



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
OCTOBER 28, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 10-22-09 TIME 3:09 pm

SERVED BY _____

RECEIVED BY Hydomuraz

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 – October 14, 2009
9. PRESENTATIONS:
 - a) Proclamation – Tony Hillerman Week; November 1-8, 2009. (5 minutes)
 - b) Neighborhood Law and Policy Conference – November 5 & 6, 2009.
(Fred Rowe, Neighborhood Law Center President). (5 minutes)
 - c) Arts Commission Chair – Cynthia Graves. (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State Price Agreement – Police Department Renovations; Creative Interiors, Inc. (Chip Lilienthal)
 - b) Request for Approval of Change Order No. 3 – Various Additional Items Not Listed in Original Contract for Siler Road Extension Project; A.S. Horner, Inc. (Desirae Lujan)
 - c) Request for Approval of Amendment No. 5 to 2007 General Fund Grant Agreement – Corrects Language in Amendment No. 3 Which Incorrectly Stated that Projects that Were Removed Were Never Part of the Original Agreement; State of New Mexico Department of Finance and Administration. (David Chapman)



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- d) Bid No. 10/10/B – City Hall Ventilation System and Agreement Between Owner and Contractor; CAC, Inc. (Chip Lilienthal)
- e) Request for Approval of Amendment No. 4 to 2005 General Fund Grant Agreement – Declares that Project 05-1588 for \$50,000 to Plan, Design, Construct and Renovate Studio and Office Space at the Museo Cultural for Use by the Maria Benitez Institute for Spanish Arts be Reauthorized to Project 06-2529 Which is for the Bataan Memorial Complex to Accommodate Maria Benitez Institute for Spanish Arts in Santa Fe; State of New Mexico Department of Finance and Administration. (David Chapman)
- f) Request for Approval of Amendment No. 8 to Railyard Lease and Management Agreement – Remove Portion of Infrastructure Constructed by the Santa Fe Railyard Community Corporation on Behalf of the City Including Roads, Sidewalks, Street Lights and Other Utilities; Santa Fe Railyard Community Corporation. (Bob Siqueiros)
- g) Request for Approval of Amendment No. 5 to Contract – Replace Pumps and Variable Frequency Drive at the MRC Pump Station Located at Wastewater Treatment Facility; Alpha Southwest, Inc. (Kathleen Garcia)
- h) Request for Approval of Procurement Under State Price Agreement – Materials to Install Paint Striping, Crosswalks and Arrows for Traffic Operations Section; 3M Company and J & H Supply, Inc. (Randy Blake)
- i) Request for Approval of Procurement Under State Price Agreement for Sale and Purchase of Natural Gas for Long Range Planning Division; State of New Mexico and BP Energy Company. (Nick Schiavo)
- j) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert)
A Resolution Recognizing the Urgency of Stabilizing the Climate as Well as the Role that the City of Santa Fe Can Play in Such an Endeavor, and in Support of U.S. Mayors Climate Protection Agreement. (Nick Schiavo)
- k) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Chavez)
A Resolution Urging the State Legislature to Enact a Local Hispano Arts and Crafts Sales Act. (Jeanne Price)



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- l) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Wurzburger)
A Resolution Repealing Resolution No. 2003-104; and Adopting a Revised City of Santa Fe Per Diem and Mileage Policy that Reflects the 2009 State Legislative Amendments to the Per Diem and Mileage Act, §§10-8-1 Through 10-8-8, NMSA 1978. (Substitute Resolution) (Teresita Garcia)
- m) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Bushee, Councilor Chavez, Councilor Romero and Councilor Trujillo)
A Resolution Directing the City Manager to Prepare a Report for the Governing Body Regarding a Proposed Program to Educate the Public Regarding the Proper Disposal of Pharmaceuticals and the Feasibility of Establishing City Sponsored Disposal Options for the Public. (Robert Gallegos)
- n) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Ortiz, Mayor Coss and Councilor Wurzburger)
A Resolution Authorizing and Directing the City Manager to Initiate Discussions With the Santa Fe Railyard Community Corporation; Railyard Company, LLC, Santa Fe Southern Railway, Inc., The State of New Mexico and Other Possible Entities to Develop a Variety of Ideas and Viable Financial Options for Development of the Public and Private Spaces at the Santa Fe Railyard in Accordance With the Railyard Master Plan. (Substitute Resolution) (Robert Romero)
- o) Request for Approval to Publish Notice of Public Hearing on December 9, 2009:
Bill No. 2009-56: An Ordinance Creating a New Section 25-1.2 SFCC 1987 Requiring All City Water Service Customers to Comply With Chapter 25 SFCC 1987 (Water) and Creating a New Section 25-1.3 SFCC 1987 Requiring Applicants for City Water Service to Comply with Chapter 14 SFCC 1987. (Land Development Laws) (Councilor Ortiz) (Jeanne Price)
- p) Request for Approval of Consideration to Re-Establish Positions in FY 2009/2010 Budget. (Kristine Kuebli)
- q) Request for Approval of Budget Transfer and Change of Salary Distribution for Arts Commission Senior Planner Position. (Sabrina Pratt)



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- r) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Wurzbarger and Councilor Romero)
A Resolution to Accept the Donation of Real Property (10 Acres ±) on the Western Flank of Sun Mountain Along Old Santa Fe Trail Subject to Deed of Conservation Easement. (Robert Romero)
- s) CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution of the Governing Body of the City of Santa Fe, New Mexico Declaring its Official Intent to Reimburse Itself With the Proceeds of a Future Tax-Exempt Borrowing for Capital Expenditures Paid to Acquire, Construct and Improve the Buckman Direct Diversion Project; Identifying the Capital Expenditures and the Funds to be Used for Such Payment; and Providing Certain Other Matters in Connection Therewith. (David Millican and Helene Hausman)
- t) CONSIDERATION OF RESOLUTION NO. 2009-_____ (Mayor Coss and Councilor Trujillo)
A Resolution Urging the New Mexico State Legislature to Adopt Governor Bill Richardson's Proposed DWI 2010 Legislation. (Jeanne Price)
- u) CONSIDERATION OF RESOLUTION NO. 2009-_____ (Mayor Coss)
A Resolution Urging the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act to Authorize all New Mexico Counties to Impose a Local Liquor Tax Upon Approval of the Local Voters and to Authorize the Use of the Tax Proceeds to Fund Social Service Programs Serving Persons Impacted by Alcohol and Drug Abuse. (Jeanne Price)
- v) CONSIDERATION OF RESOLUTION NO. 2009-_____ (Mayor Coss)
A Resolution Urging the New Mexico State Legislature to Enact the Domestic Partner Rights and Responsibilities Act. (Jeanne Price)
- w) Approval of Certificate of Correction for Typographical Error in Ordinance No. 2009-40 Regarding Short Term Rental Units. (Jeanne Price)
- 11. CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Romero, Councilor Trujillo and Mayor Coss)
A Resolution Directing the City Manager to do a Budget Adjustment in the Amount of \$750,000 from the City's Reserve Fund to the City's General Fund for the Purpose of Compensating the Santa Fe 400th Anniversary, Inc. for Various Events and Programs. (Darlene Griego)



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12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY
14. MATTERS FROM THE CITY CLERK
15. 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
- H. PUBLIC HEARINGS:
 - 1) Request for Approval from Dinky, Inc., for the following: (Yolanda Y. Vigil)
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at Celebrations at Village West, 1620 St. Michael's Drive, Which is Within 300 Feet of the College of Santa Fe, 1600 St. Michael's Drive.
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request for a Restaurant (Beer & Wine) License to be Located at Celebrations at Village West, 1620 St. Michael's Drive, Santa Fe.



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- 2) Request for Approval from Jalapeno's Taqueria y Torteria, Inc., for a Restaurant (Beer and Wine On-Premise Consumption Only) Liquor License to be Located at Jalapeno's, 3005 South St. Francis Drive, Suite 1-F. (Yolanda Y. Vigil)
- 3) Request for Approval from Second Street Brewery, Inc., for a Restaurant (Beer and Wine On-Premise Consumption Only) Liquor License to be Located at Second Street Brewery at the Railyard, Santa Fe Farmer's Market Building, 1607 Paseo de Peralta. (Yolanda Y. Vigil)
- 4) Request for Approval from Second Street Brewery, Inc., for a Small Brewer Off-Site "B" Liquor License (On-Premise Consumption and Package Sales of Small Brewer's Beer and any Other New Mexico Small Brewers Beer Only) to be Located at Second Street Brewery at the Railyard, Santa Fe Farmer's Market Building, 1607 Paseo de Peralta. (Yolanda Y. Vigil)
- 5) CONSIDERATION OF BILL NO. 2009-45: ADOPTION OF ORDINANCE NO. 2009-_____. (Mayor Coss)
An Ordinance Creating a New Section 14-5.2(M) SFCC 1987 Regarding the Applicability of Special Provisions and Standards of Historic District Requirements to State Capital Outlay Projects. (Frank Katz)
- 6) Request for Approval of Amendment #3 to the Professional Services Agreement for Museum of New Mexico Foundation (RFP# 09/02/P) in the Amount of \$27,000. (Fabian Trujillo) **(Postponed at October 14, 2009 City Council Meeting)**
- 7) CONSIDERATION OF BILL NO. 2009-44: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Chavez)
An Ordinance Amending Section 14-6.3 (C)(1) SFCC 1987 Clarifying the Ownership of Accessory Dwelling Units and Requiring the Recording of Restrictive Covenants for Accessory Dwelling Units. (Jeanne Price)
(Postponed at October 14, 2009 City Council Meeting)

I. ADJOURN



Agenda

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CITY COUNCIL CHAMBERS

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

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

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
October 28, 2009

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CONSIDERATION OF RESOLUTION NO. 2009- ____ . A RESOLUTION DIRECTING THE CITY MANAGER TO DO A BUDGET ADJUSTMENT IN THE AMOUNT OF \$750,000 FROM THE CITY'S RESERVE FUND TO THE GENERAL FUND FOR THE PURPOSE OF COMPENSATING THE SANTA FE 400 TH ANNIVERSARY, INC., FOR VARIOUS EVENTS AND PROGRAMS	Postponed to 12/09/2009	9
MATTERS FROM THE CITY MANAGER	None	9
MATTERS FROM THE CITY ATTORNEY	None	9
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<u>EVENING SESSION</u>		
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<u>PUBLIC HEARINGS</u>		
REQUEST FOR APPROVAL FROM DINKY, INC., FOR THE FOLLOWING:		
PURSUANT TO § 60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT CELEBRATIONS AT VILLAGE WEST, 1620 ST. MICHAEL'S DRIVE, WHICH IS WITHIN 300 FEET OF THE COLLEGE OF SANTA FE, 1600 ST. MICHAEL'S DRIVE	Approved	18-19
IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR A RESTAURANT (BEER & WINE ON PREMISES CONSUMPTION ONLY) LICENSE TO BE LOCATED AT CELEBRATIONS AT VILLAGE WEST, 1620 ST. MICHAEL'S DRIVE, SANTA FE	Approved	19
REQUEST FOR APPROVAL FROM JALAPENO'S TAQUERIA Y TORTERIA, INC., FOR A RESTAURANT (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT JALAPENO'S 3005 SOUTH ST. FRANCIS DRIVE, SUITE 1-F	Approved	19-20
REQUEST FOR APPROVAL FROM SECOND STREET BREWERY, INC., FOR A RESTAURANT (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT SECOND STREET BREWERY AT THE RAILYARD, SANTA FE FARMER'S MARKET BUILDING, 1607 PASEO DE PERALTA	Approved	20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL FROM SECOND STREET BREWERY, INC, FOR A SMALL BREWER OFF-SITE "B" LIQUOR LICENSE (ON-PREMISE CONSUMPTION AND PACKAGE SALES OF SMALL BREWER'S BEER AND ANY OTHER NEW MEXICO SMALL BREWERS BEER ONLY) LIQUOR LICENSE TO BE LOCATED AT SECOND STREET BREWERY AT THE RAILYARD, SANTA FE FARMER'S MARKET BUILDING, 1607 PASEO DE PERALTA	Approved	21
CONSIDERATION OF BILL NO. 2009-45; ADOPTION OF ORDINANCE NO. 2009- 46. AN ORDINANCE CREATING A NEW SECTION 14-5.2(M) SFCC 1987, REGARDING THE APPLICABILITY OF SPECIAL PROVISIONS AND STANDARDS OF HISTORIC DISTRICT REQUIREMENTS TO STATE CAPITAL OUTLAY PROJECTS	Approved	21-22
REQUEST FOR APPROVAL OF AMENDMENT #3 TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE MUSEUM OF NEW MEXICO FOUNDATION (RFP #09/02/P) IN THE AMOUNT OF \$27,000	Postponed to 12/09/2009	22
CONSIDERATION OF BILL NO. 2009-44; ADOPTION OF ORDINANCE NO. 2009- ____ . AN ORDINANCE AMENDING SECTION 14-6.3(C)(1) SFCC 1987, CLARIFYING THE OWNERSHIP OF ACCESSORY DWELLING UNITS AND REQUIRING THE RECORDING OF RESTRICTIVE COVENANTS FOR ACCESSORY DWELLING UNITS	Postponed to 12/09/2009	22
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
October 28, 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 October 28, 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 Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

Others Attending

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

6. APPROVAL OF AGENDA

Galen Buller, City Manager, said there is a request to postpone Item #11 on the Afternoon Agenda and Item #H(7) on the Evening Agenda, to the December 9, 2009 Council meeting.

Councilor Chavez asked to postpone Item #H(6) on the evening agenda to the Council meeting of December 9, 2009.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – POLICE DEPARTMENT RENOVATIONS; CREATIVE INTERIORS, INC. (CHIP LILIENTHAL)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 3 – VARIOUS ADDITIONAL ITEMS NOT LISTED IN ORIGINAL CONTRACT FOR SILER ROAD EXTENSION PROJECT; A.S. HORNER, INC. (DESIRAE LUJAN)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO 2007 GENERAL FUND GRANT AGREEMENT – CORRECTS LANGUAGE IN AMENDMENT NO. 3, WHICH INCORRECTLY STATED THAT PROJECTS THAT WERE REMOVED WERE NEVER PART OF THE ORIGINAL AGREEMENT; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)**
- d) **BID NO. 10/10/B – CITY HALL VENTILATION SYSTEM AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; CAC, INC. (CHIP LILIENTHAL)**

- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO 2005 GENERAL FUND GRANT AGREEMENT – DECLARES THAT PROJECT 05-1588 FOR \$50,000 TO PLAN, DESIGN, CONSTRUCT AND RENOVATE STUDIO AND OFFICE SPACE AT THE MUSEO CULTURAL FOR USE BY THE MARIA BENITEZ INSTITUTE FOR SPANISH ARTS BE REAUTHORIZED TO PROJECT 06-2529 WHICH IS FOR THE BATAAN MEMORIAL COMPLEX TO ACCOMMODATE MARIA BENITEZ INSTITUTE FOR SPANISH ARTS IN SANTA FE; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)**
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO RAILYARD LEASE AND MANAGEMENT AGREEMENT – REMOVE PORTION OF INFRASTRUCTURE CONSTRUCTED BY THE SANTA FE RAILYARD COMMUNITY CORPORATION ON BEHALF OF THE CITY, INCLUDING ROADS, SIDEWALKS, STREET LIGHTS AND OTHER UTILITIES; SANTA FE RAILYARD COMMUNITY CORPORATION. (BOB SIQUEIROS)**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO CONTRACT – REPLACE PUMPS AND VARIABLE FREQUENCY DRIVE AT THE MRC PUMP STATION LOCATED AT WASTEWATER TREATMENT FACILITY; ALPHA SOUTHWEST, INC. (KATHLEEN GARCIA)**
- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – MATERIALS TO INSTALL PAINT STRIPING, CROSSWALKS AND ARROWS FOR TRAFFIC OPERATIONS SECTION; 3M COMPANY AND J & H SUPPLY, INC. (RANDY BLAKE)**
- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT FOR SALE AND PURCHASE OF NATURAL GAS FOR LONG RANGE PLANNING DIVISION; STATE OF NEW MEXICO AND BP ENERGY COMPANY. (NICK SCHIAVO)**
- j) **CONSIDERATION OF RESOLUTION NO. 2009- 100 (COUNCILOR CALVERT). A RESOLUTION RECOGNIZING THE URGENCY OF STABILIZING THE CLIMATE AS WELL AS THE ROLE THAT THE CITY OF SANTA FE CAN PLAN IN SUCH AN ENDEAVOR, AND IN SUPPORT OF U.S. MAYORS CLIMATE PROTECTION AGREEMENT. (NICK SCHIAVO)**
- k) **CONSIDERATION OF RESOLUTION NO. 2009- 101 (COUNCILOR CHAVEZ). A RESOLUTION URGING THE STATE LEGISLATURE TO ENACT A LOCAL HISPANO ARTS AND CRAFTS SALES ACT. (JEANNE PRICE)**

- l) CONSIDERATION OF RESOLUTION NO. 2009- 102 (COUNCILOR WURZBURGER). A RESOLUTION REPEALING RESOLUTION NO. 2003-104; AND ADOPTING A REVISED CITY OF SANTA FE PER DIEM AND MILEAGE POLICY THAT REFLECTS THE 2009 STATE LEGISLATIVE AMENDMENTS TO THE PER DIEM AND MILEAGE ACT, §§10-8-1 THROUGH 10-8-8 NMSA 1978 (SUBSTITUTE RESOLUTION). (TERESITA GARCIA)**
- m) CONSIDERATION OF RESOLUTION NO. 2009- 103 (COUNCILOR BUSHEE, COUNCILOR CHAVEZ, COUNCILOR ROMERO AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING THE CITY MANAGER TO PREPARE A REPORT FOR THE GOVERNING BODY REGARDING A PROPOSED PROGRAM TO EDUCATE THE PUBLIC REGARDING THE PROPER DISPOSAL OF PHARMACEUTICALS AND THE FEASIBILITY OF ESTABLISHING CITY SPONSORED DISPOSAL OPTIONS FOR THE PUBLIC. (ROBERT GALLEGOS)**
- n) CONSIDERATION OF RESOLUTION NO. 2009- 104 (COUNCILOR ORTIZ, MAYOR COSS AND COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO INITIATE DISCUSSIONS WITH THE SANTA FE RAILYARD COMMUNITY CORPORATION; RAILYARD COMPANY, LLC, SANTA FE SOUTHERN RAILWAY, INC., THE STATE OF NEW MEXICO AND OTHER POSSIBLE ENTITIES TO DEVELOP A VARIETY OF IDEAS AND VIABLE FINANCIAL OPTIONS FOR DEVELOPMENT OF THE PUBLIC AND PRIVATE SPACES AT THE SANTA FE RAILYARD, IN ACCORDANCE WITH THE RAILYARD MASTER PLAN (SUBSTITUTE RESOLUTION). (ROBERT ROMERO)**
- o) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2009: BILL NO. 2009-56; AN ORDINANCE CREATING A NEW SECTION 25-1.2 SFCC 1987, REQUIRING ALL CITY WATER SERVICE CUSTOMERS TO COMPLY WITH CHAPTER 25 SFCC 1987 (WATER), AND CREATING A NEW SECTION 25-01.3 SFCC 1987, REQUIRING APPLICANTS FOR CITY WATER SERVICE TO COMPLY WITH CHAPTER 14 SFCC 1987 (LAND DEVELOPMENT LAWS) COUNCILOR ORTIZ). (JEANNE PRICE)**
- p) REQUEST FOR APPROVAL OF CONSIDERATION TO REESTABLISH POSITIONS IN FY 2009/2010 BUDGET. (KRISTINE KUEBLI)**
- q) REQUEST FOR APPROVAL OF BUDGET TRANSFER AND CHANGE OF SALARY DISTRIBUTION FOR ARTS COMMISSION SENIOR PLANNER POSITION. (SABRINA PRATT)**

- r) CONSIDERATION OF RESOLUTION NO. 2009- 105 (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). A RESOLUTION TO ACCEPT THE DONATION OF REAL PROPERTY (10 ACRES ±) ON THE WESTERN FLANK OF SUN MOUNTAIN ALONG OLD SANTA FE TRAIL, SUBJECT TO DEED OF CONSERVATION EASEMENT. (ROBERT ROMERO)**
- s) CONSIDERATION OF RESOLUTION NO. 2009- 106. A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO, DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT BORROWING FOR CAPITAL EXPENDITURES PAID TO ACQUIRE, CONSTRUCT AND IMPROVE THE BUCKMAN DIRECT DIVERSION PROJECT; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH. (DAVID MILLICAN AND HELENE HAUSMAN)**
- t) CONSIDERATION OF RESOLUTION NO. 2009- 107 (MAYOR COSS AND COUNCILOR TRUJILLO). A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO ADOPT GOVERNOR BILL RICHARDSON'S PROPOSED DWI 2010 LEGISLATION. (JEANNE PRICE)**
- u) CONSIDERATION OF RESOLUTION NO. 2009- 108 (MAYOR COSS). A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO AMEND THE LOCAL LIQUOR EXCISE TAX ACT TO AUTHORIZE ALL NEW MEXICO COUNTIES TO IMPOSE A LOCAL LIQUOR TAX UPON APPROVAL OF THE LOCAL VOTERS AND TO AUTHORIZE THE USE OF THE TAX PROCEEDS TO FUND SOCIAL SERVICE PROGRAMS SERVING PERSONS IMPACTED BY ALCOHOL AND DRUG ABUSE. (JEANNE PRICE)**
- v) CONSIDERATION OF RESOLUTION NO. 2009- 109 (MAYOR COSS). A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE TO ENACT THE DOMESTIC PARTNER RIGHTS AND RESPONSIBILITIES ACT. (JEANNE PRICE)**
- w) APPROVAL OF CERTIFICATE OF CORRECTION FOR TYPOGRAPHICAL ERROR IN ORDINANCE NO. 2009-40 REGARDING SHORT TERM RENTAL UNITS. (JEANNE PRICE)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 14, 2009

MOTION: Councilor Trujillo moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of October 14, 2009, as presented.

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

9. PRESENTATIONS

a) PROCLAMATION – TONY HILLERMAN WEEK; NOVEMBER 1-8, 2009.

Mayor Coss, assisted by Councilor Wurzburger, read the proclamation into the record declaring the South Side Library's Teen Patio the Tony Hillerman Teen Patio and the week of November 1-8, 2009, as Tony Hillerman Week in Santa Fe.

Councilor Wurzburger said we are honored to have this opportunity to acknowledge the wonderful contributions of Tony Hillerman. She said on Sunday November 1, 2009, at 1:30 p.m., there will be the naming of the Tony Hillerman Patio at the Southside Library. On Sunday, November 8, 2009, at 4:00 p.m., at the Santa Fe Community Center Anne Hillerman and her husband Don Strel, will present the new book on her father, which talks about the many different places on which his stories were built.

Anne Hillerman thanked the Mayor and Council, and said she hopes everyone will be at the Community Center on Sunday, November the 8th.

b) NEIGHBORHOOD LAW AND POLICY CONFERENCE – NOVEMBER 5 & 6, 2009. (FRED ROWE, NEIGHBORHOOD LAW CENTER PRESIDENT).

A copy of the Conference Schedule, entered for the record by Fred Rowe, is incorporated herewith to these minutes as Exhibit "1."

Fred Rowe spoke about the upcoming Neighborhood Law and Policy Conference on November 5-6, 2009, at the Community Convention Center and urged everyone to attend, saying there is no charge to the public to attend the Conference. He said among the speakers will be Chief Justice Richard Bosson speaking on Administrative Due Process, Tim Garcia speaking about fair and ethical decisions by elected officials, and City Councilors and other City officials.

Councilor Wurzbarger thanked Mr. Rowe for his dedication and work on the Conference, reiterating that there is no charge to the public to attend, noting that she and Councilor Ortiz will be speaking on St. Michael's Boulevard and the College of Santa Fe.

Councilor Romero thanked Mr. Rowe and Peter Dwyer for their work on the conference.

c) ARTS COMMISSION CHAIR CYNTHIA GRAVES.

Cynthia Graves, Arts Commission Chair, reported on the Inter-City Intangible Cultural Cooperation Network ["ICCN"] Workshop of Local Government Administrators, which she attended recently in Kingston, Jamaica. The ICCN is a network of local government representatives from across the world who commit themselves to cooperate in the preservation and promotion of intangible cultural heritage. She spoke about her background in museum exhibitions and cultural heritage. She said they were looking for someone to represent the City with that background and who could talk about the City's participation in the Creative Cities Network. She noted that the ICCN is UNESCO initiated.

Ms. Graves said the City of Kingston and the ICCN network paid for her meals and lodging but not air fare, noting a portion of the air fare was paid by the ICCN and she paid the balance out of her own pocket, stressing that the City paid no portion of the trip.

Ms. Graves presented information via power point. A copy of the power point presentation is incorporated herewith to these minutes as Exhibit "2." Please see Exhibit "2" for specifics of this presentation.

Ms. Graves said her conclusion about the conference is that Santa Fe fits very well in the structure of the ICCN, and with our continuing efforts through the Creative Cities Network, it would be an excellent thing to continue to participate in the ICCN.

Councilor Chavez said it is good to hear us talk about cultural heritage and the assets we are fortunate to have here in Santa Fe along with the breadth of talent in the local Hispano culture, in both a traditional and contemporary sense. He said the history of tinwork, weaving and furniture making are part of our 400th Anniversary celebration. He asked where is the component where we can promote, in the living sense, the resident artists and craftsmen both here as well as in exporting that product to give it a value added component.

Ms. Graves said this is one of the things which was discussed among many of the delegates to the Conference, and how we can share our intangible cultures with one another, so that people know what we do, why our intangible cultures are unique to us, and how to do this in a

way which doesn't take away from the essence of what intangible culture is. She said they discussed some sort of an exhibition incorporating a lot of video and pageantry with each venue which could go site to site. She said of those who attended, there would be 8-10 with the sophistication to do that. She said some of the delegates were really at the basic level of trying to identify their intangible cultures. She said some of them, such as Santa Fe, are very specific about what they have and to display share those things with our visitors. She said we could have a discussion of how to do that.

Councilor Chavez said his vision of that would be sort of an International Folk Art Market such as we have here, but in reverse. He said it would be reverse in the sense that Santa Fe would be promoting its handmade items in other venues, similar to how the International Folk Art Market promotes items which are produced in other places.

Ms. Graves said the Korean government has been one of the largest catalysts behind the ICCN. The City of Gangneung, Korea, has a large folk art festival of its own, highlighting its own culture, and it is interested in bringing other places, such as Santa Fe, to participate in that festival. She believes the festival is held every 3-5 years. She said we could discuss with them how we could incorporate what we do into that festival.

Ms. Graves said right now, the Network is trying to define itself, and how we can work with one another.

Ms. Graves said nobody attending the Network knew where Santa Fe, New Mexico was, noting most of them were government officials. She said some had heard about Santa Fe through a travel magazine, but were amazed at its location when she displayed a map showing Santa Fe. She said it then became a discussion of how many people live here, and they were shocked to learn how small our population is. She said nobody had ever been to Santa Fe, which is interesting, because these are people who travel all over the world. She said they were amazed and surprised at how much Santa Fe has to offer. She said they had a lot of false information about Santa Fe, and she was honored to provide the correct information. She said this is a great catalyst to get information about Santa Fe out to the world.

Councilor Romero said Ms. Graves presentation reminded her of the rituals other cultures incorporate, whether a saying or a prayer. She said in Papua, New Guinea they start their meetings with "belly rolling" jokes. She said the power of ritual is important, and she would like to incorporate more ritual in our day-to-day activity, although she doesn't want to begin meetings with jokes. She noted the ritual of prayer among Native American Tribes to begin meetings has been powerful where there is contention and difficulty. She said she would like to integrate more ritual into the discussion.

Ms. Graves said Ambassador Johnson commented on the importance of ritual and community, whether it is a parade or a festival, as something which really grounds us to our traditional values, and without that the community really doesn't have a base.

Councilor Romero commented that 5 of the Papuans whom she met while in New Guinea had graduated from UNM and gone on to Ph.D.'s in other places, but remembered with fondness the work they did as interns with Sandia, Isleta and other Pueblos in New Mexico. She said this was a great connection for her. She is encouraged by Ms. Graves' attendance at the Conference.

Ms. Graves said, since the conference, she has been thinking about how to do some sort of exhibition and how to keep it pure. She said once you "take it out and put it on a pedestal, it loses its creator basically."

Mayor Coss thanked Ms. Graves for representing the City of Santa Fe at this Conference.

11. **CONSIDERATION OF RESOLUTION NO. 2009- ____ (COUNCILOR ROMERO, COUNCILOR TRUJILLO AND MAYOR COSS). A RESOLUTION DIRECTING THE CITY MANAGER TO DO A BUDGET ADJUSTMENT IN THE AMOUNT OF \$750,000 FROM THE CITY'S RESERVE FUND TO THE GENERAL FUND FOR THE PURPOSE OF COMPENSATING THE SANTA FE 400TH ANNIVERSARY, INC., FOR VARIOUS EVENTS AND PROGRAMS. (DARLENE GRIEGO)**

This item was postponed to the Council meeting of December 9, 2009.

12. **MATTERS FROM THE CITY MANAGER**

None.

13. **MATTERS FROM THE CITY ATTORNEY**

None.

14. **MATTERS FROM THE CITY CLERK**

None.

15. 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 "3."

Councilor Calvert

Councilor Calvert said he is introducing several Resolutions as follows:

1. A Resolution recognizing and celebrating Arbor Day as the last Friday in April, which is key in Santa Fe becoming a Tree City USA. A copy of the resolution is incorporated herewith to these minutes as Exhibit "4."
2. The following resolutions relating to the Stimulus Funds which will be used mainly in the Water Division, as follows:
 - a) A Resolution authorizing the execution and delivery of a loan and subsidy between the City of Santa Fe and the NMFA, for the purpose of financing the costs of modification of the electrical system at the Buckman Direct Diversion Surface Water Project to provide for a planned photovoltaic system.
 - b) A Resolution authorizing the execution and delivery of a loan and subsidy between the City of Santa Fe and the NMFA, for the purpose of financing the costs of a project consisting of upgrades to the City's water utility system, including a micro-hydroelectric generation project.
 - c) A Resolution authorizing the execution and delivery of a loan and subsidy between the City of Santa Fe and the NMFA, for the purpose of financing the costs of a project consisting of upgrades to the City's water utility system, including installation of a water harvesting demonstration project.
 - d) A Resolution authorizing the execution and delivery of a loan and subsidy between the City of Santa Fe and the NMFA, for the purpose of financing the costs of upgrades to the City's water utility system, including a rebate program to promote water conservation technologies.

- e) A Resolution authorizing the execution and delivery of a loan and subsidy between the City of Santa Fe and the NMFA, for the purpose of financing the costs of a project consisting of upgrades to the City's water utility system, including instrumentation of pumping sites to monitor energy usage.
- f) A Resolution authorizing the execution and delivery of a loan and subsidy between the City of Santa Fe and the NMFA, for the purpose of financing the costs of a project consisting of upgrades to the City's water utility system, including instrumentation of pumping sites to monitor energy usage.

Councilor Dominguez

Councilor Dominguez remembered the many contributions to our community by Mr. Anthony Gonzales who was a friend and mentor. He said he and his family were very active in the community, and strong supporters of the different events in the community.

Councilor Dominguez announced the results of the Mayor's food drive, noting a total of 2,863 pounds of food was donated. He said Sierra Academy, with an enrollment of 117 students, donated the most with 688 pounds of food.

Councilor Dominguez introduced the following Ordinance Amendments:

1. An Ordinance regarding Telecommunication and Cable Services. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."
2. An Ordinance granting a non-exclusive franchise to Newpath Networks to use the City's Right of Way. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Dominguez said at the next meeting he will be introducing a resolution with regard to the possibility of getting something named for Anthony Gonzales.

Councilor Dominguez invited the public to the Second Annual Fall Festival on Saturday, October 31, 2009, 10:00 a.m. to 3:00 p.m., at Plaza Contenta, at Jaguar and Paseo del Sol. He said pets are welcome and there will be a money prize raffle, and Sante Fitness Studio will be teaching choreography from Michael Jackson's video *Thriller* at noon.

Councilor Wurzburger

Councilor Wurzburger said, as the Chair of the Public Utilities Committee, she would like to be added as a cosponsor to Councilor Calvert's six resolutions on stimulus funds tied to public utility items.

Councilor Wurzburger introduced the following:

1. A Resolution endorsing the "Jamaica Declaration," and joining the movement of the Inter-City Intangible Cultural Cooperation Network. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. An Ordinance amending Sections 14-5.5, regarding the South Central Highway Corridor Protection District to increase the *minimum building setbacks for property* within 600 feet of the edge of the right-of-way of both sides of Old Pecos Trail from I-25 to St. Michael's Drive. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Trujillo

Councilor Trujillo extended his condolences to the family of Anthony Gonzales on the loss of George Anthony Gonzales this past week, saying it is a great loss to the City as well.

Councilor Ortiz

Councilor Ortiz said he wanted to publicly thank Pat Chavez of the Parking Division. He received an email from a constituent who said Mr. Chavez assisted her in disengaging from a young man who was giving her a hard time. He said Mr. Chavez stepped in and resolved the situation calmly and professionally. He thanked Mr. Chavez for his professionalism, commenting that it is good to receive these kinds of emails.

Councilor Ortiz extended his condolences to the Gonzales family. He said George Anthony Gonzales was a great guy, and a good friend, and he will be greatly missed by his family, his friends and by the community.

Councilor Ortiz said District 4 has received Notice of a DOT meeting on the I-25 Corridor, on November 5, 2009, at GCCC. He said the DOT continues to have on its map the old Santa Fe Arterial Road Map which shows a potential connection from Governor Miles to Sawmill Road. He

said this is a mistake. He said in 2004 or 2005, the Council adopted a Resolution changing the Arterial Road Map to cut Governor Miles off where it exists now, but the DOT seems to be under the impression that this still is a consideration. However, the City has made a policy decision that it is not. He asked Planning Staff to provide a copy of the Council action to him so he and Councilor Trujillo can disseminate it in advance of the November 5th meeting.

Councilor Chavez

Councilor Chavez extended his deepest condolences and prayers to the Gonzales family.

Councilor Chavez introduced an Ordinance amendment to restrict truck, truck trailer and other large vehicle traffic on Cordova Road. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Chavez said the Public Works Committee was advised that Governor Richardson and the Legislature, because of the State's financial situation, have put a freeze on capital outlay projects for a savings to the State for as much as \$150 million, but he doesn't know the impact on the City. He would like staff to work on a list of the projects, including a timeline, dollar amount and status of the project. He said the Lobbyist said there is a funding mechanism to bring money back to these projects.

Councilor Chavez spoke about a Statewide Arts & Cultural District, with the goal for communities to turn their dynamic arts and cultural environment into commerce, tourism, artistic growth and civic pride, to develop and support the growth of their respective creative economies. He said the Arts & Cultural Plans are sponsored in part by the McCune Foundation, the Museum of New Mexico Foundation and the University of New Mexico Bureau of Economic Research. He said Las Vegas and Silver City have established districts. He asked Mr. Buller to investigate the possibility of Santa Fe forming such a district and to draft a resolution so we can move forward on this.

Councilor Wurzbarger said Kathy McCormick has been working on this idea as one of the options for St. Michael's and she will be happy to work with him on a Resolution.

Councilor Chavez said he didn't have a particular corridor or area in mind, and is looking at this City wide because we recognize our cultural assets so often, and he was looking to establish new districts and/or to incorporate this component into part of our downtown historic district.

Councilor Romeo

Councilor Romero extended her deepest condolences to the Gonzales family, saying George Anthony spent quite a bit of time with her in the waiting room before she would do a taping when she was running for office. She said he had a great sense of humor, and a great work ethic, and she wants to publicly acknowledge this great loss to his family and friends and to the community.

Councilor Romero asked everyone to listen to the talk show on KVSF 1260 at 9 a.m. on Saturday morning. She said she and Bryan Bird of WildEarth Guardians will discuss climate change and the impact on our water resources and forests.

Mayor Coss

Mayor Coss expressed condolences to the Gonzales family on the passing of George Anthony Gonzales, who was a good friend to the Governing Body and to so many in the community. He especially appreciated Anthony's concern for his own parents when they talked, always asking about his mom and dad. He said he never saw anybody express our love of family or be that love more than Anthony Gonzales, and he will be missed.

Mayor Coss reminded the public of the Mayor's Ball on Saturday to benefit La Familia, and asked Councilors let him know if they will be attending.

Mayor Coss said he spoke with Alex Valdez at Christa St. Vincent's who has been doing some table top exercises regarding the H1N1 virus, and he has asked him to schedule another one involving the City, the County and the Schools.

Mayor Coss said as we struggle about what to do with the 400th commemoration some good ideas are coming from the community. He said doing this locally and using the creativity of our own folks is a great way to proceed.

Dan [?] of said they have been thinking of other avenues to explore to exploit the opportunities provided by the 400th celebration, at a low cost for maximum PR. He said one of their ideas is to make special 400th Anniversary farolito bags, and present those to the White House as part of their Christmas decorations and to help Santa Fe to celebrate and promote its 400th. He contacted Senator Bingaman office and there is some movement forward toward the White House. He said they are looking to contact other venues, for example the Rockefeller Center, to use the special farolito bags as part of its Christmas decorations. Dan presented the proposed farolito to the City Council, and said they want to move forward with this.

Dan said the last line of the song presented to the Council on October 28th has been retooled to make it a stand alone piece, now titled *A Salute to the 400th*. He said they will get the Men's Camarado to do this version of the song.

Dan said they would like to use the proposed farolitos on the plaza, and perhaps get the Men's Camarado to come down and sing the song on the Plaza. He said perhaps we can get the State Tourism Department to put these farolitos at the Tourism Centers around the State.

Mayor Coss said he appreciates this and some of the other ideas which are coming from the community for the 400th.

END OF AFTERNOON SESSION AT 6:00 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 Christopher Calvert
Councilor Miguel Chavez,
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

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

Others Attending

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

F. PETITIONS FROM THE FLOOR

Nancy Long said she is here to promote the Neighborhood Law Conference next week, noting Mr. Rowe thought there might be a larger audience this evening. She said the Conference is free and open to the public, but lawyers have to pay to get their CLE credits.

G. APPOINTMENTS

Historic Green Building Code Task Force

Mayor Coss made the following appointments to the Historic Green Building Code Task Force:

- * Gayla Bechtol
 - * Camilla M. Bustamante
 - * Amanda A. Evans
 - * Dan Featheringill
 - * Ra N. Patterson
 - * Jan Wisniewski
 - * Roy Wroth
- * Appointments shall run until the approval of a Historic Green Building Code by the Governing Body, at which time the Task Force shall be dissolved.

MOTION: Councilor Calvert moved, seconded by Councilor Chavez, to approve these appointments.

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

City Business and Quality of Life Advisory Committee

Mayor Coss made the following appointment to the City Business and Quality of Life Advisory Committee:

Diane R. Karp – to fill unexpired term ending 03/2011.

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve this appointment.

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

H. PUBLIC HEARINGS

- 1) **REQUEST FOR APPROVAL FROM DINKY, INC., FOR THE FOLLOWING:**
 - a) **PURSUANT TO § 60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT CELEBRATIONS AT VILLAGE WEST, 1620 ST. MICHAEL'S DRIVE, WHICH IS WITHIN 300 FEET OF THE COLLEGE OF SANTA FE, 1600 ST. MICHAEL'S DRIVE.**
 - b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FOR A RESTAURANT (BEER & WINE ON PREMISES CONSUMPTION ONLY) LICENSE TO BE LOCATED AT CELEBRATIONS AT VILLAGE WEST, 1620 ST. MICHAEL'S DRIVE, SANTA FE.**
- (YOLANDA Y. VIGIL)**

Items H(1)(a) and (b) were combined for purposes of presentation, discussion and public hearing, but were approved by separate actions of the Governing Body.

The staff report was given by Yolanda Y. Vigil, noting memorandums are in the packet from staff regarding liter, noise and traffic ordinances, and staff expects no unacceptable traffic impacts if this request is approved. Staff requests that the 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 Calvert moved, seconded by Councilor Romero, to approve the request for the waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Celebrations at Village West, 1620 St. Michael's Drive, which is within 300 feet of the College of Santa Fe, 1600 St. Michael's Drive.

DISCUSSION: Councilor Chavez asked if we have done this for other businesses within the 300 ft. perimeter.

Ms. Vigil said yes.

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

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

Against: None.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the request for a Restaurant (Beer & Wine) License to be located at Celebrations at Village West, 1620 St. Michael's Drive, Santa Fe.

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

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

Against: None

- 2) **REQUEST FOR APPROVAL FROM JALAPENO'S TAQUERIA Y TORTERIA, INC., FOR A RESTAURANT (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT JALAPENO'S 3005 SOUTH ST. FRANCIS DRIVE, SUITE 1-F. (YOLANDA Y. VIGIL)**

Yolanda Vigil presented information regarding this request, noting there are memorandums in the Council packet regarding litter, noise and traffic, and staff anticipates no unacceptable traffic impacts if this request is approved. Staff requests 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 Dominguez, to approve the request for a Restaurant (Beer & Wine on-premise consumption only) Liquor License to be located at Jalapeno's, 3005 South St. Francis Drive, Suite 1-F.

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

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

Against: None

- 3) **REQUEST FOR APPROVAL FROM SECOND STREET BREWERY, INC., FOR A RESTAURANT (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) LIQUOR LICENSE TO BE LOCATED AT SECOND STREET BREWERY AT THE RAILYARD, SANTA FE FARMER'S MARKET BUILDING, 1607 PASEO DE PERALTA. (YOLANDA Y. VIGIL)**

Yolanda Vigil presented information regarding this request, noting the location is not within 300 feet of a church or school, and staff recommends that the business be required to comply with all City ordinances. Staff does not anticipate any unacceptable traffic impacts as the result of the approval of this request.

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 approve the request for a Restaurant (Beer & Wine on-premise consumption only) Liquor License to be located at Second Street Brewery at the Railyard, Santa Fe Farmer's Market Building, 1607 Paseo de Peralta.

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

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

Against: None

- 4) **REQUEST FOR APPROVAL FROM SECOND STREET BREWERY, INC, FOR A SMALL BREWER OFF-SITE "B" LIQUOR LICENSE (ON-PREMISE CONSUMPTION AND PACKAGE SALES OF SMALL BREWER'S BEER AND ANY OTHER NEW MEXICO SMALL BREWERS BEER ONLY), TO BE LOCATED AT SECOND STREET BREWERY AT THE RAILYARD, SANTA FE FARMER'S MARKET BUILDING, 1607 PASEO DE PERALTA. (YOLANDA Y. VIGIL)**

Yolanda Vigil presented information regarding this request, noting the location is not within 300 feet of a church or school, and staff recommends that the business be required to comply with all City ordinances. Staff does not anticipate any unacceptable traffic impacts as the result of the approval of this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve the request for a Small Brewer Off-Site "B" Liquor License (on-premise consumption and package sales of small brewer's beer and any other New Mexico small brewers beer only) Liquor License to be located at Second Street Brewery at the Railyard, Santa Fe Farmer's Market Building, 1607 Paseo de Peralta

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2009-45; ADOPTION OF ORDINANCE NO. 2009- 46 (MAYOR COSS). AN ORDINANCE CREATING A NEW SECTION 14-5.2(M) SFCC 1987, REGARDING THE APPLICABILITY OF SPECIAL PROVISIONS AND STANDARDS OF HISTORIC DISTRICT REQUIREMENTS TO STATE CAPITAL OUTLAY PROJECTS. (FRANK KATZ)**

Frank Katz, City Attorney, presented information regarding this matter, and reviewed the

provisions of the proposed Ordinance which is in the Council Packet. Mr. Katz noted this is the next step in the process of applying the City's Historic Ordinance to other governments.

Councilor Chavez asked to be added as a cosponsor.

MOTION: Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-46 as presented.

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

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

Against: None.

- 6) **REQUEST FOR APPROVAL OF AMENDMENT #3 TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE MUSEUM OF NEW MEXICO FOUNDATION (RFP #09/02/P) IN THE AMOUNT OF \$27,000. (FABIAN TRUJILLO) (Postponed at the October 14, 2009 City Council meeting).**

This item was postponed to the Council meeting of December 9, 2009.

- 7) **CONSIDERATION OF BILL NO. 2009-44; ADOPTION OF ORDINANCE NO. 2009- ____ (COUNCILOR CHAVEZ). AN ORDINANCE AMENDING SECTION 14-6.3(C)(1) SFCC 1987, CLARIFYING THE OWNERSHIP OF ACCESSORY DWELLING UNITS AND REQUIRING THE RECORDING OF RESTRICTIVE COVENANTS FOR ACCESSORY DWELLING UNITS. (JEANNE PRICE) (Postponed at October 14, 2009 City Council meeting)**

This item was postponed to the Council meeting of December 9, 2009.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:20 p.m.

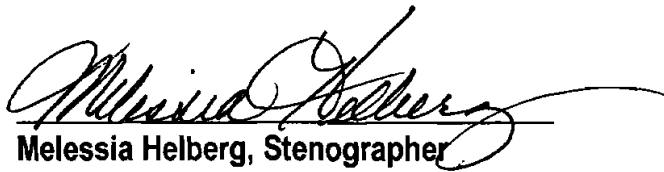
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer