



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 31, 2010
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:30 P.M.

CITY CLERK'S OFFICE

DATE 3-26-10 TIME 2:50 pm

SERVED BY

RECEIVED BY

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 – March 10, 2010
9. PRESENTATIONS
 - a) Proclamation – Great American Clean Up “GAC” Day in Santa Fe; April 24, 2010. (Gilda Montano) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 10/07/B – Airport Road Resurfacing Project Cerrillos Road to Calle Debra; Armour Pavement. (Louie Pacheco)
 - b) Request for Approval of Amendment No. 1 to Professional Services Agreement – Water Rate Evaluation Services Project (RFP #09/22/P); Stepwise Utility Advisors. (Brian Snyder)
 - c) Request for Approval of Budget Adjustment Request – BDD Project FY 09/10 Operations Budget. (Rick Carpenter)
 - d) Request for Approval of BDD Staffing and Training Program. (Rick Carpenter)
 - e) Request for Approval of Final FY 10/11 Operating Budget and Five-Year Operating Budget Projection. (Rick Carpenter)



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- f) Request for Approval of State of New Mexico Governmental Services Agreement – Energy Efficiency Energy Projects; State of New Mexico Energy, Minerals, and Natural Resources Department. (Nicholas Schiavo)
 - 1) Request for Approval of Budget Increase – Grant Fund
- g) Request for Approval of Amendment No. 4 to Professional Services Agreement – Railyard Property Infrastructure Improvements; The Santa Fe Railyard Community Corporation. (Robert Siqueros)
- h) Request for Approval of Budget Adjustment for Rufina Street Connection Project; Advantage Asphalt and Seal Coating, LLC. (Leann Valdez)
- i) Request for Approval of Recommendation of Award and Approval of Change Order No. 3 – Acequia Trail 2A – (Ashbaugh Park) and 2B – (Baca Street Crossing) – On Call Construction Services; A.S. Horner, Inc. (Leroy Pacheco)
- j) Request for Concept Approval - Exchange/Purchase of a Parcel Real Estate Containing 1,078 Square Feet Located at the Southeast Corner of the Intersection of Jefferson Street and Stabb Street; King's Map 8, LLC. (Edward Vigil)
- k) Request for Approval of Professional Services Agreement – Security Services for the Santa Fe Municipal Airport (RRP No. 10/22/P); ASI of New Mexico, LLC. (Jim Montman)
- l) Request for Approval of Memorandum of Agreement – Artworks Program in Santa Fe Public Elementary Schools; Santa Fe Public Schools. (Sabrina Pratt)
 - 1) Request for Approval of Budget Adjustment.
- m) Request for Approval of Replacement of Bunker Gear for Fire Department; L. N. Curtis and Sons. (Fire Chief Barbara Salas)
 - 1) Request for Approval of Budget Adjustment.



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- n) Request for Approval of Grant Award – Cops Hiring Recovery Program For Eight (8) New Officers for Police Department; U.S. Department of Justice. (Chief Aric Wheeler)
 - 1) Request for Approval of Budget Increase – Grant Fund
- o) Request for Approval of Sole Source Procurement – Santa Fe Brown Base Course to Repair Unpaved Streets; Santa Fe Classic Rock. (David Catanach)
- p) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)
A Resolution Amending Resolution No. 2009-121 Consenting to the Inclusion of the Municipality of the City of Santa Fe Within the Santa Fe County Renewable Energy Financing District. (Nick Schiavo)
- q) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Mayor Coss, Councilor Calvert, Councilor Romero, Councilor Trujillo, Councilor Wurzburger and Councilor Bushee)
A Resolution Authorizing the City of Santa Fe to Support a Living Santa Fe River by Allowing Water to Bypass McClure and Nichols Reservoirs in 2010. (Brian Drypolcher)
- r) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)
A Resolution Amending Resolution No. 2009-84 Exhibit A, Guidelines for the City's Rebate Program for the Installation/Retrofit of Efficient Water Conservation Technologies, in Order to Include Additional Rebates for the Purchase of High Efficiency Clothes Washers. (Dan Ransom)
- s) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)
A Resolution Adopting Landscape Irrigation Standards. (Dan Ransom)
- t) Request for Approval to Publish Notice of Public Hearing on April 28, 2010:
 - 1) Bill No. 2010-10: An Ordinance Amending Various Sections of Article 26-1 Regarding the Santa Fe Homes Program in Order to Increase the Maximum Income of Eligible Buyers to 120% of Area Median Income; to Allow the Grouping of Santa Fe Homes Program Units; and to Make Such other Changes as are Necessary (Councilor Wurzburger and Councilor Romero) (Kathy McCormick)



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- a) CONSIDERATION OF RESOLUTION NO. 2010-_____.
(Councilor Wurzburger and Councilor Romero)
A Resolution Amending the Administrative Procedures for the Santa Fe Homes Program in Order to Increase the Maximum Income of Eligible Buyers to 120% of Area Median Income; to Allow the Grouping of Santa Fe Homes Program Units; to Eliminate the First-Time Homebuyer Status Requirement; and to Make Such Other Changes as are Necessary. (Kathy McCormick)
- b) CONSIDERATION OF RESOLUTION NO. 2010-_____.
(Councilor Wurzburger and Councilor Romero)
A Resolution Designating Up to \$1 Million of the City's 2010 Capital Improvements Program (CIP) Bond for the Purpose of Funding Infrastructure for Santa Fe Homes Program (For Sale) Units at all Income Tiers; and Directing Staff to Prepare Policies and Procedures for the Use of These Funds. (Kathy McCormick)
- 2) Consideration of Adoption of 2010/2011 Community Development Block Grant (CDBG) Entitlement Program. The CDBG Program is Part of the City's Annual Action Plan Submitted to the U. S. Department of Housing and Urban Development. (Melisa Dailey)
- u) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Ortiz and Councilor Trujillo)
A Resolution Recognizing and Supporting the Efforts of the Boys & Girls Clubs of Santa Fe to Plan, Construct and Operate a South Side Facility on Ocate Road in Santa Fe. (David Chapman)
- v) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Dominguez)
A Resolution Repealing Resolution No. 2007-30 Regarding Naming City Owned Public Spaces; and Establishing a New Process for Naming City Owned Public Spaces. (Melissa Byers)
- w) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Bushee, Mayor Coss, Councilor Trujillo, Councilor Dominguez, Councilor Chavez)
A Resolution Concerning Federal Comprehensive Immigration Reform. (Melissa Byers)



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- x) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)
A Resolution Adopting Administrative Procedures for Water Demand
Offset Requirements. (Wendy Blackwell)
- y) Request for Approval to Fill Vacant Positions. (Robert Romero)
- z) Request for Approval of The Master Plan Amendment to Allow Demolition
of the Existing (Partial) Building on Parcel F-1, AKA 545 Camino De La
Familia of The Santa Fe Railyard Development Subject to the Conditions
Imposed by the BCD/DRC at their Meeting on December 10, 2009.
(Robert Siqueiros)
 - 1) Master Plan Clarification
 - 2) Redevelopment Process
- 11. MATTERS FROM THE CITY MANAGER
- 12. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:

Discussion of Current Pending and Threatened Litigation in which the City of
Santa Fe Is or May Become a Participant; Pursuant to §10-15-1(H)(7) NMSA
1978.
- 13. MATTERS FROM THE CITY CLERK
- 14. 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



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F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Pizza Centro, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Pizza Centro, 418 Cerrillos Road, Suite 6. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2010-5: ADOPTION OF ORDINANCE NO. 2010-____. (Councilor Wurzburger)
An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Between The New Mexico Water Trust Board And The New Mexico Finance Authority (The "Lenders/Grantors") and The City Of Santa Fe (The "Borrower/Grantee"), in the Aggregate Amount of One Million Three Hundred Twenty-Four Thousand Four Hundred Sixty Dollars (\$1,324,460), Being a Loan in the Amount of Two Hundred Sixty-Four Thousand Eight Hundred Ninety-Two Dollars (\$264,892) and a Grant in the Amount of One Million Fifty-Nine Thousand Five Hundred Sixty-Eight Dollars (\$1,059,568); Evidencing an Obligation of The Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of the Borrower/Grantee's Watershed Management Project, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement. (Dale Lyons)
 - a) Request for Approval of Water Project Fund Loan/Grant Agreement (No. 171- WTB); New Mexico Finance Authority.
 - 1) Request for Approval of Budget Increase – Grant Fund.



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- 3) CONSIDERATION OF BILL NO. 2010-6: ADOPTION OF ORDINANCE NO. 2010-_____. (Councilor Wurzburger)
An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement By and Between The New Mexico Water Trust Board and The New Mexico Finance Authority (The "Lenders/Grantors") and The City of Santa Fe (The "Borrower/Grantee"), in the Aggregate Amount of Four Million Dollars (\$4,000,000), Being a Loan in the Amount of Eight Hundred Thousand Dollars (\$800,000) and a Grant in the Amount of Three Million Two Hundred Thousand Dollars (\$3,200,000); Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely for the Purpose of Financing the Costs of Construction of the Buckman Surface Water Direct Diversion Project, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With this Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement. (Alan Hook)
 - a) Request for Approval of Water Project Fund Loan/Grant Agreement (No. 170- WTB); New Mexico Finance Authority.
 - 1) Request for Approval of Budget Increase – Grant Fund.
- 4) CONSIDERATION OF BILL NO. 2010-8: ADOPTION OF ORDINANCE NO. 2010-_____. (Councilor Dominguez and Councilor Bushee)
An Ordinance Amending Rule 18 of Exhibit A, Chapter 25 SFCC 1987 Regarding Water Meters. (Brian Snyder)
- 5) CONSIDERATION OF BILL NO. 2010-9: ADOPTION OF ORDINANCE NO. 2010-_____. (Mayor Coss and Councilor Wurzburger)
An Ordinance Amending Section 25-4.2 SFCC 1987 Regarding Water Rate Adjustments. (Brian Snyder)



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- 6) CONSIDERATION OF BILL NO. 2010-3: ADOPTION OF ORDINANCE NO. 2010-_____.
An Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed) (Postponed at February 10, 2010 City Council Meeting) **(PUBLIC HEARING IS CLOSED) (Postponed at March 10, 2010 City Council Meeting)**
- 7) CONSIDERATION OF BILL NO. 2010-4: ADOPTION OF ORDINANCE NO. 2010-_____.
An Ordinance Granting a Non-Exclusive Franchise to Citylink Fiber Holdings of Santa Fe, New Mexico, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, Fixing the Terms and Conditions Thereof. (Maureen Reed) (Postponed at February 10, 2010 City Council Meeting) **(PUBLIC HEARING IS CLOSED) (Postponed at March 10, 2010 City Council Meeting)**
- 8) Request from The National Dance Institute of New Mexico (NDI-NM) for a Permanent Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at NDI-NM, 1140 Alto Street which is within 300 feet of Desert Academy and the Former Alameda Middle School. (Yolanda Y. Vigil) (Postponed at March 10, 2010 City Council Meeting) **(WITHDRAWN)**

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
March 31, 2010

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-6
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 10, 2010	Approved	6
<u>PRESENTATIONS</u>		
PROCLAMATION – GREAT AMERICAN CLEAN UP "GAC" DAY IN SANTA FE; APRIL 24, 2010		6
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2010- 21. A RESOLUTION CONCERNING FEDERAL COMPREHENSIVE IMMIGRATION REFORM	Approved	6-7
REQUEST FOR APPROVAL OF THE MASTER PLAN AMENDMENT TO ALLOW DEMOLITION OF THE EXISTING (PARTIAL) BUILDING ON PARCEL F-1, A/K/A 545 CAMINO DE LA FAMILIA OF THE SANTA FE RAILYARD DEVELOPMENT, SUBJECT TO THE CONDITIONS IMPOSED BY THE BCD/DRC AT THEIR MEETING ON DECEMBER 10, 2009	Approved	7-9
MASTER PLAN CLARIFICATION	Approved	7-9
REDEVELOPMENT PROCESS	Approved	7-9

END OF CONSENT CALENDAR DISCUSSION		

MATTERS FROM THE CITY MANAGER	None	9

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>MATTERS FROM THE CITY ATTORNEY</u>		
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<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	12
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<u>APPOINTMENTS</u>		
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<u>PUBLIC HEARINGS</u>		
REQUEST FROM PIZZA CENTRO, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON PREMISE CONSUMPTION ONLY) TO BE LOCATED AT PIZZA CENTRO, 418 CERRILLOS ROAD, SUITE 6	Approved	16
CONSIDERATION OF BILL NO. 2010-5: ADOPTION OF ORDINANCE NO. 2010- 3. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY, ETC.	Adopted	17
REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT (NO. 171-WTB); NEW MEXICO FINANCE AUTHORITY	Approved	17
REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2010-6: ADOPTION OF ORDINANCE NO. 2010-4. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY, ETC.	Adopted	18
REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT (NO. 170-WTB);	Approved	18
NEW MEXICO FINANCE AUTHORITY REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND	Approved	18
CONSIDERATION OF BILL NO. 2010-8: ADOPTION OF ORDINANCE NO. 2010- 5. AN ORDINANCE AMENDING RULE 18 OF EXHIBIT A, CHAPTER 25 SFCC 1987, REGARDING WATER METERS	Adopted	19
CONSIDERATION OF BILL NO. 2010-9; ADOPTION OF ORDINANCE NO. 2010- 6. AN ORDINANCE AMENDING SECTION 25-4.2 SFCC 1987, REGARDING WATER RATE ADJUSTMENTS	Adopted	19
CONSIDERATION OF BILL NO. 2010-3: ADOPTION OF ORDINANCE NO. 2010- _____. AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY’S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF	Postponed to 05/26/2010	20
CONSIDERATION OF BILL NO. 2010-4: ADOPTION OF ORDINANCE NO. 2010- _____. AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO CITYLINK FIBER HOLDINGS OF SANTA FE, NEW MEXICO, LLC, TO RENT, USE AND OCCUPY THE CITY’S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF	Postponed to 05/26/2010	20
REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A PERMANENT WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT NDI-NM, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF DESERT ACADEMY AND THE FORMER ALAMEDA MIDDLE SCHOOL	Withdrawn	20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY CLERK	None	20
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	20-24
ADJOURN		24

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 31, 2010**

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 March 31, 2010, at approximately 5:30 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 Ronald S. Trujillo

Members Excused

Councilor Rosemary Romero

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Robert Romero said the Public Works Committee has recommended removing t(1)(b) from the agenda, to be discussed through the CIP process.

Councilor Bushee thought she also read in the paper that they didn't approve t(1)(a), and asked if that should be removed as well.

Mayor Coss said this is just for publication.

Kathy McCormick said she anticipates having the changes ready prior to this coming to the Council.

Councilor Wurzbarger said she understands there is no controversy about publishing this item

Councilor Dominguez said he plans to move this out of Committee at the next meeting, and there are no problems with publication at this time.

Councilor Chavez said he believes Items #6 and #7 should be postponed as well, because the telecommunications ordinance should be in place before these can be considered.

Mr. Zamora said it is his recommendation to hear Items #6 and #7 at the second Council Meeting in May [May 26, 2010], because the Ordinance will be considered at the first Council Meeting in May [[May 12, 2010], and the ordinance needs to be in place before we consider Items #6 and #7.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

- a) **BIG NO. 10/07/B – AIRPORT RESURFACING PROJECT, CERRILLOS ROAD TO CALLE DEBRA; ARMOUR PAVEMENT. (LOUIE PACHECO)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WATER RATE EVALUATION SERVICES PROJECT (RFP #09/22/P); STEPWISE UTILITY ADVISORS. (BRIAN SNYDER)**
- c) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST – BDD PROJECT FY 9/10 OPERATIONS BUDGET. (RICK CARPENTER)**

- d) REQUEST FOR APPROVAL OF BDD STAFFING AND TRAINING PROGRAM. (RICK CARPENTER)
- e) REQUEST FOR APPROVAL OF FINAL FY 10/11 OPERATING BUDGET AND FIVE YEAR OPERATING BUDGET PROJECTION. (RICK CARPENTER)
- f) REQUEST FOR APPROVAL OF STATE OF NEW MEXICO GOVERNMENTAL SERVICES AGREEMENT – ENERGY EFFICIENCY ENERGY PROJECTS; STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT. (NICHOLAS SCHIAVO)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- g) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – RAILYARD PROPERTY INFRASTRUCTURE IMPROVEMENTS; THE SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)
- h) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT FOR RUFINA STREET CONNECTION PROJECT; ADVANTAGE ASPHALT AND SEAL COATING, LLC. (LEANN VALDEZ)
- i) REQUEST FOR APPROVAL OF RECOMMENDATION OF AWARD AND APPROVAL OF CHANGE ORDER NO. 3 – ACEQUIA TRAIL 2A – (ASHBAUGH PARK) AND 2B – (BACA STREET CROSSING) – ON CALL CONSTRUCTION SERVICES; A.S. HORNER, INC. (LEROY PACHECO)
- j) REQUEST FOR CONCEPT APPROVAL – EXCHANGE/PURCHASE OF A PARCEL REAL ESTATE CONTAINING 1,078 SQUARE FEET, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF JEFFERSON STREET AND STAAB STREET; KING'S MAP 8, LLC. (EDWARD VIGIL)
- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR THE SANTA FE MUNICIPAL AIRPORT (RRP NO. 10/22/P); ASI OF NEW MEXICO, LLC. (JIM MONTMAN)
- l) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – ARTWORKS PROGRAM IN SANTA FE PUBLIC ELEMENTARY SCHOOLS; SANTA FE PUBLIC SCHOOLS. (SABRINA PRATT)
 - 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT.
- m) REQUEST FOR APPROVAL OF REPLACEMENT OF BUNKER GEAR FOR FIRE DEPARTMENT; L.N. CURTIS AND SONS. (FIRE CHIEF BARBARA SALAS)
 - 1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT.

- n) **REQUEST FOR APPROVAL OF GRANT AWARD – COPS HIRING RECOVERY PROGRAM FOR EIGHT (8) NEW OFFICERS FOR POLICE DEPARTMENT; U.S. DEPARTMENT OF JUSTICE. (CHIEF ARIC WHEELER)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- o) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – SANTA FE BROWN BASE COURSE TO REPAIR UNPAVED STREETS; SANTA FE CLASSIC ROCK. (DAVID CATANACH)**
- p) **CONSIDERATION OF RESOLUTION NO. 2010 – 14 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). A RESOLUTION AMENDING RESOLUTION NO. 2009-121 CONSENTING TO THE INCLUSION OF THE MUNICIPALITY OF THE CITY OF SANTA FE WITHIN THE SANTA FE COUNTY RENEWABLE ENERGY FINANCING DISTRICT. (NICK SCHIAVO)**
- q) **CONSIDERATION OF RESOLUTION NO. 2010 - 15 (MAYOR COSS, COUNCILOR CALVERT, COUNCILOR ROMERO, COUNCILOR TRUJILLO, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUPPORT A LIVING SANTA FE RIVER BY ALLOWING WATER TO BYPASS McCLURE AND NICHOLS RESERVOIRS IN 2010. (BRIAN DRYPOLCHER)**
- r) **CONSIDERATION OF RESOLUTION NO. 2010- 16 (COUNCILOR CALVERT). A RESOLUTION AMENDING RESOLUTION NO. 2009-84, EXHIBIT A, GUIDELINES FOR THE CITY'S REBATE PROGRAM FOR THE INSTALLATION/RETROFIT OF EFFICIENT WATER CONSERVATION TECHNOLOGIES, IN ORDER TO INCLUDE ADDITIONAL REBATES FOR THE PURCHASE OF HIGH EFFICIENCY CLOTHES WASHERS. (DAN RANSOM)**
- s) **CONSIDERATION OF RESOLUTION NO. 2010- 17 (COUNCILOR CALVERT). A RESOLUTION ADOPTING LANDSCAPE IRRIGATION STANDARDS. (DAN RANSOM)**
- t) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON APRIL 28, 2010:**
 - 1) **BILL NO. 2010-10: AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE 26-1, REGARDING THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (KATHY McCORMICK)**

- a) CONSIDERATION OF RESOLUTION NO. 2010- ____ (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM IN ORDER TO INCREASE THE MAXIMUM INCOME OF ELIGIBLE BUYERS TO 120% OF AREA MEDIAN INCOME; TO ALLOW THE GROUPING OF SANTA FE HOMES PROGRAM UNITS; TO ELIMINATE THE FIRST-TIME HOMEBUYER STATUS REQUIREMENT; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY. (KATHY McCORMICK)
- b) CONSIDERATION OF RESOLUTION NO. 2010- ____ (COUNCILOR WURZBURGER AND COUNCILOR ROMERO). A RESOLUTION DESIGNATING UP TO \$1 MILLION OF THE CITY'S 2010 CAPITAL IMPROVEMENTS PROGRAM (CIP) BOND FOR THE PURPOSE OF FUNDING INFRASTRUCTURE FOR SANTA FE HOMES PROGRAM (FOR SALE) UNITS AT ALL INCOME TIERS; AND DIRECTING STAFF TO PREPARE POLICIES AND PROCEDURES FOR THE USE OF THESE FUNDS. (KATHY McCORMICK)
This portion of this agenda item was removed from the agenda and returned to Public Works to be heard as part of the regular CIP process.
- 2) CONSIDERATION OF ADOPTION OF 2010/2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT PROGRAM. THE CDBG PROGRAM IS PART OF THE CITY'S ANNUAL ACTION PLAN SUBMITTED TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (MELISSA DAILEY)
- u) CONSIDERATION OF RESOLUTION NO. 2010- 18 (COUNCILOR ORTIZ, COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). A RESOLUTION RECOGNIZING AND SUPPORTING THE EFFORTS OF THE BOYS & GIRLS CLUBS OF SANTA FE TO PLAN, CONSTRUCT AND OPERATE A SOUTH SIDE FACILITY ON OCATE ROAD IN SANTA FE. (DAVID CHAPMAN)
- v) CONSIDERATION OF RESOLUTION NO. 2010- 19 (COUNCILOR DOMINGUEZ). A RESOLUTION REPEALING RESOLUTION NO. 2007-30, REGARDING NAMING CITY OWNED PUBLIC SPACES; AND ESTABLISHING A NEW PROCESS FOR NAMING CITY OWNED PUBLIC SPACES. (MELISSA BYERS)
- w) *[Removed for discussion by Councilor Bushee]*
- x) CONSIDERATION OF RESOLUTION NO. 2010- 20(COUNCILOR CALVERT). A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR WATER DEMAND OFFSET REQUIREMENTS. (WENDY BLACKWELL)

y) **REQUEST FOR APPROVAL TO FILL VACANT POSITIONS. (ROBERT ROMERO)**

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

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MARCH 10, 2010

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council meeting of March 10, 2010, as presented.

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

9. PRESENTATIONS

a) **PROCLAMATION – GREAT AMERICAN CLEAN UP “GAC” DAY IN SANTA FE; APRIL 24, 2010. (GILDA MONTANO)**

Mayor Coss read the proclamation into the record declaring April 24, 2010, as the Great American Clean up “GAC” Day in Santa Fe, and presented it to Gilda Montano, the coordinator of the event. He said it is a great day for the whole City and asked everyone to participate.

Ms. Montano thanked the Mayor and asked everyone to participate.

CONSENT CALENDAR DISCUSSION

10(w) **CONSIDERATION OF RESOLUTION NO. 2010- 21 (COUNCILOR BUSHEE, MAYOR COSS, COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ, COUNCILOR CHAVEZ). A RESOLUTION CONCERNING FEDERAL COMPREHENSIVE IMMIGRATION REFORM. (MELISSA BYERS)**

Councilor Bushee said she pulled this item to thank and acknowledge the people who are working on this effort, and recognized the members of the Immigration Committee in attendance as well as all those who worked on this effort.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to adopt Resolution No. 2010-21.

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

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

Against: None.

- 10(z) REQUEST FOR APPROVAL OF THE MASTER PLAN AMENDMENT TO ALLOW DEMOLITION OF THE EXISTING (PARTIAL) BUILDING ON PARCEL F-1, A/K/A 545 CAMINO DE LA FAMILIA OF THE SANTA FE RAILYARD DEVELOPMENT, SUBJECT TO THE CONDITIONS IMPOSED BY THE BCD/DRC AT THEIR MEETING ON DECEMBER 10, 2009. (ROBERT SIQUEIROS)**
- 1) MASTER PLAN CLARIFICATION**
 - 2) REDEVELOPMENT PROCESS**

Councilor Bushee said she is unsure where "the 1 and the 2 in this packet are."

Mr. Siqueiros asked if she is referring to the conditions of approval.

Councilor Bushee said she was looking for more "steps to those issues, but guesses he is saying those are conditions of approval."

Mr. Siqueiros said those are two conditions of approval from the from BCD/DRC, which also were adopted by the Public Works and Finance Committees.

Councilor Bushee asked Mr. Siqueiros to explain for the record what is meant by "Master Plan Clarification."

Mr. Siqueiros said the City Council asked for Master Plan clarification at the January 27, 2010 Council meeting. He said at the next Public Works Committee following that meeting, the Committee included language from the Master Plan that referred to that portion of the Railyard District within the Master Plan. He said it just identified the language included in the Master Plan, but that wasn't a part of the BCD/DRC or Public Works Committees' condition of approval.

Councilor Bushee asked Mr. Siqueiros, for the record, to explain the redevelopment process.

Mr. Siqueiros said, with regard to the conditions of approval imposed by the BCD/DRC, if the demolition of Santa Fe Clay is approved, it cannot be demolished until an "approved building is replaced by the BCD/DRC," and that would require ENN meetings and a public hearing at the BCD/DRC.

Councilor Bushee said, "The building will not be demolished until there is a process just at the BCD/DRC for the redevelopment process, so it would be on design."

Mr. Siqueiros said yes, it would be strictly on design.

Councilor Bushee said she still has heartburn on how this has proceeded. She said she has been part of the proceedings on both committees on which she serves which dealt with this issue. She said they only dealt with the history of the Santa Fe Clay building and specifics more related to the building, rather

than to the uses on the Railyard. She said the time frame won't change because of the redevelopment process, but it still deals only with the design of the building. She said, "What I feel will not have been completed with this action this evening, is that we won't have had a completion of the discussions that I feel would be short-changed or cheated by sort of going this route. I really do feel like we still have some significant areas in the Railyard proper, the main Railyard, that could use a discussion. And we used to have the MRC... Metropolitan Redevelopment Commission, and they weighed-in at the time, the Council weighed-in at the time. I feel like by leaving out what potentially will come into that space, rather than just how it will look, we really aren't doing justice of the master plan process that we began."

Councilor Bushee continued, "The building isn't historic, it's not even contributing. But, you know, I personally would like an extension to the Master Plan process where we talk about even what we call the hole in the ground now, in terms of just really, truly what we want to see on our property, on our Railyard, our community Railyard. So, I won't be voting for this at this juncture, but I would like to hear from my colleagues as to how else they think we could address, at least, the uses. Because, you know, we have a limited.... and I'm just going to read a couple of lines from the Master Plan that didn't get dealt with whatsoever in the processes that we followed in the committee: *'The Railyard project is a community asset not a development project. It shall emphasize local artists, local businesses and local culture. The architectural quality of the Railyard should be authentic, gritty, rugged and not sanitized or perfumed in character. Uses and tenants will change over time. It's important for the vitality of the Railyard to maintain a mixed use development or to see the best long term message accomplishes selection of tenants that add variety and balance to the land uses of the railyard.'* For me, this is me speaking personally, I don't think we need any more high end galleries. I personally don't want to see offices, legal, doctors, whatever, and we've got a couple of restaurants. Let's hope whatever comes into the Railyard would be community and user friendly and affordable, and keep with the theme of an arts district. And so, again, these are my concerns. I'm guessing that nobody else wants to send this down to have a fuller discussion, so I'm not going to make a motion that won't go anywhere. But, I am concerned, and will vote against this."

Councilor Chavez he said there has been some concern about the impact the demolition permit would have on the adjoining neighbor, El Museo Cultural. He asked, for clarification, if the decision is made to demolish a portion of this building, how many square feet would that be.

Mr. Siqueiros said it is 9,260 sq. ft.

Councilor Chavez asked if this square footage is separate from the El Museo lease, and Mr. Siqueiros said it is.

Councilor Chavez said there is security in knowing that El Museo will be able to stay and continue its programming in its current space. However, El Museo will be impacted during construction if demolition is approved. He said there needs to be some assurance that when the wall is taken down that a new wall will be built in its place which is fire rated, sound insulated and meet all requirements, and asked if that is in place.

Mr. Siqueiros said yes. He said it will meet the minimum standards for building code, particularly on the adjoining wall. He said there is no way a permit would be issued without a fire rated wall. He said

we will understand what that would be once we see what is being proposed next to it, and how we would handle some of the negotiations with El Museo, in terms of impact.

Councilor Chavez said this is only a part of the equation, and there is another piece. He said there is a plan for the Railyard and we wanted certain things which didn't happen. It is supposed to be for the community and local artists and craftsmen. There was supposed to be live/work, but that went away because it is not affordable. He said more and more what is happening on the Railyard is not affordable to the average working class family or individual. He said his concern isn't so much about demolishing a building or making improvements, or accommodating the Farmer's Market. He wants it to be affordable. He sees the demolition of this building as another affordable piece which is slipping away. He said once the improvements are made, it will be a newer building than what is in place, and more people will be priced out of being able to do business or conduct programs on the Railyard. He said it is not getting easier for the non-profits already there to pay rent. He said if we are going to revisit the master plan, he believes we need to look at all of the other components of the master plan to see if we are meeting all of the goals which we set out originally.

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

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

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

Against: Councilor Chavez and Councilor Bushee.

END OF CONSENT CALENDAR DISCUSSION

11. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

12. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

DISCUSSION OF CURRENT PENDING AND THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT; PURSUANT TO §10-15-1(H)(7) NMSA 1978.

Mr. Zamora said there has been some question about the phrasing of the Executive Session notice, and questions as to whether there will be vagueness in going into executive session. He said this

represents a discussion of all current, pending and threatened litigation in which the City is or may become a participant. He said this is as specific as he could get for the type of session he is requesting. He recommended the Governing Body go into executive session for the purpose of discussing pending or threatened litigation in which the City of Santa Fe is or may become a participant pursuant to §10-15-1(H)(7) NMSA 1978.

Councilor Chavez said then this will cover more than one case or an instance where there may pending or threatened litigation.

Mr. Zamora said this is correct, and he will be discussing the entirety of pending or threatened litigation against the City which is numerous. He said at any time, a governmental entity faces a lot of litigation, and he is providing a summary to the Governing Body of current, pending litigation involving the City.

Councilor Chavez said then at some point we will know specifics about those cases, the dollar amount, and the range in these lawsuits.

Mr. Zamora said the bigger picture and assignment to him was to begin implementing a more compressive case management system in the City Attorney's office, so the level of detail mentioned by Councilor Chavez is available to the Governing Body.

Councilor Chavez said this good for the Governing Body to have this information, but at some point we should be able to share some information with the public. He said the public needs to be kept informed on the status of the lawsuits and pending litigation, in terms of spending taxpayer dollars.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, that the Council go into Executive Session for the purpose of discussion of current, pending and threatened litigation in which the City of Santa Fe is or may become a participant, pursuant to §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 Trujillo and Councilor Wurzbarger.

Against: None.

Absent: Councilor Ortiz

The Council went into Executive Session at 6:50 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:10 p.m., Councilor Chavez moved, seconded by Councilor Wurzbarger, that the City

Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

*MAYOR COSS MOVED THE BALANCE OF THE ITEMS ON THE AFTERNOON AGENDA
TO THE END OF THE EVENING AGENDA.*

END OF AFTERNOON SESSION AT 7:10 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:10 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 Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo

Members Excused

Councilor Rosemary Romero

Others Attending

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Mayor Coss gave each person two minutes to present their petition to the Governing Body.

Julia Gomez, President, La Sociedad Folklorica, said she is in attendance to thank the Governing Body on behalf of La Sociedad Folklorica for granting the use of the Convention Center to them for El Baile de Cascarones, which was very generous. She said they especially appreciate Councilor Chavez sponsoring the Resolution to let them use the Convention Center for the Baile de Cascarones. Ms. Gomez introduced Vice President Gloria Conn. Ms. Gomez presented the Governing Body with Flyers for the dance, biscochitos and a free ticket to the Baile in appreciation for the use of the Convention Center.

Ms. Gomez said they may be here again next year if they have a successful turnout. She said the Baile de Cascarones is scheduled for April 10, 2010, 8:00 to 11:00 p.m., noting it is always held the first weekend after Easter.

A typed list of the names of 646 people signing a petition for a temporary moratorium on cell towers and antennas, entered for the record by Arthur Firstenberg, is incorporated herewith to these minutes as Exhibit "1."

A written statement from Jo Ann Collins, dated March 31, 2010, submitted for the record by Jo Ann Collins, is incorporated herewith to these minutes as Exhibit "2."

A copy of "Potential Economic Impact of Telecommunications Ordinance for next three years (2011-2014)," entered for the record by John McFie, is incorporated herewith to these minutes as Exhibit "3."

Arthur Firstenberg said he submitted, for the record, a petition containing 646 names, for a temporary moratorium on towers and antennas [Exhibit "1"]. He said they support the "moratorium ordinance" introduced by Councilor Chavez. They believe it is needed to give the City time to involve the public in drafting a wireless communications ordinance which addresses citizens' concerns. Although they may not get a moratorium, a good ordinance will still be needed. He said a group "of us," have been working hard on further revising the ordinance before the Council, and now have a first draft.. He said they used the 2004 Court of Appeals Decision in reviewing the City's existing Chapter 27, eliminating those sections stricken by the Court, and believe most of the existing Chapter 27 can be retained.

Mr. Firstenberg said they looked at the ordinances from other cities, and chose as a model the ordinance drafted by Glendale, California, which is receiving input during the 17 month moratorium. They agree with Councilor Chavez that wireless and cable do not belong in the same ordinance. The existing Chapter 27 is an appropriate wireless telecommunications ordinance. The bill drafted by the City Attorney's Office is an appropriate cable ordinance. He said if an installation is required, different types of permits will be required. He said a company wanting to build a new tower on City property should sign a lease with the City and also apply for an encroachment permit to occupy the public ROW. He said a company wanting to locate antennas on existing poles, would only have to apply for an encroachment permit. A company wanting to bury cable in the public ROW should apply for a cable franchise. Companies wanting to lay cable and install antennas should acquire both a cable franchise and encroachment permit. If they also are building new towers, they will have to sign leases. Mr. Firstenberg said they imported the language on encroachment permits from Glendale's draft ordinance.

Noel Kaufman said they believe, along with Glendale, Arcata, San Diego, San Francisco, Berkeley and many other cities, that antennas and towers are unsightly, alter proper values, alter the character of neighborhoods and don't belong in residential zones. They have borrowed appropriate language to discourage placement in residential areas which will require effective neighborhood participation in wireless communication planning decisions. He invited the Governing Body to participate in the Town Halls to discuss this issue on April 8, and April 22, 2010.

Joann Collins, Santa Fe, petitioned the Governing Body to separate the two types of telecommunications technology in the ordinance – wireless and cable, and urging a temporary amendment to the underground utility ordinance to include fiber optic and cable. Ms. Collins entered her statement for the record. Please see Exhibit "2" for the specifics of Ms. Collins' statement to the Governing Body.

Terese Zucall said she grew up here and is concerned with the rapid pace at which this new ordinance is progressing. She said "we" are getting confused about the economics, and thinking if we put antennas everywhere it will be a great economic asset. She urged us to be careful. Santa Fe is known as an oasis for health, and people come here for the spas, to relax and to go hiking. She said her friend who lives on 9-mile road near Coyote Crossing has access to wireless. She said we need to find out what the laws are and whether we need more. She believes we should go for the minimum amount and don't infiltrate the City. She said the City should have control over the zoning and land uses, and it should be able to protect its property values for citizens. She said this may be an economic opportunity in the short term, but in the long run it could be devastating for the City.

Bill Bruno said he would like to reemphasize what you've already heard about the upcoming meetings. He said they are trying to make it easier for the Councilors and this is a difficult issue, but we have to try to be rational about it. He said he isn't always a model for that. He said they are working hard to get at the issues and have done a lot of studies about it, researching other cities and the law.

Bruce Gollub said he is a family physician and here to petition the Council to adopt the moratorium on implementing the ordinance to take more time to understand the consequences and implications of the ordinance which has been proposed. He said it can be a better ordinance if considered in more depth. He said in medicine there is the precautionary principle where they try to take the time to understand the implications of things before adopting a treatment, and there are situations where technology has been adopted without understanding the implications. His request is that we take more time to understand the consequences of what we're adopting so we can have the best ordinance possible.

Robert Francis Johnson said he was a child psychotherapist, and he's looking around the world and wondering what is happening for our children in the future. There seems to be a short term gain and long term consequences. He believes the gas companies are putting explosive chemicals into aquifers and on PBF on Friday there was a person lighting their kitchen sink with water running out. He believes they are operating outside the clean water law. The aquifer won't be drinkable in our lifetime. He wants to protect our citizens and he has a Santa Fe amendment with the "Francis" clause which is the harmlessness.

Virginia Miller, District 1, said she is here to petition the Council for an annual review of all telecom ordinances to make sure the company is in compliance with the ordinance, and to form a Citizens Review Board of citizens who are informed on issues and can work with the City Land Use Department. She reiterated that the Town Hall Meetings are as follows: April 8, 2010, at Mary Esther Gonzales Senior Center and April 22, 2010. She wants the public to feel comfortable to attend. She said this issue impacts

all of us in many ways. They will be talking about the moratorium and the rewriting of the ordinance to protect all citizens, the property values, homeowners' rights, esthetics, public notification and public input into locations of proposed antennas and preservation of our economic, cultural and historic values.

Randall Bell said he is an attorney representing his client, Sally Bingham. He urged the City Council to seriously consider adopting the moratorium. This is a very complex technical and zoning and planning issue. He said many cities have developed ways to deal with the issue, and there is a lot of work that has been done by other cities which can be used as models, which hasn't been challenged. He said it is prudent for the City to take adequate time to have input to make the ordinances work for the community at large.

John McFie said we need to slow this down because there are many complex issues with which to deal. He said many cities have had to cancel permits when they moved too quickly. They want to bring in the neighborhood associations and the realtors in this process. He said he is a safety official for the government, and his wife ran 3 businesses in town. He is 4th generation New Mexico. Santa Fe has the image as a health retreat. He said many people are getting sick and will seek refuge in communities with control telecommunications ordinances and control radiation emissions. He said this would bring \$180 million annually to the City by his calculations. The art community has suffered because the Baby Boomers have stopped purchasing art as a trend and the Dot.Coms are slow to take it up, and people have smaller homes with less room to display art. He spoke about the health industry in Santa Fe, and people come here to recover from health issues. He said this could devalue homes for a net loss of \$35 million. Mr. McFie entered a document into the record in this regard [Exhibit "3"].

Betsy Millard thanked the City Council and Councilor Chavez. She said her daughter was diagnosed with cancer in mid-January. She said her daughter worked in office full of wireless which she believed caused the cancer. She urged the Council to take the time necessary to write the most protective ordinance possible for the people of our community.

Lela Morton, physician, said she understands this has come down to a legal issue for the Council, and there are many intricacies. She said the health effects are incontrovertible and almost proven for a fact. She will talk with anyone about the issue of pathophysiology which is dedicated to micro rays and health effects. She said these studies can't be canceled-out by studies conducted and funded by the industry.

Alia Doti said she is here to petition Mayor Coss and the Council to slow the process, consider a six-month moratorium at the least, and take as much time as possible to write an ordinance that works to protect the health, property values, and beauty of the City for our citizens. She urged them to look at ordinances which have been adopted by other communities. She also is a doctor of [inaudible] medicine and is concerned about the health issues.

G. APPOINTMENTS

Historic Design Review Board

Mayor Coss made the following appointments to the Historic Design Review Board:

Sharon L. Woods, Chair – Reappointment – term ending 01/2012;
Christine Mather – Reappointment – term ending 01/2012; and
Karen Walker – Reappointment – term ending 01/2012.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM PIZZA CENTRO, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON PREMISE CONSUMPTION ONLY) TO BE LOCATED AT PIZZA CENTRO, 418 CERRILLOS ROAD, SUITE 6. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the location is not within 300 ft. of a church or school, noting there are reports in the packet on noise and litter, and requesting 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 from Pizza Centro, Inc., for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at Pizza Centro, 418 Cerrillos Road, Suite 6.

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

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

Against: None.

- 2) **CONSIDERATION OF BILL NO. 2010-5: ADOPTION OF ORDINANCE NO. 2010- 3 (COUNCILOR WURZBURGER). AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS") AND THE CITY OF SANTA FE (The "BORROWER/GRANTEE"), IN THE AGGREGATE AMOUNT OF ONE MILLION THREE HUNDRED TWENTY-FOUR THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$1,324,460), BEING A LOAN IN THE AMOUNT OF TWO HUNDRED SIXTY-FOUR THOUSAND EIGHT HUNDRED NINETY-TWO DOLLARS (\$264,892), AND A GRANT IN THE AMOUNT OF ONE MILLION FIFTY-NINE THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS (\$1,059,568); EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF THE BORROWER/GRANTEE'S WATERSHED MANAGEMENT PROJECT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. (DALE LYONS)**
- a) **REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT (NO. 171-WTB); NEW MEXICO FINANCE AUTHORITY.**
- 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to Adopt Ordinance No. 2010- 3, which includes the approval of the requests in H(2)(a) and H(2)(a)(1).

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

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

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2010-6: ADOPTION OF ORDINANCE NO. 2010-4 (COUNCILOR WURZBURGER). AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE "LENDERS/GRANTORS") AND THE CITY OF SANTA FE (The "BORROWER/GRANTEE"), IN THE AGGREGATE AMOUNT OF FOUR MILLION DOLLARS (\$4,000,000), BEING A LOAN IN THE AMOUNT OF EIGHT HUNDRED THOUSAND DOLLARS (\$800,000), AND A GRANT IN THE AMOUNT OF THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000); EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF FINANCING THE COSTS OF CONSTRUCTION OF THE BUCKMAN SURFACE WATER DIRECT DIVERSION PROJECT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT. (ALAN HOOK)**
- a) **REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT (NO. 170-WTB); NEW MEXICO FINANCE AUTHORITY.**
- 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger thanked Mr. Hook and Mr. Lyons for their work on these two items.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2010-4, which includes the approval of the requests in H(3)(a) and H(3)(a)(1). .

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2010-8: ADOPTION OF ORDINANCE NO. 2010- 5 (COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING RULE 18 OF EXHIBIT A, CHAPTER 25 SFCC 1987, REGARDING WATER METERS. (BRIAN SNYDER)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2010-5.

DISCUSSION: Councilor Bushee said she and Councilor Dominguez ran into situations which were overly-burdensome and not necessary which is the reason for this legislation.

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2010-9; ADOPTION OF ORDINANCE NO. 2010- 6 (MAYOR COSS AND COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTION 25-4.2 SFCC 1987, REGARDING WATER RATE ADJUSTMENTS. (BRIAN SNYDER)**

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 adopt Ordinance No. 2010-6.

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

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

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2010-3: ADOPTION OF ORDINANCE NO. 2010- ____.**
AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF (MAUREEN REED) (Postponed at the February 10, 2010 City Council Meeting) (PUBLIC HEARING IS CLOSED) (Postponed at March 10, 2010 City Council Meeting)

This item is postponed to the Council meeting of May 26, 2010.

- 7) **CONSIDERATION OF BILL NO. 2010-4: ADOPTION OF ORDINANCE NO. 2010- ____.**
AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO CITYLINK FIBER HOLDINGS OF SANTA FE, NEW MEXICO, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF (MAUREEN REED) (Postponed at the February 10, 2010 City Council Meeting) (PUBLIC HEARING IS CLOSED) (Postponed at March 10, 2010 City Council Meeting)

This item is postponed to the Council meeting of May 26, 2010.

- 8) **REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A PERMANENT WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT NDI-NM, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF DESERT ACADEMY AND THE FORMER ALAMEDA MIDDLE SCHOOL (YOLANDA Y. VIGIL) (Postponed at March y 10, 2010 City Council Meeting) (WITHDRAWN)**

This request has been withdrawn and is removed from the agenda.

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk

14. 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 "4."

Councilor Calvert

Councilor Calvert introduced the following:

1. A Resolution to amend Resolution 2009-126 to increase the amount of stimulus funding to be received by the City. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
2. A Resolution to amend Resolution 2009-124, to increase the amount of stimulus funding to be received by the City. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Dominguez

Councilor Dominguez had no communications.

Councilor Ortiz

Councilor Ortiz had no communications.

Councilor Wurzbarger

Councilor Wurzbarger introduced the following:

1. A Resolution supporting the approval of the Downtown Parking & Transit Plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. A Resolution authorizing and approving submission of an executed agreement for financial assistance for the upgrade and improvements to the Santa Fe Water Treatment Facility for \$700,000. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
3. An Ordinance change creating a new section regarding the Governing Body's authority to temporarily suspend the enforcement of sections of Chapters 7 and 14, regarding expiration of building permits and development approvals. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "9."
4. A Resolution suspending enforcement of sections of Chapter 7 and 14 setting forth the expiration of building permits and development approvals due to severe economic

conditions. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Wurzbarger said she is removing the Telecommunications discussion from the PUC agenda to be heard after the Town Halls.

Councilor Trujillo

Councilor Trujillo introduced an Ordinance requiring Leagues using the MRC and municipal parks sports fields to submit by-laws and financial statements. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11"

Councilor Trujillo wished everyone a Happy Easter.

Councilor Bushee

Councilor Bushee introduced the following:

1. A Resolution directing staff to locate funding sources for design and construction of the proposed multi-modal center at Montezuma and Guadalupe to serve Rail Runner Express passengers. She asked staff to see that this is a part of the CIP allocation discussion. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
2. A Resolution renaming the Boys and Girls Club Park located on Alto Street, across from the Boys & Girls Club as Louie Montano Park. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

Councilor Bushee would like to review the Animal Services Ordinance, noting she had specific requests from the public to look at specific things, such as no longer "allowing for chaining." She said if necessary, she can introduce a Resolution to this effect, noting she believes we need to look at the entire ordinance..

Councilor Bushee said she wants to look at the enabling Resolution for the Bicycles & Trail Advisory Committee along with staff, noting everyone's term expired in November 2009 and there are no staggered terms. She said perhaps we can rewrite the Committee mission as well.

Councilor Bushee said she gave a newspaper article to the City Manager regarding potential federal funding, and would like to hear from him in this regard.

Councilor Bushee said she spoke with former Mayor Jaramillo, and told her someone from the City will contact her, noting there is no photograph of Mayor Jaramillo on the wall as a former Mayor. She said a previous photo was stolen, and there has been no photograph since.

Councilor Bushee wished everyone a Happy Easter.

Councilor Chavez

Councilor Chavez reiterated the date, time and place of the two Town Hall meetings focusing on the telecommunication ordinance and land use, property values and other issues: April 8, 2010, 7:00 to 9:00 p.m., Mary Esther Gonzales Center and April 22, 2010, 7:00 to 9:00 p.m. at GCCC. He requested that Robert Romero attend, as well as someone from the City Attorney's office and someone from the Land Use Department. He said once the ordinance is adopted, it will be in the Planning & Land Use Department primarily.

Councilor Chavez said the Baile de Cascarones will be held on April 10, 2010, 8:00 to 11:00 p.m., at the Convention Center. He invited the public to these 3 events.

Councilor Chavez introduced the following:

1. An Ordinance dealing with the pushcart vendors on Plaza. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14."

Councilor Chavez said the American Cancer Relay for Life will be held June 11 and 12, 6:00 p.m. to 10:00 a.m., at Capital High School. He asked people to commit one hour to the event and to assist in fundraising. He has packets for the event. He asked that the Council to organize a team again this year, and to recruit a spouse or significant other to join them in this walk to benefit cancer treatment and to generate revenue for this effort.

Mayor Coss

Mayor Coss invited everyone to the Easter Event on Saturday morning at the MRC. He thanked the 400th Committee, the High School Band, the Spoken Word Poetry Group, the Elks Does and all of those who helped.

Mayor Coss introduced Resolutions on behalf of Councilor Romero as follows:

1. A Resolution directing staff to apply for an extension to the existing Cooperative Agreement between the City and the District. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

2. A Resolution establishing criteria for the consideration of restricted truck, truck trailer and other large vehicle traffic on City streets, otherwise known as truck bans. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Mayor Coss wished everyone a great and safe weekend.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:05 p.m.

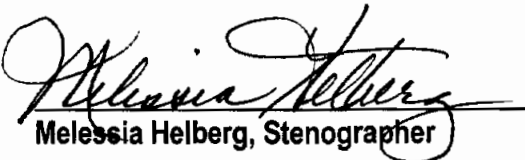
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer