevastian Gurule, Threse Prada, Councilor Dominguez and Councilor Trujillo for their assistance in helping to diffuse the situation at Cathedral Park. He thanked the young people and their

families for working with the City on that, as well as Socorro Aragon, Albert Gallegos, Bernabe and Amelia who came together to get something worked out there.

15. 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. AND THE LEASE clarified by Councilors.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, that the Council return to Executive Session for the purpose of discussion of the negotiations concerning the purchase of the College of Santa Fe, and the Lease in Item #16, pursuant to §10-15-1(H)(8).

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

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

Against: None.

The Council went into Executive Session at approximately 8:45 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 9:15 p.m. Councilor Calvert moved, seconded by Councilor Romero, 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 Calvert, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against, and Councilor Bushee absent.

16. ACTION ON NEGOTIATIONS CONCERNING PURCHASE OF COLLEGE OF SANTA FE, PURSUANT TO §10-15-1(H)(8) NMSA 1978.

- a) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 29, 2009: BILL NO. 2009-39; AN ORDINANCE AUTHORIZING A LEASE OF APPROXIMATELY 61ACRES OF LAND AND APPROXIMATELY 499,000 SQUARE FEET OF RENTABLE AREA LOCATED WITHIN THE BUILDINGS, TOGETHER WITH**

**ALL IMPROVEMENTS, BUILDING SYSTEMS EQUIPMENT AND PERSONAL
PROPERTY LOCATED AT 1600 ST. MICHAEL'S DRIVE, SANTA FE, NEW MEXICO.
(FORMERLY THE COLLEGE OF SANTA FE.**

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve this request.

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

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

Against: None.

Absent: Councilor Bushee.

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 9:20 p.m.

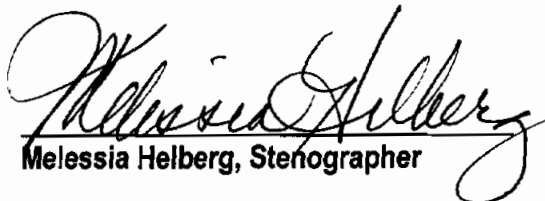
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer