



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 9, 2009
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 12/4/09 TIME 1:55pm

SERVED BY _____

RECEIVED BY tydominguez

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 – November 10, 2009.
9. PRESENTATIONS
 - a) Employee of the Month for December 2009 – Lillian Martinez, Administrative Assistant; Human Resources Department. (5 minutes)
 - b) Muchas Gracias – LeAnn S. Valdez, Engineer Assistant and Tony C. Sanchez, Project Administrator. (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 10/11/B – One (1) Large Truck Cab and Chassis for Solid Waste Management Division; Trucks West, Inc. (Bill DeGrande)
 - b) Bid No. 10/12/B – One (1) Grappler Large Item Collection Body for Solid Waste Management Division; High Mesa Environmental, LLC. (Bill DeGrande)
 - c) Bid No. 10/13/B – Ferguson Well Wall Construction Project Agreement Between Owner and Contractor for Water Division; Advantage Asphalt & Seal Coating, LLC. (Bill Huey)



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- d) Request for Approval of Amendment No. 2 to Public Art Professional Services Agreement – Art in Public Places Program at South Side Branch Library; State of New Mexico Department of Cultural Affairs and Randy Walker D/B/A Walker Design Studio. (Debra Garcia y Griego)
- e) Request for Approval of Adoption of Santa Fe Arts Commission FY 2010/2013 Work Plan. (Sabrina Pratt)
- f) Request for Approval of Grant Award – EOD K-9 Training, Hazmat Detection Upgrades and Training and Overtime for Fire and Police; Department of Homeland Security. (Joyce Purley and James Gardner)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- g) Request for Approval of Contract – Procurement of Raw Food Products for Senior Meal Program for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)
 - 1) Request for Approval of Budget Adjustment – Grant Fund.
- h) Request for Approval of Grant Award – Probation Supervision to Perpetrators of Domestic/Sexual/Dating Violence and Stalking from Cases Heard in Santa Fe County Magistrate Court and First Judicial District Court; Federal Office of Violence Against Women. (Carol Horwitz)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- i) Request for Approval of Amendment No. 1 to Memorandum of Agreement – Services for Senior Services Division; Santa Fe County. (Terrie Rodriguez)
- j) Request for Approval of Amendment No. 1 to Marty Sanchez Links De Santa Fe Lease of Food and Beverage Service Facility – Concession Services at Golf Course; Santa Fe Concession, LLC. (Larry Lujan)
- k). Request for Approval of Placement of Bollards at the Santa Fe Railyard Property; The Trust for Public Land. (Robert Siqueiros)



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- l) Request for Approval of Budget Increase for Santa Fe Railyard Community Corporation. (Robert Siqueiros)
- m) Request for Approval of Professional Services Agreement – Property Management and Lease Administration Services on Behalf of the City for College of Santa Fe; CSF Management, LLC. (Lee DePietro)
- n) Request for Approval of Procurement Under Federal Price Agreement – False Alarm Billing and Tracking Services for Police Department; GTSI Corporation and AOT Public Safety Corporation. (Robert Rodarte)
- o) Request for Concept Approval of Sale of Real Estate Containing Approximately 5,071 Square Feet Located Along the Westerly Boundary of 1301 Calle Joya; Cervantes “Buddy” Roybal and Irene Roybal. (Edward Vigil)
- p) Request for Approval of Grant Award – U.S. Department of Energy (DOE) Energy Efficiency and Conservation Block Grant; U.S. Department of Energy. (Nick Schiavo)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- q) Request for Approval of Sole Source Procurement of Amendment No. 1 to Professional Services Agreement – Engineering and Planning Services for Water Division; AECOM Technical Services, Inc. (Dale Lyons)
- r) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert, Councilor Wurzbarger, Councilor Romero and Councilor Bushee)
A Resolution Consenting to the Inclusion of The Municipality of the City of Santa Fe Within the Santa Fe County Renewable Energy Financing District. (Nick Schiavo)
- s) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Bushee)
A Resolution Directing Staff to Solicit Names of Individuals for the Purpose of Renaming the Boys and Girls Club Park Located on Alto Street, Across from the Boys and Girls Club. (Fabian Chavez)



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- t) CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution Authorizing the Execution and Delivery of a Loan and Subsidy Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than Forty-Two Thousand Four Hundred Twenty Dollars (\$42,420), Together with Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Loan Subsidy of No More Than Ninety-Eight Thousand Nine Hundred Eighty Dollars (\$98,980), **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;** Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. [Project No. 2378-ADW] (Councilor Calvert) (Dale Lyons)
- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2378-ADW]; New Mexico Finance Authority. (Dale Lyons)
- a) Request for Approval of Budget Increase – Grant Fund.
- u) CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution Authorizing the Execution and Delivery of a Loan and Subsidy Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than One Hundred Sixty-Six Thousand Six Hundred Fifty Dollars (\$166,650), Together With Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Loan Subsidy of No More Than Three Hundred Eighty-Eight Thousand Eight Hundred Fifty Dollars (\$388,850), **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;** Providing for the Payment of the Principal of, Administrative Fees and



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Interest Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with This Resolution; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan Agreement. [Project No. 2382-ADW] (Councilor Calvert) (Dale Lyons)

- 1) Request for Approval Of Drinking Water State Revolving Fund Loan Agreement [No. 2382-ADW]; New Mexico Finance Authority. (Dale Lyons)

- a) Request for Approval of Budget Increase – Grant Fund.

- v) CONSIDERATION OF RESOLUTION NO. 2009-_____.

A Resolution Authorizing the Execution and Delivery of a Loan and Subsidy Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than Thirty-Seven Thousand Eight Hundred Seventy-Five Dollars (\$37,875), Together with Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Loan Subsidy of No More Than Eighty-Eight Thousand Three Hundred Seventy-Five Dollars (\$88,375), **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;** Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. [Project No. 2383-ADW] (Councilor Calvert) (Dale Lyons)

- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2383-ADW]; New Mexico Finance Authority. (Dale Lyons)

- a) Request for Approval of Budget Increase – Grant Fund.



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- w) CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution Authorizing the Execution and Delivery of a Loan and Subsidy Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than Ninety Thousand Nine Hundred Dollars (\$90,900), Together With Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Loan Subsidy of No More Than Two Hundred Twelve Thousand One Hundred Dollars (\$212,100), **for the Purpose of Financing the Costs of a Project Consisting of Upgrades to the City's Water Utility System, Including a Rebate Program to Promote Water Conservation Technologies;** Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. [Project No. 2389-ADW] (Councilor Calvert) (Dale Lyons)
- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2389-ADW]; New Mexico Finance Authority. (Dale Lyons)
- a) Request for Approval of Budget Increase – Grant Fund.
- x) CONSIDERATION OF RESOLUTION NO. 2009-_____.
A Resolution Authorizing The Execution And Delivery Of A Loan Agreement ("Loan Agreement") By And Between The City Of Santa Fe, New Mexico (The "Governmental Unit") And The New Mexico Finance Authority, Evidencing A Special Limited Obligation Of The Governmental Unit To Pay A Principal Amount Of No More Than One Hundred Seventy-Three Thousand Six Hundred Ninety-Four Dollars (\$173,694), Together With Interest, Costs of Issuance and Administrative Fees Thereon, **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;** Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum



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Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. [Project No. 2392-DW] (Councilor Calvert) (Dale Lyons)

- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2392-DW]; New Mexico Finance Authority. (Dale Lyons)

- a) Request for Approval of Budget Increase – Grant Fund.

- y) CONSIDERATION OF RESOLUTION NO. 2009-_____.

A Resolution Authorizing the Execution and Delivery of a Loan and Subsidy Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More than Twenty-Three Thousand Six Hundred Forty-Two Dollars (\$23,642), Together with Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Loan Subsidy of No More Than Fifty-Five Thousand One Hundred Sixty-Four Dollars (\$55,164), **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**; Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement [Project No. 2393-ADW] (Councilor Calvert) (Dale Lyons)

- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2393-ADW]; New Mexico Finance Authority. (Dale Lyons)

- a) Request for Approval of Budget Increase – Grant Fund.



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- z) Request for Approval of Consideration to Re-Establish Positions in FY 2009/2010 Budget. (Kristine Kuebli)
- aa) Request for Approval – City of Santa Fe Schedule for 2010 City Council and Council Committee Meetings. (Yolanda Y. Vigil)
- bb) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert and Councilor Bushee)
A Resolution Recognizing and Celebrating Arbor Day, This Year and Each Year Forward, as the Last Friday in April; and Directing Staff to Take the Necessary Steps to Qualify the City of Santa Fe as a Member of the National Arbor Day Foundation's Tree City USA (TCUSA) Program. (Robert Wood)
 - 1) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Calvert)
A Resolution Amending Resolution No. 2007-22 Which Established the Parks and Open Space Advisory Commission in Order to Include a Subcommittee to Serve as the Municipal Tree Board. (Robert Wood)
- cc) CONSIDERATION OF RESOLUTION NO. 2009-_____. (Councilor Romero and Councilor Wurzburger)
A Resolution Directing Staff to Apply for a Six Month Extension to an Existing Municipal Arterial Program Funding Agreement Between the New Mexico Department of Transportation and the City of Santa Fe for the Old Pecos Trail Reconstruction Project – Cordova Road to Berger Street. (John Romero)
 - 1) Request for Approval of Fourth Amendment to Municipal Arterial Program Agreement Certification Project D11419 – Time Extension; New Mexico Department of Transportation.
- dd) Request for Approval to Publish Notice of Public Hearing on January 13, 2010:

Bill No. 2009-59 – An Ordinance Amending Sections 14-9.2(F)(1)(J) and 14-9.2(H) SFCC 1987 Regarding Sidewalks and Curb and Gutters in the City's Historic Districts. (Councilor Bushee and Councilor Wurzburger) (Jeanne Price)



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- ee) Request for Approval of the Findings of Fact and Conclusions of Law for Vista Bonitas Phase II: (Kelly Brennan)
 - 1) General Plan Amendment; Case #M 2009-11.
 - 2) Rezoning; Case #ZA 2009-05.
- ff) Request for Approval of the Findings of Fact and Conclusions of Law for Northwest Quadrant: (Kelly Brennan)
 - 1) General Plan Amendment; Case #M 2009-05.
 - 2) Rezoning; Case #ZA 2009-02.
 - 3) Escarpment Variance Appeal; Case #A 2009-06.
 - 4) Terrain Management Variance Appeal; Case #A 2009-07.
- gg) Request for Approval of Professional Services Agreement – Engineering Design Services for S-1 Southwest Tank Supply Pipeline (RFP #10/09/P); Bohannon Huston, Inc. (Robert Jorgensen) **(Postponed at November 10, 2009 City Council Meeting)**
 - 1) Request for Approval of Budget Adjustment – Water Enterprise Fund.
- 11. Request for Approval of Community Development Block Grant Contract (CDBG) – Management of Santa Fe Business Revolving Loan Fund; New Mexico Community Development Loan Fund. (Fabian Trujillo)
- 12. 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) (Postponed at October 28, 2009 City Council Meeting) **(Withdrawn)**
- 13. MATTERS FROM THE CITY MANAGER



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14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Settlement of Condemnation Action *City of Santa Fe v. Polk*; Pursuant to §10-15-1(H) (7) NMSA 1978.
 - f) Discussion of Threatened Litigation over City Ban on Door to Door Solicitation; Pursuant to Section 10-15-1(H)(7) NMSA 1978.
 - b) Discussion of Threatened Litigation by Santa Fe Community Loan Fund; Pursuant to §10-15-1(H) (7) NMSA 1978.
 - c) Discussion of Agreement to sell Tracts A, B, C and D at College of Santa Fe to the State; Pursuant to §10-15-1(H) (8) NMSA 1978.
 - d) Discussion of Possible Purchase of Real Property; Pursuant to §10-15-1(H) (8) NMSA 1978.
 - e) Discussion of Litigation of *Thos Byrne v. Railyard Company LLC, and the City of Santa Fe*; Pursuant to §10-15-1(H) (7) NMSA 1978.
 - g) Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations, Pursuant to §10-15-1(H)(5) NMSA 1978.
 - h) Discussion of Possible Settlement of PRC Case Concerning the Legality of Third-Party Arrangements for Renewable Generation and PNM's Renewable Energy Portfolio Plan", Pursuant to §10-15-1(H)(7) NMSA 1978.
- 15. Action Regarding the Settlement of Condemnation Action *City of Santa Fe v. Polk*. (Frank Katz)
 - 16. Action Regarding the Threatened Litigation by Santa Fe Community Fund. (Frank Katz)
 - 17. Action Regarding the Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State. (Frank Katz)



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18. Action on Possible Settlement of PRC Case Concerning the Legality of Third-Party Arrangements for Renewable Generation and PNM's Renewable Energy Portfolio Plan. (Marcos Martinez and Nick Schiavo)
19. MATTERS FROM THE CITY CLERK
20. 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 from City Hall, Inc. for a Transfer of Ownership and Location of Dispenser License #1363 from Richard Kriebs, Inc., d/b/a Green Onion, 1851 St. Michael's Drive, Santa Fe, to City Hall, Inc., d/b/a Rouge Cat, 101 Marcy Street, Suite 5. (Yolanda Y. Vigil)
 - 2) Request from Ze French Bistro, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Ze French Bistro, 311 Old Santa Fe Trail. (Yolanda Y. Vigil)



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- 3) 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 28, 2009 City Council Meeting)**
- 4) CONSIDERATION OF BILL NO. 2009-57: ADOPTION OF ORDINANCE NO. 2009-_____. (Mayor Coss and Councilor Trujillo)
An Ordinance Amending Article 23-6 SFCC 1987 Regarding the Sale or Consumption of Alcoholic Beverages on City Property. (Jeanne Price)
- 5) CONSIDERATION OF BILL NO. 2009-58: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Calvert, Councilor Chavez and Councilor Romero)
An Ordinance Amending Sections 14-8.3(C)(2) and 14-8.3(C)(3) SFCC 1987 Regarding Development Within a Special Flood Hazard Area and Permitted Uses Within a Floodway and Making Such Changes as are Necessary. (Wendy Blackwell)
- 6) CONSIDERATION OF BILL NO. 2009-49: ADOPTION OF ORDINANCE NO. 2009-_____. (Mayor Coss)
An Ordinance Authorizing Leases for Three Tracts of Land Totaling 9.5692 Acres Consisting of: Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street; Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase I; Tract 2 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Santa Fe Civic Housing Authority/Villa Alegre Project) (Mayor Coss) (Lee DePietro) **(Postponed at November 10, 2009 City Council Meeting)**
 - a) Request for Approval of Ground Lease – Villa Alegre Housing Project; Santa Fe Civic Housing Authority. **(Postponed at November 10, 2009 City Council Meeting)**
 - 1) Multifamily
 - 2) Senior
 - 3) Workforce



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- 7) CONSIDERATION OF BILL NO. 2009-56: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Ortiz and Councilor Romero)
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) (Jeanne Price)
- 8) CONSIDERATION OF BILL NO. 2009-55: ADOPTION OF ORDINANCE NO. 2009-_____. (Mayor Coss)
An Ordinance Amending Section 9-1.3 SFCC 1987 Revising the Municipal Election District Map to Reflect Annexations. (Yolanda Y. Vigil)
(Postponed at November 10, 2009 City Council Meeting)
- 9) 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 28, 2009 City Council Meeting) **(Postponed to February 24, 2010 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.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
December 9, 2009**

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<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		3-9
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 10, 2009	Approved	9
<u>PRESENTATIONS</u>		
EMPLOYEE OF THE MONTH FOR DECEMBER 2009 – LILLIAN MARTINEZ, ADMINISTRATIVE ASSISTANT; HUMAN RESOURCES DEPARTMENT		9
MUCHAS GRACIAS – LeANN S. VALDEZ, ENGINEER ASSISTANT AND TONY C. SANCHEZ, PROJECT ADMINISTRATOR		9-10
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF GRANT AWARD – PROBATION SUPERVISION TO PERPETRATORS OF DOMESTIC/SEXUAL/DATING VIOLENCE AND STALKING FROM CASES HEARD IN SANTA FE COUNTY MAGISTRATE COURT AND FIRST JUDICIAL DISTRICT COURT; FEDERAL OFFICE OF VIOLENCE AGAINST WOMEN	Approved	10
REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	10
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MARTY SANCHEZ LINKS DE SANTA FE LEASE OF FOOD AND BEVERAGE SERVICE FACILITY – CONCESSION SERVICES AT GOLF COURSE; SANTA FE CONCESSION, LLC	Approved	10-11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PROPERTY MANAGEMENT AND LEASE ADMINISTRATION SERVICES ON BEHALF OF THE CITY FOR COLLEGE OF SANTA FE; CSF MANAGEMENT, LLC	Approved	11-12
REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROXIMATELY 5,071 SQUARE FEET LOCATED ALONG THE WESTERLY BOUNDARY OF 1301 CALLE JOYA; CERVANTES "BUDDY" ROYBAL AND IRENE ROYBAL	Approved	12-13
REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET	Postponed to 01/27/2010	13-14
REQUEST FOR APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR NORTHWEST QUADRANT:		
GENERAL PLAN AMENDMENT; CASE #M 2009-05	Approved	14
REZONING; CASE #ZA 2009-02	Approved	14
ESCARPMENT VARIANCE APPEAL; CASE #A 2009-06	Approved	14
TERRAIN MANAGEMENT VARIANCE APPEAL; CASE #A 2009-07	Approved	14

END OF CONSENT CALENDAR DISCUSSION		

CONSIDERATION OF RESOLUTION NO. 2009- 132 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 400 TH ANNIVERSARY, INC., FOR VARIOUS EVENTS AND PROGRAMS	Withdrawn	15
MATTERS FROM THE CITY MANAGER	None	15
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	15-16
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	16
ACTION REGARDING THE SETTLEMENT OF CONDEMNATION ACTION <u>CITY O SANTA FE V. POLK</u>	Approved	17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
ACTION REGARDING THE THREATENED LITIGATION BY SANTA FE COMMUNITY FUND	No Action	17
ACTION REGARDING THE AGREEMENT TO SELL TRACTS A, B, C AND D AT COLLEGE OF SANTA FE TO THE STATE	No Action	17
ACTION ON POSSIBLE SETTLEMENT OF PRC CASE CONCERNING THE LEGALITY OF THIRD-PARTY ARRANGEMENTS FOR RENEWABLE GENERATION AND PNM'S RENEWABLE ENERGY PORTFOLIO PLAN	No Action	17
REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT (CDBG) – MANAGEMENT OF SANTA FE BUSINESS REVOLVING LOAN FUND; NEW MEXICO COMMUNITY DEVELOPMENT LOAN FUND	Denied	17-18
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	19
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<u>APPOINTMENTS</u>		
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Business Capitol District/Design Review Committee	Approved	21-22
Santa Fe Water Conservation Committee	Approved	22
Parks & Open Spaces Advisory Commission	Approved	22
<u>PUBLIC HEARINGS</u>		
REQUEST FROM CITY HALL, INC., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #1363 FROM RICHARD KRIEPS, INC., D/B/A/ GREEN ONION, 1851 ST. MICHAEL'S DRIVE, SANTA FE, TO CITY HALL, INC., D/B/A ROUGE CAT, 101 MARCY STREET, SUITE 5	Approved	22-23

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM ZE FRENCH BISTRO, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT ZE FRENCH BISTRO, 311 OLD SANTA FE TRAIL	Approved	23
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	Approved	24
CONSIDERATION OF BILL NO. 2009-57: ADOPTION OF ORDINANCE NO. 2009-52. AN ORDINANCE AMENDING ARTICLE 23-6 SFCC 1987, REGARDING THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY	Approved	24-26
CONSIDERATION OF BILL NO. 2009-58; ADOPTION OF ORDINANCE NO. 2009-53. AN ORDINANCE AMENDING SECTIONS 14-8.3(C)(2) AND 14-8.3(C)(3) SFCC 1987, REGARDING DEVELOPMENT WITHIN A SPECIAL FLOOD HAZARD AREA AND PERMITTED USES WITHIN A FLOODWAY AND MAKING SUCH CHANGES AS ARE NECESSARY	Approved	26-28
CONSIDERATION OF BILL NO. 2009-49: ADOPTION OF ORDINANCE NO. 2009-54. AN ORDINANCE AUTHORIZING LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES, ETC.	Postponed to 01/13/2009	28-39
REQUEST FOR APPROVAL OF GROUND LEASE – VILLA ALEGRE HOUSING PROJECT; SANTA FE CIVIC HOUSING AUTHORITY MULTIFAMILY SENIOR WORKFORCE	Postponed to 01/13/2009	28-39
CONSIDERATION OF BILL NO. 2009-56; ADOPTION OF ORDINANCE NO. 2000-54. 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)	Approved	39-40

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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)	Approved	39-40
CONSIDERATION OF BILL NO. 2009-55; ADOPTION OF ORDINANCE NO. 2009-55. AN ORDINANCE AMENDING SECTION 9-1.3 SFCC 1987, REVISING THE MUNICIPAL ELECTION DISTRICT MAP TO REFLECT ANNEXATIONS	Approved a/a	40-41
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 02/24/2010	41
MATTERS FROM THE CITY CLERK	Information	41
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	41-46
ADJOURN		46

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 9, 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 December 9, 2009, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Others Attending

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

6. APPROVAL OF AGENDA

Mr. Buller said staff would like Item 10(o) to be pulled from the Consent Agenda to add additional information.

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

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

Councilor Calvert arrived at the meeting

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

Absent: Councilor Dominguez.

Councilor Chavez said Item H(9), dealing with accessory dwelling units, has been postponed several times, and asked how many times an item can be postponed, and what is the intent of the postponement.

Mr. Katz said the situation with the bill is that the Realtors are concerned that the guest houses that were turned into condos and sold to third parties on lots that are too small to support two principal dwellings, will have trouble in the future unless they are given some sort of grandfather provision. Staff's concern is that we need a change in State law so this doesn't continue to happen. He said many times people who have two houses or more on a lot don't come to the City when they convert them to condos and only file those documents with the County. The City is seeking an amendment to State law which requires these owners to submit confirmation that the City zoning standards have been met, which already is required under State law, but the confirmation is not required when the documents are filed with the County. The County can then refuse to accept it if the confirmation isn't with the documents.

Councilor Chavez said that is only at the point of sale.

Mr. Katz said no, it would be at the time it is turned into a condominium. He said when it is sold, it doesn't come to the City.

Councilor Chavez said the City has an ordinance that says that accessory units can be rented if one of the units is the primary residence, and we're really not enforcing that. The condominium is separate from that and is the next piece of the puzzle. There is more activity of this nature in certain parts of the City. In the meantime, he wants the ordinance about renting accessory units to be enforced. He said legislation on condos isn't one of our priorities going to the Legislature. He sees this as more of a local issue than State-wide. He doesn't see how punting this to the Legislature will help, and the issue will be back in February. At that point he would like to see closure.

- a) **BID NO. 10/11/B – ONE (1) LARGE TRUCK CAB AND CHASSIS FOR SOLID WASTE MANAGEMENT DIVISION; TRUCKS WEST, INC. (BILL DeGRANDE)**
- b) **BID NO. 10/12/B – ONE (1) GRAPPLER LARGE ITEM COLLECTION BODY FOR SOLID WASTE MANAGEMENT DIVISION; HIGH MESA ENVIRONMENTAL, LLC. (BILL DeGRANDE).**
- c) **BID NO. 10/13/B – FERGUSON WELL WALL CONSTRUCTION PROJECT AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION; ADVANTAGE ASPHALT & SEAL COATING, LLC. (BILL HUEY)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PUBLIC ART PROFESSIONAL SERVICES AGREEMENT – ART IN PUBLIC PLACES PROGRAM AT SOUTH SIDE BRANCH LIBRARY; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS AND RANDY WALKER D/B/A WALKER DESIGN STUDIO. (DEBRA GARCIA Y GRIEGO)**
- e) **REQUEST FOR APPROVAL OF SANTA FE ARTS COMMISSION FY 2010/2013 WORK PLAN. (SABRINA PRATT)**
- f) **REQUEST FOR APPROVAL OF GRANT AWARD – EOD K-9 TRAINING, HAZMAT DETECTION UPGRADES AND TRAINING, AND OVERTIME FOR FIRE AND POLICE; DEPARTMENT OF HOMELAND SECURITY. (JOYCE PURLEY AND JAMES GARDNER)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- g) **REQUEST FOR APPROVAL OF CONTRACT – PROCUREMENT OF RAW FOOD PRODUCTS FOR SENIOR MEAL PROGRAM FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AGENCY ON AGING. (RON VIALPANDO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – GRANT FUND.**
- h) ***[Removed for discussion by Councilor Romero]***
- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MEMORANDUM OF AGREEMENT – SERVICES FOR SENIOR SERVICES DIVISION; SANTA FE COUNTY. (TERRIE RODRIGUEZ)**
- j) ***[Removed for discussion by Councilor Bushee]***
- k) **REQUEST FOR APPROVAL OF PLACEMENT OF BOLLARDS AT THE SANTA FE RAILYARD PROPERTY; THE TRUST FOR PUBLIC LAND. (ROBERT SIQUEIROS)**

- l) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)**
- m) *[Removed for discussion by Councilor Bushee]***
- n) REQUEST FOR APPROVAL OF PROCUREMENT UNDER FEDERAL PRICE AGREEMENT – FALSE ALARM BILLING AND TRACKING SERVICES FOR POLICE DEPARTMENT; GTSI CORPORATION AND AOT PUBLIC SAFETY CORPORATION. (ROBERT RODARTE)**
- o) *[Removed for discussion by request of staff to add information]***
- p) REQUEST FOR APPROVAL OF GRANT AWARD – U.S. DEPARTMENT OF ENERGY (DOE) ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT; U.S. DEPARTMENT OF ENERGY. (NICK SCHIAVO)**
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- q) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING AND PLANNING SERVICES FOR WATER DIVISION; AECOM TECHNICAL SERVICES, INC. (DALE LYONS)**
- r) CONSIDERATION OF RESOLUTION NO. 2009- 121 (COUNCILOR CALVERT, COUNCILOR WURZBURGER, COUNCILOR ROMERO AND COUNCILOR BUSHEE. A RESOLUTION CONSENTING TO THE INCLUSION OF THE MUNICIPALITY OF THE CITY OF SANTA FE WITHIN THE SANTA FE COUNTY RENEWABLE ENERGY FINANCING DISTRICT. (NICK SCHIAVO)**
- s) CONSIDERATION OF RESOLUTION NO. 2009- 122 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO SOLICIT NAMES OF INDIVIDUALS FOR THE PURPOSE OF RENAMING THE BOYS AND GIRLS CLUB PARK LOCATED ON ALTO STREET, ACROSS FROM THE BOYS AND GIRLS CLUB. (FABIAN CHAVEZ)**
- t) CONSIDERATION OF RESOLUTION NO. 2009- 123. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT (“LOAN AGREEMENT”), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN FORTY TWO THOUSAND FOUR HUNDRED TWENTY DOLLARS (\$42,420), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN NINETY EIGHT THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$98,980), *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; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT [PROJECT NO. 2378-ADW] (COUNCILOR CALVERT). (DALE LYONS)

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2378-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- u) CONSIDERATION OF RESOLUTION NO. 2009- 124. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT (“LOAN AGREEMENT”), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN ONE HUNDRED SIXTY SIX THOUSAND SIX HUNDRED FIFTY DOLLARS (\$166,650), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN THREE HUNDRED EIGHTY EIGHT THOUSAND EIGHT HUNDRED FIFTY DOLLARS (\$388,850), *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*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT [PROJECT NO. 2382-ADW] (COUNCILOR CALVERT). (DALE LYONS)**

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2382-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- v) **CONSIDERATION OF RESOLUTION NO. 2009- 125. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN THIRTY SEVEN THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$37,875), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN EIGHTY EIGHT THOUSAND THREE HUNDRED SEVENTY FIVE DOLLARS (\$88,375), *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*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT [PROJECT NO. 2383-ADW] (COUNCILOR CALVERT). (DALE LYONS)**
- 1) **REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT 2383-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**
- a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- w) **CONSIDERATION OF RESOLUTION NO. 2009- 126. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN NINETY THOUSAND NINE HUNDRED DOLLARS (\$90,900), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN TWO HUNDRED TWELVE THOUSAND ONE HUNDRED DOLLARS (\$212,100), *FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY'S WATER UTILITY SYSTEM, INCLUDING A REBATE PROGRAM TO PROMOTE WATER CONSERVATION TECHNOLOGIES*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING**

OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT [PROJECT NO. 2389-ADW] (COUNCILOR CALVERT). (DALE LYONS)

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2389-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- x) CONSIDERATION OF RESOLUTION NO. 2009- 127. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN ONE HUNDRED SEVENTY-THREE THOUSAND SIX HUNDRED NINETY-FOUR DOLLARS (\$173,694), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, *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;* PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT [PROJECT NO. 2392-DW] (COUNCILOR CALVERT). (DALE LYONS)

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2392-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- y) CONSIDERATION OF RESOLUTION NO. 2009- 128. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN TWENTY THREE THOUSAND SIX HUNDRED FORTY TWO DOLLARS (\$23,642), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A LOAN SUBSIDY OF NO MORE THAN FIFTY FIVE THOUSAND ONE HUNDRED SIXTY FOUR DOLLARS (\$55,164), *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; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT [PROJECT NO. 2393-ADW] (COUNCILOR CALVERT). (DALE LYONS)

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2393-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

z) *[Removed for discussion by Councilor Wurzburger]*

aa) REQUEST FOR APPROVAL – CITY OF SANTA FE SCHEDULE FOR 2010 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)

bb) CONSIDERATION OF RESOLUTION NO. 2009- 129 (COUNCILOR CALVERT, COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). A RESOLUTION RECOGNIZING AND CELEBRATING ARBOR DAY, THIS YEAR AND EACH YEAR FORWARD, AS THE LAST FRIDAY IN APRIL; AND DIRECTING STAFF TO TAKE THE NECESSARY STEPS TO QUALIFY THE CITY OF SANTA FE AS A MEMBER OF THE NATIONAL ARBOR DAY FOUNDATION'S TREE CITY USA (TCUSA) PROGRAM. (ROBERT WOOD)

- 1) CONSIDERATION OF RESOLUTION NO. 2009-130 (COUNCILOR CALVERT COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). A RESOLUTION AMENDING RESOLUTION NO. 2007-22 WHICH ESTABLISHED THE PARKS AND OPEN SPACE ADVISORY COMMISSION IN ORDER TO INCLUDE A SUBCOMMITTEE TO SERVE AS THE MUNICIPAL TREE BOARD. (ROBERT WOOD)**

cc) CONSIDERATION OF RESOLUTION NO. 2009-131 (COUNCILOR ROMERO AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO APPLY FOR A SIX MONTH EXTENSION TO AN EXISTING MUNICIPAL ARTERIAL PROGRAM FUNDING AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AND THE CITY OF SANTA FE FOR THE OLD PECOS TRAIL RECONSTRUCTION PROJECT – CORDOVA ROAD TO BERGER STREET. (JOHN ROMERO)

- 1) REQUEST FOR APPROVAL OF FOURTH AMENDMENT TO MUNICIPAL ARTERIAL PROGRAM AGREEMENT CERTIFICATION PROJECT D11419 – TIME EXTENSION; NEW MEXICO DEPARTMENT OF TRANSPORTATION.**

- dd) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 13, 2010: BILL NO. 2009-59 – AN ORDINANCE AMENDING SECTIONS 14-9.2(F)(1)(j) AND 14-9.2(H) SFCC 1987, REGARDING SIDEWALKS AND CURB AND GUTTERS IN THE CITY’S HISTORIC DISTRICTS (COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). (JEANNE PRICE)**
- ee) **REQUEST FOR APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR VISAS BONITAS PHASE II (KELLY BRENNAN)**
 - 1) **GENERAL PLAN AMENDMENT; CASE #M 2009-11.**
 - 2) **REZONING; CASE #ZA 2009-05.**
- ff) *[Removed for discussion by Councilor Bushee]*
- gg) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING DESIGN SERVICES FOR S-1 SOUTHWEST TANK SUPPLY PIPELINE (RFP #10/09/P); BOHANNAN HUSTON, INC. (ROBERT JORGENSEN) (Postponed at November 10, 2009 City Council Meeting)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – WATER ENTERPRISE FUND.**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 10, 2009

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council meeting of November 10, 2009, as presented.

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

9. PRESENTATIONS

- a) **EMPLOYEE OF THE MONTH FOR DECEMBER 2009 – LILLIAN MARTINEZ, ADMINISTRATIVE ASSISTANT; HUMAN RESOURCES DEPARTMENT.**

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

Ms. Martinez said she thanks the Lord and feels blessed to work for the City.

- b) **MUCHAS GRACIAS – LeANN S. VALDEZ, ENGINEER ASSISTANT AND TONY C. SANCHEZ, PROJECT ADMINISTRATOR.**

Mayor Coss presented Muchas Gracias Certificates to LeAnn Valdez and Tony Sanchez, after reading the letter of commendation into the record, for their outstanding work to improve accessibility, especially for the handicapped community.

CONSENT CALENDAR DISCUSSION

- 10(h) REQUEST FOR APPROVAL OF GRANT AWARD – PROBATION SUPERVISION TO PERPETRATORS OF DOMESTIC/SEXUAL/DATING VIOLENCE AND STALKING FROM CASES HEARD IN SANTA FE COUNTY MAGISTRATE COURT AND FIRST JUDICIAL DISTRICT COURT; FEDERAL OFFICE OF VIOLENCE AGAINST WOMEN. (CAROL HORWITZ)**
- 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

Councilor Romero said she encourages evaluation protocol to be built into the grant. She wants some way to measure the success of this effort.

Chief Wheeler said it does have some built into the grant, but the language is very loose as to what we're supposed to evaluate and what value comes from the program, so they can come forward with new solutions, and hopefully this will be the end result.

Councilor Romero said internally we can put protocols in place above and over the grant to tell us whether or not we've been successful.

MOTION: Councilor Chavez 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 Chavez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Dominguez,

- 10(j) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MARTY SANCHEZ LINKS DE SANTA FE LEASE OF FOOD AND BEVERAGE SERVICE FACILITY – CONCESSION SERVICES AT GOLF COURSE; SANTA FE CONCESSION, LLC. (LARRY LUJAN)**

Councilor Bushee asked the thinking behind reducing the share of the utility costs on the concession.

Fabian Chavez said there are lights which aren't part of the restaurant, and are part of the security

lighting outside. Currently, there is only one meter. The Clubhouse is paying 40%, and they felt it was fair to reduce the lessee's portion by 20% to pick up the security lights outside.. If adopted, the MRC will pay 20%, and the lessee will pay 40%.

Responding to Councilor Bushee, Mr. Chavez said golf course itself isn't lit, but there are two sets of lights in the parking area, and then off the patio.

Councilor Bushee asked if Mr. Schiavo is looking into solar options.

Mr. Chavez said this can be an item they can do if the Council would like them to do so.

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

DISCUSSION: Responding to Councilor Chavez, Mr. Chavez said currently Martin Lujan is moving into the position, to take over Larry Lujan's duties, noting Larry is moving elsewhere.

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

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

Against: None.

Absent: Councilor Dominguez.

**10(m) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT –
PROPERTY MANAGEMENT AND LEASE ADMINISTRATION SERVICES ON BEHALF
OF THE CITY FOR COLLEGE OF SANTA FE; CSF MANAGEMENT, LLC. (LEE
DePIETRO)**

A copy of "City of Santa Fe Financing Pro Forma, College of Santa Fe purchase," dated July 8, 2009, is incorporated herewith to these minutes as Exhibit "1."

A copy of "Exhibit A, Scope of Services Property Management and Lease Administration Services, College of Santa Fe," is incorporated herewith to these minutes as Exhibit "2."

Councilor Bushee said Mr. Buller had promised the Council some background information on this at the last meeting.

Ms. DePietro said she has the background information, and distributed copies to the members of the Governing Body and for the record [Exhibits "1" and "2"]

Councilor Bushee said she would have liked this information prior to the meeting. She said she will be voting against this. She said this is premature, because there are still a lot of unknowns about that portion of the property leased by Laureate. She understands there are some shared cost issues. She feels this could be structured with more detail and timelines, and questions the history of needing this at this time.

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

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

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

Against: Councilor Bushee and Councilor Ortiz.

Absent: Councilor Dominguez.

10(o) REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROXIMATELY 5,071 SQUARE FEET LOCATED ALONG THE WESTERLY BOUNDARY OF 1301 CALLE JOYA; CERVANTES "BUDDY" ROYBAL AND IRENE ROYBAL. (EDWARD VIGIL)

A copy of a Memorandum prepared December 8, 2009, for December 9, 2009 meeting, with attachments, to the Mayor and City Council, from Edward Vigil, Property Manager, Land Use Department, is incorporated herewith to these minutes as Exhibit "3."

Edward Vigil said he is here on behalf of the Roybals to request final consent for the sale of this property. He said the Roybals have a pending sales contract and would like this to be done, so they can move forward with the sale of 1301 Calle Joya.

Edward Vigil said this was pulled by staff to fulfill the requirements of submitting the property appraisal and boundary survey which shows the legal description. The appraisal came in at less than \$100,000, below the statutory limits for sale by ordinance. Normally, it would go through the process for concept approval by Committees.

Mayor Coss said then with concept approval the Roybals can buy the property and the City doesn't have to adopt an ordinance to do the sale.

Responding to Councilor Bushee, Mr. Katz said if the appraisal had been over \$25,000, but because it came in below that, then the Council can give concept approval.

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

DISCUSSION: Councilor Calvert said in the future, he would appreciate very much if that is made clear during the process.

Councilor Bushee said at Public Works it was given concept approval only, noting it was advertised this evening for concept approval and not final approval.

Mayor Coss said he understands her concerns, but we know what is going to happen now if this is approved by the Council.

Mr. Vigil said a memo was provided to the City Clerk prior to the meeting for distribution to the Council.

Ms. Dominguez noted the Memorandum was received today.

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

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

Against: None.

Abstain: Councilor Bushee said she is going to abstain with regard to how it was heard, and although she believes there are no issues, it is confusing.

Absent: Councilor Dominguez.

Councilor Dominguez arrived at the meeting.

10(z) REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET. (KRISTINE KUEBLI)

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to postpone this item to the Council meeting of January 27, 2010.

EXPLAINING HER MOTION: Councilor Wurzbarger explained the rationale for her motion. She said it was made very clear at the Finance Committee in November, that if the trends continue in the gross receipts tax and lodgers' tax receipts for December and January, we are looking to find \$2 to \$2.5 million to balance the budget early in 2010. She said the items presented for approval would total \$350,000 to \$500,000, and should not be added to make a deeper hole for us. She is respectfully requesting that we move this forward to January so we will have the actual numbers before reinstating these positions.

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

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

Against: Councilor Chavez.

Explaining her vote: Councilor Bushee voted yes, although one or two of the positions probably are of an emergency, she believes we can wait one month for this action.

Explaining his vote: Councilor Dominguez voted yes, but said he is reluctantly doing so, because he believes some of the positions are more critical than others.

10(ff) REQUEST FOR APPROVAL OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR NORTHWEST QUADRANT (KELLY BRENNAN)

- 1) GENERAL PLAN AMENDMENT; CASE #M 2009-05.**
- 2) REZONING; CASE #ZA 2009-02.**
- 3) ESCARPMENT VARIANCE APPEAL; CASE #A 2009-06.**
- 4) TERRAIN MANAGEMENT VARIANCE APPEAL; CASE #A 2009-07.**

Councilor Bushee will defer to Councilor Calvert who was late, saying he has things he wants to add to this, with regard to sewer lines, traffic and such.

Councilor Calvert said those conditions are included in the Findings of Fact and Conclusions of Law.

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

DISCUSSION: Councilor Bushee said if Councilor Calvert is happy with the bill, she's happy with the bill.

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

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

END OF CONSENT CALENDAR DISCUSSION

Councilor Ortiz noted that at Finance Committee, Item #11 was scheduled and posted for action following the Executive Session, but there was no lawyer to take the Council into Executive Session. He asked if we should defer discussion on Item #11 after the Executive Session.

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to amend the agenda to hear Item #11 after Item #18 and to approve the agenda as amended.

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

12. **CONSIDERATION OF RESOLUTION NO. 2009- 132 (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) (Postponed at October 28, 2009 City Council Meeting). (Withdrawn)**

Responding to Councilor Bushee, Mayor Coss said this item "is just gone and has been withdrawn, period."

13. **MATTERS FROM THE CITY MANAGER.**

There were no matters from the City Manager.

14. **MATTERS FROM THE CITY ATTORNEY**

Frank Katz said this will be his last meeting as City Attorney. He thanked the Mayor for appointing him, the Council for approving the appointment, and for giving him quite an education in City government. He thanked the City Attorney's Office staff who are here and working all the time. He said it has been a delight to work with all of them.

EXECUTIVE SESSION:

- a) **DISCUSSION OF SETTLEMENT OF CONDEMNATION ACTION, CITY OF SANTA FE V. POLK, PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- f) **DISCUSSION OF THREATENED LITIGATION OVER CITY BAN ON DOOR TO DOOR SOLICITATION, PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- b) **DISCUSSION OF THREATENED LITIGATION BY SANTA FE COMMUNITY LOAN FUND; PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

- c) **DISCUSSION OF AGREEMENT TO SELL TRACTS A, B, C AND D, AT COLLEGE OF SANTA FE TO THE STATE; PURSUANT TO §10-15-1(H)(8) NMSA 1978.**
- d) **DISCUSSION OF POSSIBLE PURCHASE OF REAL PROPERTY, PURSUANT TO §10-15-1(H)(8) NMSA 1978.**
- e) **DISCUSSION OF LITIGATION OF THOS BYRNE V. RAILYARD COMPANY LLC, AND THE CITY OF SANTA FE, PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- g) **DISCUSSION OF BARGAINING STRATEGY PRELIMINARY TO COLLECTIVE BARGAINING NEGOTIATIONS, PURSUANT TO §10-15-1(H)(5) NMSA 1978.**
- h) **DISCUSSION OF POSSIBLE SETTLEMENT OF PRC CASE CONCERNING THE LEGALITY OF THIRD-PARTY ARRANGEMENTS FOR RENEWABLE GENERATION AND PNM'S RENEWABLE ENERGY PORTFOLIO PLAN, PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of discussion of:

- a) settlement of condemnation action, City of Santa Fe v. Polk, pursuant to §10-15-1(H)(7);
- b) threatened litigation over City ban on door-to-door solicitation, pursuant to §10-15-1(H)(7);
- c) threatened litigation by Santa Fe Community Loan Trust, pursuant to §10-15-1(H)(7);
- d) possible purchase of real property pursuant to §10-15-1(H)(8);
- e) Thos Byrne v. Railyard Company LLC, and the City of Santa Fe, pursuant to §10-15-1(H)(7);
- f) bargaining strategy preliminary to collective bargaining negotiations, §10-15-1(H)(5); and
- g) possible settlement of PRC case concerning the legality of third-party arrangements for renewable generation and PNM's Renewable Energy Portfolio Plan, §10-15-1(H)(7).

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

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

Against: None.

The Council went into Executive Session at 5:45 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:10 p.m. Councilor Calvert moved, seconded by Councilor Ortiz, that the City Council come out of Executive Session into regular session, and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

15. ACTION REGARDING THE SETTLEMENT OF CONDEMNATION ACTION CITY OF SANTA FE V. POLK. (FRANK KATZ)

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to authorize settlement as recommended by the City Attorney and outside counsel.

VOTE: : The motion was approved on a voice vote with Calvert, Chavez, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, and Councilor Bushee voting against.

16. ACTION REGARDING THE THREATENED LITIGATION BY SANTA FE COMMUNITY FUND. (FRANK KATZ)

No action was taken

17. ACTION REGARDING THE AGREEMENT TO SELL TRACTS A, B, C AND D AT COLLEGE OF SANTA FE TO THE STATE. (FRANK KATZ)

No action was taken.

18. ACTION ON POSSIBLE SETTLEMENT OF PRC CASE CONCERNING THE LEGALITY OF THIRD-PARTY ARRANGEMENTS FOR RENEWABLE GENERATION AND PNM'S RENEWABLE ENERGY PORTFOLIO PLAN. (MARCOS MARTINEZ AND NICK SCHIAVO)

No action was taken.

11. REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT (CDBG) – MANAGEMENT OF SANTA FE BUSINESS REVOLVING LOAN FUND; NEW MEXICO COMMUNITY DEVELOPMENT LOAN FUND. (FABIAN TRUJILLO)

A copy of "City of Santa Fe, Community Development Block Grant Contract (CDBG)," is incorporated herewith to these minutes as Exhibit "4."

MOTION: Councilor Bushee moved, seconded by Councilor Ortiz, to deny this request, with direction to the City Attorney to make another pass regarding settlement of this matter, and if the Mayor is available, that the Mayor is authorized to speak with the President of the Board of Directors.

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

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

Against: None

END OF AFTERNOON SESSION AT 7:14 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:15 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 Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Members Excused

Councilor Miguel Chavez

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of a Memorandum to All Pilots, from the Santa Fe Municipal Airport, regarding Santa Fe Airport Noise Abatement, entered for the record by Dan Fallon, is incorporated herewith to these minutes as Exhibit "5."

Dan Fallon, 1430 Santa Rosa Drive said he is one member of about 200 families in Santa Fe who live along or adjacent to the "environmental nuisance," the New Mexico Railrunner. His wife, Olga, recently came across a voluntary noise abatement program on the City website, which was put together by City Airport Staff relating to how private and commercial aircraft can move in and out of the City with the least noise impact on City residents. He is here to petition the City Council to form a Committee consisting of Councilor Ortiz, Councilor Romero, other stakeholders involved with the Railrunner, including MR-COG and the out-of-state operator of the Railrunner, and stakeholders in adjacent neighborhoods to the Railrunner. The Committee should develop recommendations, similar to the Noise Abatement Recommendation on the City's website, to deal with the railrunner and to make recommendations to Railrunner operators as to how to move its 1 million pound trains in a safe, expeditious, civil and polite

manner. He also recommends that the same Committee come up with time proposed guidelines as to how the transition can take place and under what timeframe, at the City owned Railyard to allow out of service Railrunner trains to park in the downtown Railyard while waiting to be used again, rather than behind Santa Fe residential neighborhoods and moving in out of the City 8 times a day. He believes everyone can live with this and it is for the greater good of the City of Santa Fe.

Dr. Elizabeth Barker, 1300 Upper Canyon Road, said she lives on a stretch of dirt road which is about 1/4 mile long, and it makes a circle with Camino Militaire. When it snows, the City comes and plows Camino Militaire and then the operator of the plow puts the big blade down, drives down their private road and packs the snow down without plowing it. She said this is a very old, established dirt road, like Apodaca Hill. It carries all of the utilities for Camino Militaire – sewer, Comcast, telephone, electricity and the City even put in street lights. She said the City doesn't maintain the road. She is petitioning the Council to ask the snow plow operator when he does Camino Militaire if he can please put the blade down to scrape the snow off their road instead of packing it down.

Mayor Coss asked the name of the road.

Dr. Barker said it is called Upper Canyon Road, it has no name and considered part of Upper Canyon Road, but it is a dirt road only 300 yards long and it would be easy for the operator to do, because they already are there.

Tony Lally said he lives on Romero Street adjacent to the Railyard, just west of the Railyard. He has lived there since 2002. He said before the Railyard went in, it was just a residential neighborhood. He said as you enter onto Manhattan from St. Francis, the first thing you see is a huge commercial building. As you proceed toward Romero, it gets bigger and bigger, and it really has changed the appearance of the neighborhood. He attended the meetings where the building was being planned, he was told that trees would be planted at the end of Manhattan. He asked if Manhattan would go through, and he was told no, that trees would be planted at the end of Manhattan. He said it would be nice to see the trees where they were proposed to go. He was told that "this area" is to be accessed by fire trucks. Another photo shows a portion of an entry with an 18 inch drop, so a fire truck couldn't access that park, so trees could be placed and still allow access for a fire truck. He said "those are removable I'm told, so a fire truck can enter." He said there is much better access off Peralta, Guadalupe and Montezuma which are wider than Manhattan. He reiterated his request is to plant the trees as promised. *[STENOGRAPHER'S NOTE: Mr. Lally demonstrated the area by showing color photographs of the area on the overhead projector, but the photographs were not entered for the record.]*

G. APPOINTMENTS

Capital Improvements Advisory Committee

Mayor Coss made the following appointments to the Capital Improvements Advisory Committee:

Neva Von Peski – Reappointment – term ending 11/2011 (Mayor Coss);
Karen Walker – Reappointment – term ending 11/2011 (Councilor Calvert);
Kim Shanahan – Reappointment – term ending 11/2011 (Councilor Chavez);
Margaret Veneklassen – Reappointment – term ending 11/2011 (Councilor Dominguez);
Warren Salomon – Reappointment – term ending 11/2011 (Councilor Ortiz);
Maria Higuera-Pope – Reappointment – term ending 11/2011 (Councilor Romero);
Edmundo Lucero – Reappointment – term ending 11/2011 (Councilor Trujillo); and
Michael Chapman – Reappointment – term ending 11/2011 (Councilor Wurzbarger).

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve these appointments:

DISCUSSION: Councilor Bushee asked Mayor Coss if he verified that everyone lives in the City. Mayor Coss said no, and he believes they are all City residents.

Councilor Bushee asked if it is a requirement to live within the City limits to serve on this Committee.

Ms. Vigil said she believes the members aren't required to be residents of the City, but she will check and advise the Council before the close of the meeting. She noted all of these are for reappointment and have been have been serving on this Committee.

Councilor Bushee said she wanted clarification because it is an issue on the next Committee.

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

Business Capitol District/Design Review Committee

Mayor Coss made the following appointments to the Business Capitol District/Design Review Committee:

Graciela Tome (At-Large) – Reappointment – term ending 12/2010;
Michael Harris (Contractor) – term ending 12/2010;
N. Elizabeth Bradley, P.E. (Civil Engineer) – term ending 12/2011; and
Daniel Pava (At-Large) – term ending 12/2010

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve these appointments:

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

Santa Fe Water Conservation Committee

Mayor Coss made the following appointment to the Santa Fe Water Conservation Committee:

Doug Pushard (Other/General)

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the appointment.

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

Parks and Open Spaces Advisory Commission

Mayor Coss made the following appointment to the Parks and Open Spaces Advisory Commission:

Joe Lehm – to fill unexpired term ending 06/2011

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the appointment.

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM CITY HALL, INC., FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #1363 FROM RICHARD KRIEPS, INC., D/B/A/ GREEN ONION, 1851 ST. MICHAEL'S DRIVE, SANTA FE, TO CITY HALL, INC., D/B/A ROUGE CAT, 101 MARCY STREET, SUITE 5. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the site is not within 300 feet of a church or school, and 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 Bushee moved, seconded by Councilor Calvert, to approve the request for a transfer of ownership and location of Dispenser License #1363 from Richard Kriebs, Inc., d/b/a Green Onion to City Hall, Inc., d/b/a Rouge Cat.

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

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

Against: None.

2) REQUEST FROM ZE FRENCH BISTRO, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT ZE FRENCH BISTRO, 311 OLD SANTA FE TRAIL.

The staff report was given by Yolanda Vigil, City Clerk, noting the site is not within 300 feet of a church or school, and 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 Bushee moved, seconded by Councilor Calvert, to approve the request for a Restaurant Liquor License (Beer and Wine on-premise consumption only) to be located at Ze French Bistro, 311 Old Santa Fe Trail.

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

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

Against: None.

- 3) **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 28, 2009 City Council Meeting)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

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

DISCUSSION: Councilor Wurzburger apologized to the Foundation that this was postponed, commenting that it has caused harm to artists who could have advertized their art for sale during the holiday season.

Councilor Bushee asked the reason this has to be a public hearing.

Mayor Coss said because it is done under the City's Economic Development Ordinance.

Councilor Bushee asked why it was delayed.

Mayor Coss said because Councilor Chavez moved to postpone it three times.

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2009-57: ADOPTION OF ORDINANCE NO. 2009-52 (MAYOR COSS AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING ARTICLE 23-6 SFCC 1987, REGARDING THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PROPERTY. (JEANNE PRICE)**

Jeanne Price presented information regarding this matter from the materials in the Council packet.

Councilor Bushee asked if this limits alcohol in parks, or are there actually other buildings where it is not permitted.

Ms. Price said it would prohibit alcohol being served in GCCC, a library, City Hall, and other buildings.

Councilor Bushee asked how the City keeps track of what facilities we intend to cover and which ones we don't, as new ones develop, such as the College of Santa Fe.

Ms. Price said if they have a long term lease, such as the College of Santa Fe, it would be permitted.

Councilor Bushee said then it is permitted in all of the buildings on the Railyard, and Ms. Price said yes.

Councilor Bushee asked about other buildings, such as when we build Siler Road. She said GCCC is rented out, and asked if people could rent it for a birthday party and serve alcohol and Ms. Price said no.

Councilor Bushee said she never thought alcohol should be served at the airport or at the golf course. She is trying to determine the logic of how things are decided.

Ms. Price said the Convention Center, the Airport and Golf Course had governmental liquor licenses over the years, so those were included as permitted places. And then the City allowed places where the City either owns the building or the land and we have a long term lease with another, and the leaseholder is not the City – it is its own entity.

Councilor Bushee said the Golf Course is an outdoor space for sports, and asked if those fields, other than Fort Marcy will be allowed to have concerts and serve alcohol.

Ms. Price said the sports field isn't a part of that.

Councilor Bushee said she is trying to get a consistent message.

Ms. Price said the golf course is listed, not the MRC, so she thinks it's just the golf course where it is allowed.

Councilor Bushee said then people can drink while they play, and it's so far out there and people drive and drink and play sports. She understands the Convention Center, and thought the open spaces at the GCCC was for people to rent them. She voted against serving beer at hockey games.

Ms. Price said it isn't allowed at the GCCC because it's a family location.

Public Hearing

Cynthia Delgado said she has been working for the past four months on the Alcohol Abuse Task Force, and the focus of this amendment is to maintain safe, family, outdoor spaces, and that has been their focus and goal. She said their position is that alcohol does not need to be sold or consumed in those spaces. The Task Force would like the support of the Council.

The Public Hearing was closed

Responding to Councilor Bushee, Ms. Delgado said the County already has an ordinance, but they don't allow sale or consumption of alcohol on existing County property. She said alcohol is served at the Rodeo Grounds, but it has to be done with a lease arrangement.

MOTION: Councilor Trujillo moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2009-52.

DISCUSSION: Councilor Bushee said this is a good start, and asked if anyone is interested in expanding this to other places. She said then you feel that the GCCC is in the same category and never to be rented out for people to have parties.

Ms. Price said it is for kid parties only. She said then we are down to exempting liquor sales and consumption at the Golf Course, Convention Center, the Airport and the Railyard.

Councilor Wurzbarger said it also includes the College of Santa Fe and El Museo Cultural.

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

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

Against: None.

Explaining her vote: Councilor Bushee voted yes, although she believes it should be extended to both the Airport and the Golf Course.

- 5) **CONSIDERATION OF BILL NO. 2009-58; ADOPTION OF ORDINANCE NO. 2009-53 (COUNCILOR CALVERT, COUNCILOR CHAVEZ AND COUNCILOR ROMERO) AN ORDINANCE AMENDING SECTIONS 14-8.3(C)(2) AND 14-8.3(C)(3) SFCC 1987, REGARDING DEVELOPMENT WITHIN A SPECIAL FLOOD HAZARD AREA AND PERMITTED USES WITHIN A FLOODWAY AND MAKING SUCH CHANGES AS ARE NECESSARY. (WENDY BLACKWELL)**

Wendy Blackwell presented a brief synopsis of the bill from the materials in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Ortiz asked the number of houses which will be impacted by the changes to the FEMA flood maps.

Ms. Blackwell said they haven't done an inventory of floodway structures, but in the entire flood plain there are 504 structures within the City, but those haven't been differentiated as to those which are within the flood way versus the flood fringe.

Councilor Ortiz said then these changes affect only those existing structures within the flood plain, and Ms. Blackwell said correct.

Councilor Ortiz said the proposal is that we retroactively apply the effective date of this ordinance to June 17, 2008, and asked the reason.

Ms. Blackwell said it is the date that the FEMA flood maps were adopted and created the non-conforming uses.

Councilor Calvert said this would apply to people who were in place at that date, which is the date the maps were changed.

Councilor Ortiz asked how many units were built between 2008 and the present which would not be subject to this.

Ms. Blackwell said none would have been permitted. This doesn't allow new construction and merely addresses people who suddenly were made nonconforming by virtue of the FEMA remapping.

Councilor Ortiz said then there is no building which would be in the time frame "in between," and Ms. Blackwell said no.

Responding to Councilor Dominguez, Ms. Blackwell said the "No-Rise Certificate," is the term used by FEMA which a surveyor or engineer would use to document that the first finished floor is at least above the base flood elevation, and also where the structure is placed and the impervious surface it adds to the flood plain will not increase the base flood elevation at all – zero rise in the elevation. She it can be a letter which documents that a structure did not increase the base flood elevation at all.

Councilor Dominguez asked if it can be incorporated in the plat, and if so, how does that carry with the property.

Ms. Blackwell said the No-Rise Certificate needs to be signed and sealed by a surveyor or engineer, and if they're signing on the plat, they're signing for the whole plat, not just a portion, when they make a note on a plat at the time a new survey is done. She said the City has not permitted building in the flood plain for many years, and haven't issued permits to build in the flood plain, and haven't needed to require a No-Rise Certificate.

Councilor Dominguez asked if the No-Rise Certificate can be incorporated into the survey document, and asked how it gets separated.

Ms. Blackwell hasn't seen it done as a part of plat, and has seen it done as a separate document. She said we can run it by our FEMA regional representative to see if that will work. She said it usually isn't something which is recorded. The City would require it as part of a building permit.

Councilor Dominguez would like the staff to continue to look into how this can be done.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-53, with the amendments which are in the Council packet..

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

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

Against: None.

Councilor Calvert thanked staff for their work, noting Ms. Blackwell, Ms. Brennan and Ms. Price worked very hard on this.

Ms. Blackwell said there was a question from the Council as to how we could continue to fund mapping where there wasn't much detail from FEMA. There is a new program called Risk Map and "we have already had our first scoping meeting." She said in the next 18 months they should have information on which 20 stream miles FEMA will re-map within the County, and they're submitted 25 unnumbered a-zones as part of our priority. She will keep the Governing Body posted in this regard.

- 6) CONSIDERATION OF BILL NO. 2009-49: ADOPTION OF ORDINANCE NO. 2009-54 (MAYOR COSS). AN ORDINANCE AUTHORIZING LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES, CONSISTING OF: TRACT 1/PHASE 1 (3.9587 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND**

SOUTHWEST OF WEST SAN FRANCISCO STREET; TRACT 1/PHASE 2 (3.7370 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET AND EAST OF TRACT 1/PHASE 1; TRACT 2 (1.5235 ACRES) LOCATED NORTH OF WEST ALAMEDA, WEST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET; AND TRACT 3 (0.3500 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET. (SANTA FE CIVIC HOUSING AUTHORITY/VILLA ALEGRE PROJECT) (MAYOR COSS). (LEE DePIETRO) (Postponed at November 10, 2009 City Council Meeting)

a) REQUEST FOR APPROVAL OF GROUND LEASE – VILLA ALEGRE HOUSING PROJECT; SANTA FE CIVIC HOUSING AUTHORITY. (Postponed at November 10, 2009 City Council Meeting)

- 1) MULTIFAMILY**
- 2) SENIOR**
- 3) WORKFORCE**

Kelly Brennan presented information regarding this matter from the materials in the Council packet.

Councilor Bushee asked if the principal folks have agreed to the newly added provision around photovoltaic.

Ms. Brennan said it was not in the prior lease. It is an all electric facility, but after review, this is staff's recommendation to offset the greenhouse gases generated by that.

Councilor Bushee said then it is a staff recommendation/condition.

Ms. Brennan said this is correct, and if approved, it would be added to Exhibit B of each lease.

Councilor Bushee asked if the people with oversight have agreed to this, and Ms. Brennan said they are here tonight to address this.

Public Hearing

Ed Romero, Director, Santa Fe Civic Housing Authority, said they came forward looking for a change in the lease to clarify the current lease, which structures have a particular development plan and requires them to build a certain number of affordable and below 60%. He said they believed at the time they came forward, that they would have problem with the equity investor, but the current lease may suffice in terms of working things out. They have the current lease and are reviewing it, but have had no particular problem with it. He said the project is a LEEDS platinum project. there will be about \$1.5 million worth of photovoltaic in the site, more or less. They will be using ground source heat pumps which will cover the heating, cooling and water needs of the 110 residents at that site.

Mr. Romero said, of particular concern as they move forward, the work force site, the 3rd site, does not have the funding resources that the family, the multi-family and the [inaudible] site have, and the amendments require above and beyond current Code, and could compromise that particular project, unless they put it into a separate project and wait for another tax credit process to come along. He said they do not believe they will ever hit another tax credit application. He said they are the only housing authority in New Mexico to ever have a tax credit process. However, after this process, Santa Fe was removed from a priority County within the system, which gets an additional 15 points.

Mr. Romero said "If we compromise the workforce by taking an action which says we must put PV systems in that particular workforce, the upper side may well not get votes until the authority decides and moves forward to move into a tax credit, which compromises what we thought in our original meeting of making that a workforce site with the restrictions and taking it to 80% AMI. So, I would suggest to you, and I would request, given that's where we are, that we not change the language requiring photovoltaic and/or, I think the other requirement was equal distribution of the energy produced at the site for those very reasons."

The Public Hearing was closed

Responding to Councilor Bushee, Mr. Romero said there are 26 workforce units plus 10 units they are considering for remodeling, noting 10 of the units have not been demolished on one of the corners. These are efficiency units which they are considering remodeling, or going through a tax credit process where they would redevelop and "fix those units up." So, there would be 36 units at the upper site. He said they called them workforce because there was no other word for it. He said these are rent restricted units, so he can't rent them at a price which would be burdensome on someone making 80% AMI.

Councilor Bushee said she has attended many presentations about the future of this project, with the neighbors in particular. She asked if it was ever stated that those 10 units would not be demolished and that everything would be new.

Mr. Romero said the option at that site was whether to put in a 4,000 sq. ft. commercial building, and they could still go back and demolish the units and put commercial or other units. He said, "Our thoughts were, you know, just 10 efficiency units which we could turn, making them into units that rent at \$400 to \$450, where you can live close to downtown at a \$450 rent. We don't believe that the neighborhood would have a problem, given the plans that we designed for that particular block... those ten particular units. And, we'd be happy to go back to the neighborhood and talk with them."

Councilor Bushee said everything brought to the Council had to do with the fact that all of these units were in horrible shape and needed to go. She said that neighborhood has suffered through drug dealing, drug trafficking, rampant crime. She said he has stated previously that these were in horrific shape, not maintained, with the intention of starting over. She said she doesn't believe the neighbors objected to the commercial. She said this is still our land and he's leasing it, but she would have a hard time in keeping 10 units.

Mr. Romero said the 10 units won't look much different from the 26 brand new units. He said they will remove the roof, gut the inside, put on new roofs, insulate, put in new windows and flooring. It will look like a brand new unit. He said it is a lot easier to do 10 units than 110 units. He said because of the way the 10 units sit on a map, if the 10 units were demolished they would be replaced with perhaps 4 units. He said they can maximize the units on that particular piece of property by keeping them. He said they would be single story.

Councilor Bushee said the energy issue was brought up in Public Works. She said some of the first units in Tierra Contenta were built as all electric and were expensive to the user, were not efficient, and we are now dealing with greenhouse gases.

Councilor Bushee asked the amount of ARRA [stimulus] funds for energy.

Mr. Romero said the money wasn't specifically for energy, noting they got a \$5.3 million grant.

Councilor Bushee can't understand that Mr. Romero isn't "chomping at the bit to do whatever you can... both do the right thing for the environment, and the right thing for the user."

Mr. Romero said it isn't a matter of what he would like to do. It is a matter that the \$5.3 million is dedicated to the senior and the multi-family grants, and requires an equity investor. He said there are a lot of things which go into this particular process. He said the workforce/senior units are zero subsidized by any governmental entity. He has to come up with the funding and go to the Bank for any amount above it.

Councilor Bushee asked Nick Schiavo to comment on the recommendation.

Mr. Schiavo said he looked at what Mr. Romero intended to use for the project for heating and cooling, and how he was going to heat the hot water and it all was going to be done with electric. He said comparing heating water with natural gas and the buildings with natural gas and using evaporative cooling, means you are producing 20% more greenhouse gases.

Mr. Schiavo said Mr. Romero said he intended to do ground source heat pumps, and he spoke with his engineer and they intend to drill 111 wells which are in excess of 150 ft. deep. He cautioned the Council against letting him do this, because it would mean 111 holes punched into the water table in that one area.

Responding to Councilor Bushee, Mr. Schiavo said the State Engineer would weigh in on that. He has cautioned Mr. Romero, via email, he likely would encounter challenges through the State Engineer's Office in "drilling that number of wells in that dense of an area."

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the three leases along with all conditions as recommended by staff.

DISCUSSION: Councilor Calvert said part of the problem in trying to determine what conditions to apply, or not apply, revolve around the ever changing nature of this project, and trying to pin down what is going to happen in energy usage, for example ground source heat pumps vs. regular heat pumps which are quite different. He said drilling 111 holes would be problematic for this project. He said it is close to the River, so the water table will come into play. He said Mr. Schiavo based his condition on a conventional heat pump and the electric water heater. He said if they have the right amount of solar, they can distributed it throughout the project without too much problem.

Councilor Ortiz said as he understands this, City staff looked at the project and said if you're doing what you're proposing, here is the added increase in greenhouse gases. In response, the Civic Housing Authority said it could address that concern by using ground source heat pumps and other things

Mr. Romero said in the original proposal they had air source heat pumps which required 110 kW PVs to offset. He said they are coming back with ground source heat pumps between 200-250 kW PVs. He said they are more than doubling the original PV requirements and changing to a more efficient heating and cooling alternative on the 110 units.

Councilor Ortiz asked Mr. Schiavo if it is more efficient.

Mr. Schiavo said a ground source heat pump definitely is more efficient, but his concern is that they would need to drill 111 holes in this 7 acre area. He said Mr. Romero talks about the amount of photovoltaics which be out there, but he still doesn't talk about providing that to every unit.

Councilor Ortiz asked if there is a similar development of a similar size or nature which has the kind of ground heating pump proposal which has been advocated here within the City limits.

Mr. Romero said not within the City and probably not within the State. This would be the largest application of the ground source process. To address the issue of fairness, all of the residents receive a utility allowance far in excess of what would be created. It will be a master metered system with submeters, and residents would be billed for the portion above what they would be allocated for heating and cooling expenses. He said it is a fair system, although it is very hard to build absolute fairness into a process like this. He said the heating/cooling bill should be about \$40 per month in many of these residences, based on what the engineers are doing.

Councilor Ortiz asked if this is irrespective of whether or not the unit has a photovoltaic system.

Mr. Romero said yes, because all of the photovoltaics will feed into the master meter system, and will be sub-metered into each individual unit to encourage conservation.

Councilor Ortiz asked, if the photovoltaic system which is proposed, is going to the master system, why Mr. Romero is opposed to condition requiring a photovoltaic system apply to all of the units.

Mr. Romero said in order to receive the tax credits for a PV system, one of the requirements is that you can't have a commercial system. If it is viewed that we are selling utilities to our residents it could compromise our tax credits. It said it is extremely fair to all of the residents who all receive a utility allowance, with the except of the 13 market units.

Councilor Ortiz referred to the language proposed to be added to Exhibit B on every part of the lease, and asked Mr. Romero if he has looked at that language.

Mr. Romero said yes.

Councilor Ortiz asked what part of that language does he think negatively impacts the possibility of obtaining private funding or jeopardizes the tax credit status.

Mr. Romero asked if that is on the PVs or on the total development project.

Councilor Ortiz said this language would be added to every lease.

Mr. Romero said the concern is that when they had money they built as green as possible in the process. If they move forward with a requirement of a PV system on the 26 workforce units, he has no method to come up with the equity to do that, unless he goes back for another tax credit application. He said the numbers they are bringing today make it feasible to do all three projects – senior, family and workforce, but with this language he could not do the workforce.

Councilor Ortiz said, "You wouldn't be able to do the workforce because the language, as structured, is like 3 paragraphs, because the third paragraph reads, 'In order to offset the additional GHGs the Lessee will construct a photovoltaic system, a minimum is 110 kW DC and that can provide an average of 100 kWhs/month to each of the housing units under this Lease.' "

Councilor Ortiz continued, "Are you saying that you are not going to construct a photovoltaic systems. You are..."

Mr. Romero said, "No, I'm going to construct one on the family and the senior."

Responding to Councilor Ortiz, Mr. Romero said he will construct two systems, owned by two different legal entities.

Councilor Ortiz said then it will be a minimum of 110 kW.

Mr. Romero said it will 200 plus kW.

Councilor Ortiz asked if it will average 100 kW per month to each of the housing units.

Mr. Romero said, "That's where it gets sticky. I have a 150 kW system on my family site, about a 100 kW system on my senior site and I have no system on my workforce site. So, I doubled up the 110, but I've only doubled it in my family senior. I have no photovoltaic plans, nor do I have any funding to pull that off in my workforce site today, and I don't see something coming in the future on that site, unless the Authority chooses to wait for a tax credit application. And again, I got to tell you, I don't believe that we're going to hit a tax credit application for the next 2-3 years, until Santa Fe becomes a priority county."

Councilor Ortiz said then you're saying, if we put this condition as proposed on all three of the leases, one of the leases will have a problem and won't be built.

Mr. Romero said, "Potentially."

Councilor Ortiz asked if it isn't built, what happens to the lease. What happens to the property. Does it revert.

Mr. Romero said right now we have a LURA on the property, and we would just ask HUD not to remove the LURA and leave it place until we can come up with an action plan to build, but that could be a significant period of time.

Councilor Ortiz asked if there are current plans to combine all three of the sites into one electrical system, so that whatever electrical power generated from the solar panels can be distributed for all parts of that system. Do you have that capability.

Mr. Romero said he doesn't have the capability. He said the senior site will be one LLC, the family site is a separate LLC and we are unsure if the workforce site will be an LLC or just a housing authority.

FRIENDLY AMENDMENT: Councilor Wurzbarger said we're arguing over a small amount and staff is redoing this to address the energy issues around what – 4/5ths of the project. We are sitting here discussing the 26 units which are yet to be defined. She would like to amend the motion to approve Leases 1 and 2, which are designed, with conditions as stated by staff on Exhibit B, and delete consideration of the workforce units at this point, because they are so undefined. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

MOTION TO AMEND: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the proposed lease for Phase 1 and Phase 2, that further development of Phase 3 needs to be incurred, and the approval of Phase 1 and Phase 2 are with the conditions as requested by staff.

DISCUSSION ON THE MOTION TO AMEND: Mayor Coss asked which tract the motion would pull out.

Councilor Wurzbarger believes it would pull out Tract 2.

Ms. Brennan said it would be Phase 3, Tract 2 and Tract 3. She said if two leases are approved and executed, she believes it will terminate the existing lease, which would leave Tract 3 in the hands of the City.

Councilor Wurzburger said she wants to see 100 units move forward and become available for the people in the community who need them.

[Councilor Bushee's remarks/comments/questions are inaudible here because her microphone was turned off.]

Mr. Schiavo said in the current Green Building Code it only covers single family residential, so this multi-family would be under commercial.

Mr. Romero said he would have to go back to the Board, and he is unsure they would be willing to give up a lease for two separate leases and a potential "bird in the bush," deal. They want all leases resolved at the same time. If there is a requirement to go to natural gas on the third site that could be done. The reason they chose electricity is they can create electricity but not gas. He said this site, with the photovoltaic, is more efficient than a gas site, and it uses far less water. He knows of no multi-family projects in the pipeline right now that "they're building gas." 100% of the multi-family projects are all-electric.

Mr. Romero said this is the greenest project you'll see in New Mexico in the next 10 years.

Councilor Bushee said, "Then, let's make it all green."

Councilor Bushee asked, if we go back to the first motion with staff's condition, isn't that better than going with just two leases.

Mr. Romero said then he would ask that the Council table this project to next month, and they'll go back and see what the equity investor does. If he doesn't have an equity investor issue, he doesn't need a new lease.

Responding to Councilor Bushee, Mr. Romero said he is saying he will go with the lease already in place. He said they believe that lease is enforceable, and they've issued sub-leases on the lease to their LLC's.

Mr. Brennan said the single lease, now in effect, was not adopted by ordinance, which is a statutory requirement, and there is a technical difficulty and it may present an issue for financing.

Councilor Bushee said then the City would want it done by ordinance, and Ms. Brennan said this is correct.

COUNCILOR WURZBURGER WITHDREW HER MOTION TO AMEND.

MOTION: Councilor Wurzburger moved to postpone as requested by the applicant. **THE MOTION DIED FOR LACK OF A SECOND.**

Councilor Bushee asked what is the purpose of the postponement.

Councilor Wurzburger said for the purpose of him to go back and do what he needs to do, and to come back again, so we get to see the options from his perspective.

Councilor Ortiz said he heard the applicant say, because of the new condition and the new motion that was put on the table, he has to go back to see if he has authority, because he doesn't have the authority to make a yes or no decision to the questions we are giving him on the lease.

Councilor Bushee said she heard him say, "I'm going back to what I already have, and I'm taking my ball and going home."

Mr. Romero said, "If you want natural gas on the third site, just tell me, and we'll put natural gas and we could be done with the issue of CO2 carbon footprint on the 26 units, and just resolve the lease on the third property – just require me to put natural gas. Would that be something that would solve everybody's concern."

Councilor Bushee said the motion was for photovoltaic for all units.

Mr. Romero reiterated that he can't do photovoltaic on the third site, and has no funding mechanism for it. He said, "The reason we're doing photovoltaic was the concern about the carbon footprints. If I eliminate the carbon footprint issue by just going to natural gas, then I have three leases moving forward, if that's the requirement that you would like."

Councilor Wurzburger said part of her problem with the discussion is that she believes in setting broad goals: does the option just presented meet the carbon footprint goals, the goals we set with where we're headed and what we've been expecting of this project. She asked Mr. Schiavo to comment.

Mr. Schiavo said, "I would need to take a look at what he intends to install, but I believe that would be better than doing all electric, yes."

Councilor Wurzburger said that has been the basis of the last two debates.

Councilor Wurzburger asked if the State says no to the ground heat source wells, what happens. She wants some of these questions resolved now.

Mr. Schiavo said then he couldn't be able to drill the wells. "My guess is he probably would move back to what is on his drawings that I last saw a month ago, which is just a pad mounted heat pump with no ground source. He said that creates more greenhouse gases. However, if he can provide 100 kWh per month per unit average it would still work out."

Councilor Bushee asked if there are any incentives "out there" to get photovoltaic for all units.

Mr. Schiavo said he has talked with Mr. Romero for three months, and this is the first time he's talked about submeters. "Prior to tonight he insisted that it would be difficult... he would have difficulty using submeters, that he intended to do some kind of generic billing for all these units. So, if he's truly going to be able to use submeters, it's going to be a lot better system. To answer your question, I would need to take a look at how many units he has left and what the dollar amount would be to put up photovoltaics there. My guess is he has enough photovoltaic energy to supply energy to all units. And what I hear him saying is because he didn't receive a tax credit for the workforce units, I guess it would be illegal for him to supply energy to those units."

Mr. Schiavo continued, "To answer your question, Councilor Bushee, there is a program through PNM that he could apply for, but there's no program that I'm aware of that would pay for the photovoltaic panels, only provide incentives to put them up."

Councilor Bushee said, "But your second paragraph says the Lessee has indicated they have funds for, and intent to, construct a photovoltaic array that would provide electricity to all of the residences."

Mr. Schiavo said, "That's correct. All the conversations I've ever had with Mr. Romero and his consultants have indicated they have \$5.3 million through a grant for renewable energy. At no point was this discussion about certain units, certain workforce units not being able to be used. This is, again, the first I've heard of this, this evening."

Councilor Romero said she is uncomfortable with where this issue is now – lack of communication for three months, the willingness of the applicant to consider tabling to come up with something much better and she is very uncomfortable in putting 110 straws into the ground in the River area.

MOTION: Councilor Romero moved, seconded by Councilor Wurzbarger, to table this item to the meeting of January 13, 2009, with the condition that Mr. Romero meet with Mr. Schiavo and come up with a plan that includes all three leases in an efficient way. She is concerned about the heating system as discussed.

Councilor Bushee asked if he would have to have the ground source to get platinum.

Mayor Coss said a motion to table isn't debatable.

Councilor Ortiz said you can ask questions on procedure, but you can't ask substantive questions.

Councilor Calvert believes the motion to table should have performance or participation or results expected in addition to the date – what we're aiming for in the postponement.

Councilor Romero asked if the performance standards are different from what she said is to ask staff to come up with efficient heating that meets all requirements for the three leases.

Mr. Romero said, "Before this gets too carried forward and carried out, we would like to point out that the original requirement had an air-to-air and 110 kW. If we fell back to the original process, we would be bringing 200-250 to that original response that the City Engineer brought. And what we would be doing is taking the third process off-line and taking it natural gas totally. So, I guess what I'm asking is to really look at or consider taking the third property totally off. If we put PVs on a system that has natural gas, we're not saving much anyway, because there are only \$19 bills on the third site. And we could do that maybe sometime in the future. But, making it natural gas, almost makes the issue of bringing a PV system to that third site moot. It doesn't bring any value. So, I guess my point is, we're doubling up the number of kW's on the 100 unit site if we fall back. I don't believe we're going to fall back, because we've had discussions with the State Engineer. They don't consider these wells. They're not really wells because we're not tapping water and bringing it up. They're going to be sealed processes, it's a very refined process. So, we don't consider that happening. But, in the event that it did and we had to step back to air-to-air, we're bringing twice as much kW's to those 110 units than was originally proposed in the air to air. And now, we're just saying, on Site C, let's just not do electric heating and cooling. We'll just bring natural gas into that site. I'm asking you guys to consider that process."

Mayor Coss said there is a motion to table, and we can't consider any of this.

Councilor Bushee it sounds as if we've arrived somewhere, and perhaps this motion to table is not necessary.

Councilor Wurzbarger said, "Not for me."

Mr. Romero said he would propose to move the lease forward, and he doesn't need more equity tension in his camp, and a lot of people want to close the process by February 16, 2010.

Councilor Ortiz said the motion to table is to the first meeting in January 2010, and the idea to table was originally proposed by the applicant in the discussion, and uncertainties have been raised. He said we can judge whether or not those uncertainties are raised for the first time.

Councilor Wurzbarger said she wants to speak on calling the question and moving this forward in terms of process. She agrees with Councilor Romero that there are questions. She doesn't want to sit here and debate and decide yes or no to gas. She would like there to be one further meeting between the City and Mr. Romero's staff to look at the best way to do this project that meets the needs of both, and that the discussion not focus on "gas versus this," but the overall objectives and come back and say what the results will be in terms of the energy impact on both the City at large and the citizens who live here in terms

of costs. She said she doesn't have a clear sense of this, in terms of the trade-offs, and all she has is a recommendation from staff which appears to be unacceptable to the proponent.

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

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

Against: None.

Explaining her vote: Councilor Bushee said it's probably coming back and the negotiation went a little too far too late, so I'm fine with tabling it at this point.

- 7) **CONSIDERATION OF BILL NO. 2009-56; ADOPTION OF ORDINANCE NO. 2000-54 (COUNCILOR ORTIZ AND COUNCILOR ROMERO). 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). (JEANNE PRICE)**

Jeanne Price presented information regarding this matter from the materials in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ortiz moved, seconded by Councilor Romero, to adopt Ordinance No. 2009-54.

DISCUSSION: Councilor Ortiz thanked staff, particularly the City Attorney and Jeanne Price, for coming up with a proposed solution which is legally defensible which is better than the draft he submitted and gets at some of the projects on our horizon and sets up a required dialogue.

Councilor Bushee asked what other things will come into play.

Ms. Price said the applicant would be considered just like any other applicant which has to comply with Chapter 14.

Responding to Councilor Bushee, Mr. Katz said this deals with people who want to come in and enter into a contract for water services, they would have to abide with whatever is required under Chapter 14. He agreed with Ms. Price there is a strong connection between what Land use is involved in and the use of water, and the reason he asked Mr. Trujillo to attend.

Councilor Bushee asked to be a cosponsor of the bill.

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

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

Against: None.

Explaining his vote: Councilor Ortiz said Councilor Romero has been a cosponsor of this bill from the beginning, and thanked her for her advice and sponsorship of this ordinance, and voted yes.

Explaining her vote: Councilor Wurzbarger thanked staff, asked to be added as a cosponsor and voted yes.

8) CONSIDERATION OF BILL NO. 2009-55; ADOPTION OF ORDINANCE NO. 2009-55. (MAYOR COSS). AN ORDINANCE AMENDING SECTION 9-1.3 SFCC 1987, REVISING THE MUNICIPAL ELECTION DISTRICT MAP TO REFLECT ANNEXATIONS. (YOLANDA Y. VIGIL). (Postponed at November 10, 2009 City Council Meeting)

Yolanda Vigil, City Clerk, presented information regarding this matter from the materials in the Council packet, and asked that the date on page 2, line 6 of the ordinance be amended from November 10, 2009 to December 9, 2009

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2009-55, as amended.

DISCUSSION: Councilor Ortiz said his concern is that as the population shifts south and west the median center of the City's population also shifts. He said Districts haven't reflected this movement. He spoke about a lawsuit in 2002, the result of the violation of one person one vote. He said after this election, we

need to think about how to readjust and shift boundaries for one person one vote, and the deviation in populations are to the point that might attract attention.

Responding to Councilor Dominguez, Mr. Katz said he is confident that the deviations are defensible, noting there are two Supreme Court cases which have larger deviations at this point, and believes we are on okay ground here. However, we will have to redistrict after the census which starts in a few weeks. He hopes we will know the populations in the areas to be annexed in 2013 after the next election. He said there should be thought given to redistricting when all this happens, but another one will have to happen in the future.

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

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

Against: None.

- 9) **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 28, 2009 City Council Meeting) (Postponed to the February 24, 2009 City Council Meeting)**

This item is postponed to the meeting of February 24, 2009.

19. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk said, with regard to the Capital Improvements Advisory Committee, she has researched the membership requirements, and it is not necessary to be a resident of the City to serve on the Committee.

20. 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 "6."

Councilor Dominguez

Councilor Dominguez said his office hours have changed from December 4th to December 19, 2009, and asked Mr. Buller to get the word gets out on this, noting it will be the same location and time.

Councilor Dominguez wished everyone happy holidays.

Councilor Calvert

Councilor Calvert said he was absent for the approval of the Consent Calendar and wants to make sure that Councilor Trujillo is added as a sponsor to Item 10(bb).

Councilor Calvert wished everyone a happy and safe holiday season.

Councilor Trujillo

Councilor Trujillo asked what is happening with the roof at Genoveva Chavez CC, when are we going to do something.

Councilor Trujillo introduced the following:

1. A Resolution honoring the sacrifice of veterans and their families by petitioning New Mexico's Congressional delegation to repeal Pub. L. 1206-117, Title VI, §612, November 30, 1999, 113 Stat. 1580, which provided that "the Secretary of Veterans Affairs may provide flat grave markers at the Santa Fe National Cemetery, New Mexico" and adopt a new law that would require the Secretary of Veterans Affairs to replace the existing flat grave markets with the upright grave markers at the Santa Fe National Cemetery and that in the future only upright headstones shall be placed at the Santa Fe National Cemetery. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. An Ordinance amending Article 24-1 SFCC 1987, regarding the City of Santa Fe Uniform Traffic Code; amending Sections 12-1-42.1, 12-7-9.2 and 12-7.9.5 of the City of Santa Fe Uniform Traffic Code regarding off-highway motor vehicle use; and amending Exhibit A of the City of Santa Fe Uniform Traffic Code regarding traffic violation penalty assessments. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Trujillo congratulated his daughter who just had a play.

Councilor Trujillo congratulated Frank Katz on his retirement, saying he has enjoyed working with him and wishing him the best of good luck.

Councilor Wurzbarger

Councilor Wurzbarger wished everyone happy holidays. She thanked Frank Katz for all of his advice, noting they had some interesting legal battles because of bills she introduced and he was persistent in the changes we experienced in getting those passed, particularly the short term rental. She admires his ability to be above the fray, to keep his sense of humor and generally, his sense of civility in these cases.

Councilor Bushee

Councilor Bushee is concerned, in addition to the roof, that there is new infrastructure at GCCC "which is already not working," which will be considered at the next Public Works Committee meeting.

Councilor Bushee said there need to be changes to Chapter 25. She said, "For instance, there's going to be a new use over here, diagonally across the hall from City Hall. And apparently even though the gentleman owns the entire building, a new use is going to demand a new meter be installed. It is my understanding that staff feels like that is kind of a useless part of the ordinance. However, what I would like to find out is in the interim if we could allow new uses to go forward as we begin to try to change that law." She wants to sponsor changes whatever Antonio thinks we need to change in Chapter 25.

Councilor Bushee asked, regarding the Mayor's proposed Resolution regarding the Prairie Dog, if it works with the current ordinance, and if that needs to be amended.

Mayor Coss said he is not proposing amendments to the ordinance with this. He said we need to go a step past the ordinance. He said we need the plague policy. The other is the "perpetual motion machine," we've had at Franklin Miles where we trap and remove constantly. He would like the City to move to a broader policy which is based on places where we can allow prairie dogs and places where we can't. He wants to look for a better type of management system than trap and remove in perpetuity, which is expensive and controversial, and it doesn't do the people or the prairie dogs any good.

Councilor Bushee said then you are saying that in places you don't want them, you won't trap them, you will kill them.

Mayor Coss said no, he would remove all of them and work with the private landowners and other governmental land owners to put them at the spot the Parks Department has located.

Councilor Bushee said they just keep coming back.

Mayor Coss said we removed them from Franklin Miles and then they repopulate from public school and state properties. The Resolution asks the City to work with them to manage the entire population.

Councilor Bushee wants it to be a clear policy directive and not just a politically expedient one, because it may impact the ordinance.

Mayor Coss said this has been reviewed for a long time by Wendy Blackwell and Fabian Chavez. It came out of the plague occurrence and other problems we've experienced at Franklin Miles and other parks. He said there are all kinds of politics in prairie dog management, but this is a Resolution crafted by staff to lead us to the next level, rather than saying they're endangered and we aren't going to do anything else. He said it may be very difficult and it may be too costly right now.

Responding to Councilor Bushee, Mayor Coss said they have recently declared that both the Gunnison Prairie Dog and the Blacktail Prairie Dog are not endangered.

Councilor Bushee asked to be added as a cosponsor of the Resolution on Telecommunications.

Councilor Bushee said she would wish for Frank Katz that he actually gets to stay retired, and wished him the best of luck.

Councilor Ortiz

Councilor Ortiz wished everyone happy holidays. He asked to be added as a cosponsor on the Mayor's Ordinance on the Trauma Support Unit.

Councilor Ortiz added his voice to resolve the problems with the leak at GCCC. He noted we added \$1 million for repairs specifically for the roof, which has not closed 50% of the facility which is not good. He understands we may have some warranty issues with the person who did the repairs.

Councilor Ortiz said there was a Resolution regarding the naming of a Park for George Anthony Chavez, and suggested we can bring something to the Council in January 2010.

Councilor Ortiz wished Frank Katz *le bon voyage*, saying he learned a lot from him during his term as City Attorney, and thanked him for his service.

Councilor Romero

Councilor Romero wished everyone happy holidays.

Councilor Romero addressed the following:

1. She received a disturbing email about the GCCC, which said families watching their children playing hockey are charged an observer fee of \$2, which impacts family being

able to watch their children, and people from other cities whose children are playing here.

2. At a recent Public Works Committee meeting they tabled an issue regarding trucks on Cordova Road. She said the Councilors in District 2 hadn't heard about this and didn't know about traffic counts. She encouraged that emails be sent to Councilors advising of things in their Districts which may impact them.
3. There has been a proliferation of aluminum carport and sheds without permits in the City, which take away from the property values.
4. She asked to be added as a cosponsor of the Trauma Support Unit.

Councilor Romero said she has enjoyed working with Mr. Katz, and has appreciated his humor at moments when it was difficult to find laughter in things. She wished him well in his retirement.

Councilor Romero introduced a Resolution, in response to encouragement from staff, after hearing from the public at the Public Works Committee meeting regarding radiofrequency emissions. The Resolution urges the U.S. Congress, the President and Executive Branch members to require the FCC to reassess the health impacts of radiofrequency emissions and to amend the FCC Act of 1996, to permit local governments greater authority with regard to the placement of wireless communication facilities, noting cosponsors Councilors Calvert and Bushee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Romero wished everyone happy holidays.

Mayor Coss

Mayor Coss thanked everyone – staff, the various boards and commissions and Councilors for all of their hard work in 2009, saying this is one of the hardest years the City has ever experienced, but we did get a lot done.

Mayor Coss thanked Frank Katz for his service, his intelligence, knowledge and experience, saying he helped the Council to do things we never thought we would be able to do. He appreciates the years of service by Mr. Katz.

Mayor Coss introduced the following:

1. A Resolution [or an Ordinance] creating a Trauma Support Unit under the Santa Fe Police Department, cosponsored by Councilors Chavez, Trujillo, Romero and Wurzbarger. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

2. A Resolution directing staff to identify how the City will respond to future plague occurrence, to create prairie dog relocation administrative procedures; and to create a City-wide prairie dog ecosystem management system plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
3. A Resolution repealing Resolution No. 2009-1, relating to the Open Meetings Act, adopting the State Open Meetings Act by reference, and adopting notice requirements. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

Mayor Coss said there is a Jobs Forum on Friday, at 9:30 a.m., at the Convention Center at the request of the Obama administration to forward ideas to them, and he believes we can use those right here in Santa Fe.

Mayor Coss wished everyone happy holidays, and to join in lighting the Hanukkah menorah Sunday afternoon on the Plaza.

I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:15 p.m.

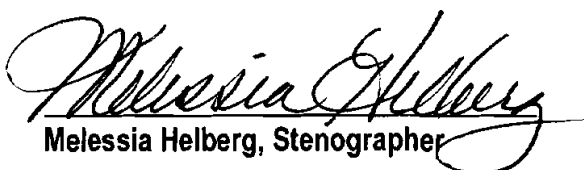
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer