



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2010
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5-21-10 TIME 3:08 pm

SERVED BY _____

RECEIVED BY Lydominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – May 12, 2010.
9. PRESENTATIONS
 - a) Muchas Gracias – Assistance Dogs of the West 15th Anniversary.
(5 minutes)
 - b) Santa Fe City Champions: (15 minutes)
 - 1) Football Champions – St. Michael's High School.
 - 2) Boy's Basketball Champions – Santa Fe High School.
 - 3) Girl's Basketball Champions – Capital High School.
 - 4) Girl's Soccer Champions – St. Michael's High School.
 - 5) Boy's Golf Champions – Santa Fe High School.
 - c) 2010 3A State Golf Champions – St. Michael's High School. (5 minutes)
 - 1) Marty Sanchez, St. Michael's High School – 2010 3A State Golf Individual Champion.
 - d) Capital High School – AVID National Demonstration School Achievement.
(Melanie Romero) (5 minutes)



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10. CONSENT CALENDAR

- a) Request for Approval of Audit Contract – Financial and Compliance Audit Services (RFP No. 08/41/P); Atkinson & Co. (Teresita Garcia)
- b) Request for Approval of Sole Source Procurement and Amendment No. 1 to Professional Services Agreement – Development, Technical and Configuration of Network Computers Support of JD Edwards/Oracle Enterprise 1 Applications; Stratech Consulting Inc. (Caryn Fiorina)
- c) Request for Approval of Revised 2010 Public Utilities Committee Meeting Schedule. (Stephanie Lopez)
- d) Request for Approval of Water Supply Agreement - Provide Water to Agua Fria Community Water System; Agua Fria Community Water System. (Brian Snyder)
- e) Request for Approval of Water Rights Purchase Agreement; Lawrence Vargas. (Dale Lyons)
- f) Request for Approval of Donation – Two Fire Department Ambulances; Torrance County. (Fire Chief Barbara Salas)
- g) Request for Approval of Agreement – Purchase/Install Back Up Electric Generator; State of New Mexico Aging and Long-Term Services Department. (Ron Vialpando)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- h) Request for Approval of Memorandum of Agreement – Promote Ridesharing Programs and Transportation Demand Management Programs; New Mexico Department of Transportation. (Sandra Sanchez)
- i) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Mayor Coss)
A Resolution Reaffirming Santa Fe's Welcome to All. (Keith Toler)
- j) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Wurzbarger)
A Resolution Directing Staff to Implement a New Strategy for Operating the Community Gallery as an Artist Business Development Center. (Sabrina Pratt)



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- k) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Dominguez)
A Resolution in Support of the Cerrillos Road Reconstruction Project Funded Through a Cooperative Project Agreement with the New Mexico Department of Transportation. (Eric Martinez)
- 1) Request for Approval of Cooperative Project Agreement – Cerrillos Road Reconstruction Project Phase IIB, Cielo Ct. to Camino Carlos Rey; New Mexico Department of Transportation. (Eric Martinez)
- a) Request for Approval of Budget Increase – Project Fund.
- l) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Mayor Coss)
A Resolution Approving Participation in the Program of the North Central New Mexico Economic Development District. (Fabian Trujillo)
- m) Request for Approval to Publish Notice of Public Hearing on June 30, 2010:
- 1) Bill No. 2010-17: An Ordinance Creating a New Section 14-8.6(B)(11) SFCC 1987 Allowing the Reduction of Required Off Street Parking Spaces When a Transit Facility is Provided. (Councilor Calvert and Mayor Coss) (Jon Bulthuis)
- 2) Bill No. 2010-18: An Ordinance Amending Section 6-17.3 SFCC 1987 Regarding Membership Requirements for the Business and Quality Of Life Committee. (Councilor Wurzbarger) (Kathy McCormick)
- 3) Bill No. 2010-19: An Ordinance Amending Exhibit A of Chapter XIII SFCC 1987, Stormwater Utility, to Increase the Monthly Stormwater Utility Service Charge. (Mayor Coss) (Chris Ortega)
- n) CONSIDERATION OF RESOLUTION NO. _____. (Councilor Trujillo)
A Resolution Supporting the New Mexico Litter Control and Beautification Act of 1985 Which Provides Public Funds in the Form of Grants for the Purpose of Enhancing Local Litter Control and Beautification Programs. (Gilda Montano)
- o) CONSIDERATION OF RESOLUTION NO. _____. (Mayor Coss)
A Resolution Supporting the Efforts of Santa Fe Community College in Seeking Authority to Issue General Obligation Bonds for the Purpose of Making Real Property Improvements or Purchases. (Jeanne Price)



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- p) Request for Approval of Fiscal Year 2010/2011 Recommendations for Children and Youth Commission Grants. (RFP No. 10/25/P) (34 Contracts) (Lynn Hathaway)
- q) Request for Approval of Professional Services Agreement – Santa Fe River 3-Year Stream Gaging Services (RFP No. 10/20/P); Watershed West, LLC. (Claudia Borchert)
- r) Request for Approval of Funding Recommendations for Human Services Providers for Fiscal Year 2010-2011. (13 Contracts) (RFP No. 10/23/P) (Terrie Rodriguez)
- s) Request for Approval of Amendment No. 4 to Professional Services Agreement – Security Services; Chavez Security, Inc. (Michael Gonzales)
- 11. CONSIDERATION OF RESOLUTION NO. 2010-_____.
A Resolution Relating to Adoption of the City of Santa Fe Fiscal Year 2010/2011 Annual Budget. (Robert Romero)
- 12. Motion to Reconsider Date of Public Hearing from June 30, 2010 to June 9, 2010 on the Following Postponed Items: (Councilor Romero)

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. (Kathy McCormick)
 - a) RESOLUTION NO. 2010-_____. 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)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY



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REGULAR MEETING OF
THE GOVERNING BODY
MAY 26, 2010
CITY COUNCIL CHAMBERS

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 Bumblebee's Baja Grills, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Bumblebees Baja Grills, Inc. – Store #1, 301 Jefferson Road. (Yolanda Y. Vigil)
 - 2) Request from Bumblebee's Baja Grills, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Bumblebees Baja Grills, Inc. – Store #2, 3777 Cerrillos Road. (Yolanda Y. Vigil)
 - 3) CONSIDERATION OF BILL NO. 2010-14: ADOPTION OF ORDINANCE NO. 2010-_____. (Councilor Wurzburger)
An Ordinance Amending Section 7-1.6 SFCC 1987 and Creating a New Section 14-2.2 (A) (4) SFCC 1987 Regarding the Governing Body's Authority to Temporarily Suspend the Enforcement of those Sections of Chapter 7 and Chapter 14 Regarding the Expiration of Building Permits and Development Approvals. (Matthew O'Reilly)
 - a) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Wurzburger)
Request for Approval of a Resolution Suspending the Enforcement of those Sections of Chapter 7 and Chapter 14 SFCC 1987 Setting Forth the Expiration of Building Permits and Development Approvals Due to Severe Economic Conditions. (Matthew O'Reilly)



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- 4) CONSIDERATION OF BILL NO. 2010-15: ADOPTION OF ORDINANCE NO. 2010-_____. (Councilor Trujillo)
An Ordinance Amending Paragraph I of Section 23-7.4 SFCC 1987 Requiring Leagues Using the Municipal Recreation Complex and Municipal Parks Sports Fields to Submit Bylaws and Financial Statements. (Fabian Chavez)
- 5) 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. (Kelley Brennan) (Postponed at March 31, 2010 City Council Meeting) **(WITHDRAWN BY STAFF)**
- 6) 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. (Kelley Brennan) (Postponed at March 31, 2010 City Council Meeting) **(WITHDRAWN BY STAFF)**

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.

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 26, 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 May 26, 2010, 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

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

6. APPROVAL OF AGENDA

MOTION: Councilor Bushee moved, seconded by Councilor Chavez, to approve the agenda as published.

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.

7. APPROVAL OF CONSENT CALENDAR

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

Against: None.

- a) *[Removed for discussion by Councilor Calvert]*
- b) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – DEVELOPMENT, TECHNICAL AND CONFIGURATION OF NETWORK COMPUTERS SUPPORT OF JD EDWARDS/ ORACLE ENTERPRISE 1 APPLICATIONS; STRATECH CONSULTING, INC. (CARYN FIORINA)
- c) REQUEST FOR APPROVAL OF REVISED 2010 PUBLIC UTILITIES COMMITTEE MEETING SCHEDULE. (STEPHANIE LOPEZ)
- d) REQUEST FOR APPROVAL OF WATER SUPPLY AGREEMENT – PROVIDE WATER TO AGUA FRIA COMMUNITY WATER SYSTEM; AGUA FRIA COMMUNITY WATER SYSTEM. (BRIAN SNYDER)
- e) REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT; LAWRENCE VARGAS. (DALE LYONS)
- f) REQUEST FOR APPROVAL OF DONATION – TWO FIRE DEPARTMENT AMBULANCES; TORRANCE COUNTY. (FIRE CHIEF BARBARA SALAS)
- g) REQUEST FOR APPROVAL OF AGREEMENT – PURCHASE/INSTALL BACK UP ELECTRIC GENERATOR; STATE OF NEW MEXICO AGING AND LONG-TERM SERVICES DEPARTMENT. (RON VIALPANDO)
 - 1. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- h) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – PROMOTE RIDESHARING PROGRAMS AND TRANSPORTATION DEMAND MANAGEMENT PROGRAMS; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (SANDRA SANCHEZ)
- i) *[Removed for discussion by Councilor Bushee]*
- j) *[Removed for discussion by Councilors Bushee and Chavez]*

- k) **CONSIDERATION OF RESOLUTION NO. 2010-36 (COUNCILOR DOMINGUEZ). A RESOLUTION IN SUPPORT OF THE CERRILLOS ROAD RECONSTRUCTION PROJECT FUNDED THROUGH A COOPERATIVE PROJECT AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ERIC MARTINEZ)**
 - 1) **REQUEST FOR APPROVAL OF COOPERATIVE PROJECT AGREEMENT – CERRILLOS ROAD RECONSTRUCTION PROJECT PHASE IIB, CIELO CT. TO CAMINO CARLOS REY; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (ERIC MARTINEZ)**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND**
- l) **CONSIDERATION OF RESOLUTION NO. 2010-37 (MAYOR COSS). A RESOLUTION APPROVING PARTICIPATION IN THE PROGRAM OF THE NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT. (FABIAN TRUJILLO)**
- m) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 30, 2010:**
 - 1) **BILL NO. 2010-17: AN ORDINANCE CREATING A NEW SECTION 14-8.6(B)(11) SFCC 1987, ALLOWING THE REDUCTION OF REQUIRE OFF STREET PARKING SPACES WHEN A TRANSIT FACILITY IS PROVIDED. (COUNCILOR CALVERT AND MAYOR COSS). (JON BULTHUIS)**
 - 2) **BILL NO. 2010-18: AN ORDINANCE AMENDING SECTION 6-17.3 SFCC 1987, REGARDING MEMBERSHIP REQUIREMENTS FOR THE BUSINESS AND QUALITY OF LIFE COMMITTEE (COUNCILOR WURZBURGER). (KATHY McCORMICK)**
 - 3) **BILL NO. 2010-19: AN ORDINANCE AMENDING EXHIBIT A OF CHAPTER XIII SFCC 1987, STORMWATER UTILITY, TO INCREASE THE MONTHLY STORMWATER UTILITY SERVICE CHARGE (MAYOR COSS). (CHRIS ORTEGA)**
- n) **CONSIDERATION OF RESOLUTION NO. 2010-38 (COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS. (GILDA MONTANO).**
- o) **CONSIDERATION OF RESOLUTION NO. 2010-39 (MAYOR COSS). A RESOLUTION SUPPORTING THE EFFORTS OF SANTA FE COMMUNITY COLLEGE IN SEEKING AUTHORITY TO ISSUE GENERAL OBLIGATION BONDS FOR THE PURPOSE OF MAKING REAL PROPERTY IMPROVEMENTS OR PURCHASES. (JEANNE PRICE)**

- p) **REQUEST FOR APPROVAL OF FISCAL YEAR 2010/2011 RECOMMENDATIONS FOR CHILDREN AND YOUTH COMMISSION GRANTS. (RFP NO. 10/25/P) (34 CONTRACTS). (LYNN HATHAWAY)**
- q) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE RIVER 3-YEAR STREAM GAGING SERVICES (RFP NO. 10/20/P); WATERSHED WEST, LLC. (CLAUDIA BORCHERT)**
- r) **REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS FOR HUMAN SERVICES PROVIDERS FOR FISCAL YEAR 2010-2-11. (13 CONTRACTS) (RFP NO. 10/23/P). (TERRIE RODRIGUEZ)**
- s) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES; CHAVEZ SECURITY, INC. (MICHAEL GONZALES)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 12, 2010

MOTION: Councilor Bushee moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of May 12, 2010, as presented.

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.

9. PRESENTATIONS

a) MUCHAS GRACIAS – ASSISTANCE DOGS OF THE WEST 15TH ANNIVERSARY.

Councilor Bushee said she attended the graduation ceremony for the Assistance Dogs of the West, which was a very moving occasion, and spoke about the extensive training of these dogs which assist the developmental disabled citizens. She thanked Carolyn Clark Beedle and Linda Milanesi and Oz, a 20 month old black Labrador. She said ADW has trained more 150 dogs to assist individuals and more than 1,500 people were involved in the training.

Mayor Coss thanked them for their work, saying he attended the graduation which was a great event and for their work which is remarkable, and presented them with a Muchas Gracias certificate.

Ms. Beedle said 15 years of service in New Mexico started in Santa Fe and 80% of the dog placements are in New Mexico, with 20% going outside of New Mexico, and they're working with 18 locations – public and private schools, disability programs and student trainers – to train the dogs. She said Linda Milanesi is one of the instructor-trainers and also one of the Board members. She said people who want to help can contact them at www.assistancedogsofthewest.org.

b) SANTA FE CITY CHAMPIONS:

Mayor Coss, assisted by Councilor Trujillo, presented each of the champion teams with a City trophy, introduced the coach and presented the members of the team, as follows:

- 1) FOOTBALL CHAMPIONS – ST. MICHAEL’S HIGH SCHOOL** – Coach Joey Fernandez, and assistant coaches Kevin Garcia, Neil Windom and Joaquin Garcia.
- 2) BOYS BASKETBALL CHAMPIONS – SANTA FE HIGH SCHOOL** – Coach Lenny Roybal. Coach Roybal said the important thing about the team is that all 6 Seniors are going to college.
- 3) GIRLS BASKETBALL CHAMPIONS – CAPITAL HIGH SCHOOL** – Coach Ray Henderson.
- 4) GIRLS SOCCER CHAMPIONS – ST. MICHAEL’S HIGH SCHOOL** – Coach Eddie Velie and Assistant Coach Jeff Saiz.
- 5) BOYS GOLF CHAMPIONS – SANTA FE HIGH SCHOOL** – Coach Leonard Baca thanked the City for the trophy. He recognized the Girls Golf Team is the first to participate and qualify at the State Golf Tournament in 25 years.

c) 2010 AAA STATE GOLF CHAMPIONS – ST. MICHAEL’S HIGH SCHOOL

Mayor Coss, assisted by Councilors Trujillo and Calvert presented a trophy to Coach Lee Sanchez and members of the 2010 AAA State Golf Championship team: Parker Ashton, Miguel Macias, Nathan Gruda and Mancy and Zack Burghos.

- 1) MARTY SANCHEZ, ST. MICHAEL’S HIGH SCHOOL – 2010 AAA STATE GOLF INDIVIDUAL CHAMPION**

Mayor Coss, assisted by Councilors Trujillo and Calvert presented a trophy to Marty Sanchez, the State AAA Champion. individual champion. Councilor Calvert said Marty, a Sophomore, is the nephew and namesake of Marty Sanchez for whom the City golf course is named – Marty Sanchez Links de Santa Fe.

d) CAPITAL HIGH SCHOOL – AVID NATIONAL DEMONSTRATION SCHOOL ACHIEVEMENT (MELANIE ROMERO)

Melanie Romero said Capital High School is an Avid National Demonstration School, which is a model college readiness program, which quite an honor.

Shanelle Wilson Segura, Avid Advisor, and English teacher, spoke about the program and the great benefits to the students in the program, noting 43.7% of Avid students have a 3.5 grade average, 20 of the students have received a Ronald Simons Foundation Scholarship of \$20,000, and received over \$500,000 in competitive scholarships within the program. .

The following students spoke about their experience in, and the benefits of, the Avid Program: Stephanie Olean, Monica Estrada, Ronald Orosco, Shantell Kilkenny, and Moises Tarango and teacher Laura Carthey.

Melanie Romero said the program is funded in part through a federal/state grant from Santa Fe Community College. Ms. Romero thanked Robin Chavez and Michael Hagley, Assistant Principals, for their participation and support of the program.

Councilors Trujillo and Bushee added their congratulations to the students and thanks to the teachers for this most worthy program.

Councilor Dominguez said the program was a big thing during his tenure as a member of the School Board, and continues to be a big thing. He said it is a great program, and thanked the teachers and parents for their support of the program and students.

Coach Ray Henderson, Girls Basketball Coach, spoke about a program in Business Education, which he teaches, along the lines of Avid. He said the students are working on some career transition presentations, and the students have prepared a power point presentation and a 3-5 minute speech, which will be presented at the High School Cafeteria tomorrow night 5:00 p.m. to 8:30 p.m., and urged people to attend.

CONSENT CALENDAR DISCUSSION

10 (a) REQUEST FOR APPROVAL OF AUDIT CONTRACT – FINANCIAL AND COMPLIANCE AUDIT SERVICES (RFP NO. 08/41/P); ATKINSON & CO. (TERESITA GARCIA)

Councilor Calvert said there is some confusion with regard to the amount of the contract, and asked Ms. Raveling to speak to this.

Kathryn Raveling, Acting Finance Director, apologized for the confusion. She said the Memorandum was replaced after they did the action sheet, and the action sheet wasn't updated. So the Memorandum is correct, and the difference is the inclusion of SWMA in the audit. The correct amount is \$158,738.

MOTION: Councilor Calvert 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 Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzburger.

Against: None.

10 (i) CONSIDERATION OF RESOLUTION NO. 2010-40 (MAYOR COSS). A RESOLUTION REAFFIRMING SANTA FE'S WELCOME TO ALL. (KEITH TOLER)

Councilor Bushee said she would like to be added as a cosponsor of the Resolution.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, with the amendments in the packet.

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 Wurzburger.

Against: None.

10 (j) CONSIDERATION OF RESOLUTION NO. 2010-41 (COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO IMPLEMENT A NEW STRATEGY FOR OPERATING THE COMMUNITY GALLERY AS AN ARTIST BUSINESS DEVELOPMENT CENTER. (SABRINA PRATT)

Councilor Bushee expressed concern with some of the language in the Resolution on page 2, lines 20-22, and proposed the following amendment: "The new format of the Gallery should continue to provide community-driven exhibits that draw Santa Fe residents and visitors alike. ~~; however, rather than emphasizing exhibit sales, efforts should concentrate on lower priced items arranged and marketed in a gift shop set-up.~~"

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to adopt Resolution No. 2010-41, with her proposed amendment.

DISCLOSURE: Councilor Chavez disclosed that there have been cases in the past where he has participated in programs or done demonstrations in the Community Gallery, and the direction in which it is going was the vision he had early on when we discussed the Community Gallery, and wasn't intended to act or feel like a standard gallery, and was supposed to be something different. He said to focus on "items arranged and marketed in a gift shop set-up." He said it needs to focus on quality, lower priced items, because we don't want it to end up selling tee-shirts and such. He said usually he discloses the possibility that he would show or demonstrate his work, which is no longer is the case. He now rents space downtown and is in the process of organizing artists in a cooperative arrangement, bringing in artists to pay their portion of the rent and bringing in artists under commission.

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.

Abstain: Councilor Chavez.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2010- 42. A RESOLUTION RELATING TO THE ADOPTION OF THE CITY OF SANTA FE FISCAL YEAR 2010/2011 ANNUAL BUDGET. (ROBERT ROMERO)

Robert Romero said there is a Memorandum dated May 23, 2010, with attachments, in the Council packet regarding this item. He said most of the work which has been done by the Finance Committee is on page 12, nothing this is a list of items to balance the budget.

Councilor Bushee said a surplus is listed on page 12 in the amount of \$71,963, and Mr. Romero said this is correct.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to adopt Resolution 2010-42, adopting the City of Santa Fe FY 2010/2011 Annual Budget, as amended, with two additional changes: that the surplus of \$71,963 be applied to the Public Access TV station subsidy which was removed previously, representing a 30% cut, and to approve the Radio Station Subsidy with a 30% cut from the \$51,151.

DISCUSSION: Councilor Bushee would like in the future, for public access TV station subsidy, to look at the franchise fee arrangement with Comcast to generate additional funds for that subsidy.

Councilor Bushee said there will be a furlough, and the Committee will revisit that in 6 months to see if it is necessary. Her understanding is that the City also will pursue turning over the 5 Senior Centers in the County which currently are administered by the City, and there will be new recreations fees, both of which might generate additional savings/revenue. She asked if there are any new numbers.

Isaac Pino said staff calculated an across-the-board increase of fees by 25%, which would generate additional annual fees of \$95,000, noting fees will be at or less than the fees at the GCCC.

Responding to Councilor Bushee, Mr. Pino said it is proposed to close Salvador Perez Pool on Saturday and Ft. Marcy on Sunday, because these are the least utilized days for both facilities, so these two facilities will go to a 6 days per week operation.

Mr. Pino said he has not received a firm response from the County on the five Senior Centers, other than that they will definitely take two centers. He said during mid-week, the County started to mention a third center. He wants to tie this down in the next few days. He said he will be meeting with the State Area Agency on Aging [AAA] to start to unveil the City's plans.

Councilor Bushee said she heard a County Senior Program Manager went to AAA and told the agency that the County is ready and able to take all five centers.

Mr. Pino said he heard that, but is unsure with what authority he is speaking.

Councilor Bushee asked about other potential cost savings.

Mr. Pino said, after examining the current budget, staff believes, conservatively, that there will be year end savings of approximately \$400,000. He said there probably will be savings for FY 10/11, but he won't be able to provide firm figures until he knows for sure what the County is doing and meets with AAA next week.

Councilor Bushee said, "And so, we could, conceivably, almost be there towards eliminating the furlough, if that would be the case, conceivably."

Mayor Coss pointed out that isn't a question which should be answered by Mr. Pino, and Councilor Bushee responded that it was a rhetorical question.

Councilor Bushee said she really appreciated the way the Chair of Finance, the City Manager and Kathryn Raveling presented the budget and worked to get it to a manageable number "for all of us to try and tackle from there." She said, "This was much better proceedings than I had been party to, I hadn't been for a long time as you know, but I really thought it was efficient and really well done. So, I am willing to buy into the furloughs for the moment in hopes they may disappear in a few months."

Councilor Chavez said then we are going with the 2 day furlough non-paid holidays, and asked what are the holidays.

Mr. Romero said staff is looking at the last two holidays of the fiscal year, which are Martin Luther King and Memorial Day.

Councilor Chavez said then we can't add paid holidays in this fiscal year without impacting the budget or services to some degree, and Mr. Romero said this is true.

Councilor Chavez asked the number of impacted employees.

Mr. Romero said it would affect all employees except essentials services such as Fire and Police Officers on duty that day, and he would guess 60-100 employees.

Councilor Chavez asked if the paid holidays are negotiated as part of the union contract, and Mr. Romero said this is true.

Councilor Chavez said then this will be subject to negotiation with the unions, and Mr. Romero said this is true.

Councilor Chavez asked Mr. Romero if he has had these discussions with the union members and leadership.

Mr. Romero said he believes the negotiating teams have discussed this, but can't speak to how much discussion there has been, noting he believes AFSCME is aware of the proposal.

Councilor Chavez said then there will be 60-100 employees working on these holidays.

Mr. Romero said it would be the essential employees on call for Police, Fire, sewage treatment plant, water treatment plant, and such, reiterating that number is simply an estimate.

Councilor Chavez said then we are looking for a savings of \$500,000, with the furloughs, and Mr. Romero said that is correct.

Councilor Chavez said, regarding stormwater, there was a federal mandate requiring the City to manage our stormwater and eliminate pollution in the watershed. He asked if the increase is just to balance the budget, or if the increase will be used to fund existing programs which need to be expanded in the future.

Mr. Romero said it will not expand programs, and will be used pay for staff currently paid from General Fund doing stormwater water quality work, such as street sweepers in Streets, and Parks employees working in the arroyos and watershed. It will help to close the gap in the General Fund.

Councilor Chavez said then you are replacing General Fund money with the increase, which will be sufficient to operate at the current level, and Mr. Romero said this is correct.

Councilor Ortiz thanked Mayor Coss and the other members of the Governing Body, Councilors Trujillo and Calvert for attending and participating in the budget meetings as necessary to prepare and adopt this budget. He said, as laid out in Mr. Romero's memo, this is a band-aid approach to balance the budget, but we have not made the kinds of cuts which should be made, given the economy. He said he has a challenge to the members of the bargaining unit that came in new, in the middle of the process. If circumstances don't improve, and we have to consider furloughs after mid-year, it is entirely your ability to participate in a process to find these cuts in other places. He said we are at revenue levels of 6 years ago, but we aren't cutting our spending to that level. He challenged the bargaining units to get involved, continue discussions, continue bargaining, and find cuts to save those holidays. He said the Finance Committee will be an open forum for the unions to continue to participate, and the unions will have a voice at the microphone to say what those cuts will be.

Councilor Ortiz said he hopes the economy improves, but if not, all of us need to come up with solutions. He said the revenues used to balance the budget won't be available next year, but the budget as presented by Mr. Romero have gone a long way toward resolving what could have been a very disastrous year. He thanked Mr. Romero and Ms. Raveling for their very hard work.

Councilor Calvert, asked regarding the recreation fee increases, if Mr. Pino is talking about the whole facility or just the pools.

Mr. Pino said it would be for the whole facility, and the 25% increase in fees is for everything – the weight rooms, the pool and such.

Councilor Calvert would like to see those later, noting some people indicated they were willing to pay twice the \$23 to keep Salvador Perez pool open, and asked Mr. Pino to keep that in mind as we continue through the year.

Councilor Trujillo asked if the furlough includes exempt employees, and Mr Romero said it includes exempt employees.

Councilor Trujillo asked why there are reserves in the Fire and Police property tax fund, and asked if those should have been paid out.

Mr. Romero said those monies are kept in a fund and that is the unspent money, and we are fortunate to have those funds.

Councilor Dominguez thanked the Committee, Governing Body, staff and employees for all of the hard work they've done over the past year. He asked, regarding Salvador Perez, if people can go to Ft. Marcy when Salvador Perez is closed and vice versa, and Mr. Pino said yes..

Councilor Chavez asked if any reserves from the General Fund are being used to balance the budget.

Mr. Romero said the Police and Fire Property Tax reserve funds will be paid toward Police and Fire, and the General Fund reserves are whole and untapped.

Councilor Chavez said as we move forward and discuss other items, we may be forced into looking at General Fund reserves to balance the budget until the economy recovers.

Councilor Romero said the Park bond funds and traffic calming were in place, and it was a realignment of funds.

Responding to Councilor Romero, Mayor Coss said the motion to approved restores \$71,963 out of 101,963 for the public TV subsidy.

CLARIFICATION OF THE MOTION: Councilor Bushee clarified that her motion is direction to staff that if new revenue streams are available by mid-year, the furloughs won't be necessary.

Councilor Wurzbarger thanked the staff, saying the last two budget years have been very difficult. She said the staff work made that difference. She would reinforce the idea that we cannot go on doing what we've been doing, unless we make a major change in income coming into the City. She is committed to working with staff to see this happens. She said Councilor Ortiz did an amazing job in a very difficult time and she thanks him.

Mr. Romero also thanked the staff, saying the ideas came across the board from all departments, and he thanked all of the staff for working so hard to get to this place.

Mayor Coss thanked Finance Committee Chair Ortiz for allowing him to participate in the work of the Committee. He thanked Robert Romero, the staff, the union representatives, and the community for its input and for letting us know they are watching how we put the budget together. He agrees that we have \$3 million of recurring budget deficit without recurring revenue to cover the deficit. He said the work has to continue. He appreciated the budget process.

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.

Explaining her vote: Councilor Bushee said it is clear that if we're not paddling in the same direction, we won't get very far, and this budget represents that we are all in this together, and voted yes.

12. MOTION TO RECONSIDER DATE OF PUBLIC HEARING FROM JUNE 30, 2010 TO JUNE 9, 2010 ON THE FOLLOWING POSTPONED ITEMS: (COUNCILOR ROMERO)

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. (KATHY McCORMICK)

- a) **RESOLUTION NO. 2010- ____ . 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)**

Councilor Romero, sponsor, said she would like the Council to reconsider the action to postpone this item to June 30, 2010, because she can't attend that meeting.

MOTION: Councilor Romero moved, seconded by Councilor Wurzbarger, to postpone this item to the Council meeting of June 9, 2010, and that the Mayor be certain that this hearing is held prior to the public hearing on the Telecommunications Ordinance.

DISCUSSION: Councilor Wurzbarger said there will be amendments introduced at that time.

Mayor Coss said this item will be heard prior to the Telecommunications Ordinance, but following the hearings on the liquor licenses.

Councilor Chavez said, "One has been tracking on the agenda before the other, and I think that should stay the course, but that's just my opinion."

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

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

Against: None.

Abstain: Councilor Chavez.

Absent: Councilor Dominguez.

Mayor Coss moved Items 13-16 to the end of the evening agenda

END OF AFTERNOON SESSION AT 6:15 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

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

Members Present

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

Members Excused

Councilor Miguel Chavez
Councilor Carmichael A. Dominguez

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

Cody Monroe, said he is a student at Middle Tennessee State University, and lives with a host family at 63 Reata Road, in Santa Fe, has a bank account with Wells Fargo, and earns money to attend college by selling Southwestern Company products door-to-door in the summer. He said Santa Fe's ordinance prohibits door-to-door soliciting which is considered a nuisance, noting such broad nuisance prohibitions was over-ruled by the Courts in 1980. Mr. Monroe petitioned the Council to consider amending the Ordinance to permit door-to-door solicitation, as follows:

1. Require the person to obtain a solicitor's permit;
2. As part of the application process, the person must submit to a background check, fingerprinting and payment of a nominal fee which covers administration of the permit;
3. Once the permit is issued, the person is required to wear conspicuously a photographic ID during all sales calls;
4. Require the person to use order forms that conspicuously show the 3-day right of rescission;

5. Require the person to honor all "no trespass" and "no soliciting" signs posted at the residences;
6. Establish hours for the person to knock on doors from 9:00 a.m. to 9:00 p.m., unless the Police Chief or City Clerk grants an earlier time or later time under special circumstances;
7. The person is allowed to return to homes before or after those hours upon invitation or appointment; and
8. Establish a penalty for violations, including revocation or suspension of the permit, and include an appeal process.

*Councilors Romero and Calvert arrived at the evening session
during Mr. Monroe's petition to the Council*

Terese Zucal spoke about the Telecom Ordinance which is to be heard on June 9th. She understands she is not supposed to mention health issues. She has an abstract idea. She said within the past 5 years, St. Vincent's sold at \$12 million and was resold for \$22 million, which is \$10 million lost to the City. She thinks the City should hire that person to work for the City to advise the City on the telecom issues. She said the proper research hasn't been done regarding telecom property. One proposal would run underground cable from Cerrillos to Airport, so infrastructure would be based on underwire communication technology. She said the City hasn't done the proper research with regard to ordinances.

Stephen Fox walked the river area between Sandoval and Galisteo, and noticed a sign which had fallen, which broadcast that *glyphosate*, a weed killer used to kill Siberian Elms is being used. He said this is made by the manufacturers of Agent Orange and such. It is Irresponsible to use this weed killer, and there was no advising people downstream. His dogs drank from the river, noting they died of cancer. He said there was an article in The New Mexican advising people about this. He said the Parks Department is sweeping this under the rug and is oblivious of the potential harm done in applying this poison. He believes a lot is being swept downstream, especially after a big release of water. He said Councilor Chavez suggested he prepare a petition, which he is willing to do, but he doesn't believe government has to depend on petitions.

Dan Stone, resident, said he is here to speak about the Rail Runner and its impact on private residences and property. He said the Herzog Company, the operator of the Rail Runner, has gone as far as possible to mitigate noise under the circumstances. He said it is the wrong equipment and the wrong City for moving transportation through the City by what is supposed to be light rail, but isn't. He said it is medium to heavy rail, and the locomotives aren't meant for residential areas. He said SF Southern uses the same track and produces no vibration until they are very near to his residence, unlike the Rail Runner which can be heard miles away. He is trying to get the City to free-up downtown space so the Rail Runner can park its 8 empty trains per day, rather than throughout the City. He would like the City to consider

regulations similar to those imposed on flight noise on residents which are within one mile of an airport. He is petitioning the City to work with the federal government to get the Rail Runner to live up to its promises.

Oralynn Guerrerortiz, owner of Design Ingenuity, said she and two other businesses combined to submit a proposal to the City do a transmission pipeline. However, they didn't get a job or interview, and an Albuquerque firm was awarded the job. She said local knowledge is important, and spoke about situations where a project had to be redone which could have been avoided by hiring a local firm with knowledge of the local infrastructure. She stressed that she isn't here to protest not getting the job. She is angry that the project was poorly done, and that we have to pay again. She petitioned the City to make a change in its procurement policy to give more value to local knowledge and criteria should be written so local firms can compete. She said the City staff followed the Procurement Code as written, and she would have given the same answer in their position. She said the City Manager has some good ideas as to how to make the changes. She asked the Council to give him the time and the support to make some modifications.

Tom Agard, 2218 Brilliante, said he is here representing the Little Leagues, Youth Sports and Youth Baseball. He said they support the amendment of 13-17.4, because it is a terrible burden on leagues and families to come up with this extra money to play sports.

Phil Sena, 2540 Contenta Ridge, said he is here to update the City on the Health & Human Services complex proposed behind Nava Adé. He said nobody in the neighborhood has any knowledge about the project. Secretary Jaramillo send a draft contract to purchase to the Attorney General. They also have responded to the Attorney General and are proposing to meet with him. He said this is a taxpayer purchase of \$10 million with a \$10 million option, which is \$20 in taxpayer money. He said the State is \$300 million in the hole, and we can't be doing this. The only contingency in purchasing the property from Las Soleras is subject to a Rail Runner. At the last Capital Building Planning Commission meeting he and his staff attended, Senator Jennings asked if City has been informed. There was no comment. He said this has to come to an end and they ask for Governing Body support.

Gerald Chavez said to follow up with Mr. Sena's remarks, regarding the location of the Health & Human Services project. It appears if sold to the State, it is likely it will never come to the City for consideration, control or requirements for the project. He said case law can be argued on both sides, regarding the pumpjack case in the City, as well as SF County's Courthouse. He believes the State will develop and approve the property as they like. He is concerned it hasn't been submitted to the City.

Donato Coviello thanked the Council for funding Public Access TV, and he appreciates. He said part of the long term solution is the reinstatement of the Communications Technology Advisory Committee, and petitioned the Council to do this, commenting that Committee would have an annual monitoring of Public Access Television, and help the Channel become independent of funding from the City.

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to reconsider the previous motion to approve the Agenda as published.

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

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to hear item H(3) next on the agenda, and to approve the Agenda as amended.

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

H. PUBLIC HEARINGS

- 3) **CONSIDERATION OF BILL NO. 2010-14: ADOPTION OF ORDINANCE NO. 2010-10 (COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTION 7-1.6 SFCC 1987, AND CREATING A NEW SECTION 14-2.1(A)(4) SFCC 1987, REGARDING THE GOVERNING BODY'S AUTHORITY TO TEMPORARILY SUSPEND THE ENFORCEMENT OF THOSE SECTIONS OF CHAPTER 7 AND CHAPTER 14, REGARDING THE EXPIRATION OF BUILDING PERMITS AND DEVELOPMENT APPROVALS. (MATTHEW O'REILLY)**
 - a) **CONSIDERATION OF RESOLUTION NO. 2010-43 (COUNCILOR WURZBURGER). REQUEST FOR APPROVAL OF A RESOLUTION SUSPENDING THE ENFORCEMENT OF THOSE SECTIONS OF CHAPTER 7 AND CHAPTER 14 SFCC 1987 SETTING FORTH THE EXPIRATION OF BUILDING PERMITS AND DEVELOPMENT APPROVALS DUE TO SEVERE ECONOMIC CONDITIONS. (MATTHEW O'REILLY)**

A copy of proposed amendments to Resolution No. 2010-43, submitted by staff, is incorporated herewith to these minutes as Exhibit "1."

The staff report was given by Jeanne Price, noting a revised Resolution including the amendments is included in the Council packet.

Questions from the Governing Body

Councilor Bushee said then the extension is now two years for each occurrence for development for business for building permits.

Ms. Price said it is two years from the expiration date – they get an added two years.

Councilor Bushee asked how many building permits and development approvals are involved.

Ms. Price said at the time the Memo was written to the Planning Commission in April, there were 29 development review cases, but doesn't include the ECZ and EZA cases, and there were 160 building permits and 16 historic design review board approvals, and the numbers probably are up since then.

Councilor Bush said then the sponsor felt it needed to be this broad.

Matthew O'Reilly said yes, because said so many of the rezonings and general plan amendments are tied to or part of development plan approvals and master plan approvals, it is necessary to include those. If we were to exclude those approvals we would short circuit the extension of time to a specific project.

Councilor Bushee said then none of these have been undertaken.

Mr. O'Reilly, no. He said this holds in place shovel ready projects, noting it takes 18 months to 2 ½ years to get a development project through the City system, and these have completed the process and are ready for construction. However, they haven't been able to get financing because of the economy. He said by extending the expiration by two years, those projects stay in the hopper, ready for construction as soon as the economy turns around.

Councilor Bushee asked about the ones which have expired.

Mr. O'Reilly said the Resolution is retroactive to July 1, 2009, but not beyond that.

Councilor Bushee said then that is a 3-year extension.

Mr. O'Reilly said it depends on the project, noting some are approved for 2 years, others for 18 months. Generally, the City looks at the approval date as the last date the Planning Commission or City Council acted on a project. He said it sometimes takes several months to record a project with the County Clerk, and this could extend an approval to 3½ to 4 years.

Councilor Bushee asked about unintended consequences, and the reason they decided to go back one year in time.

Mr. O'Reilly said the unintended consequences are addressed by the recent staff amendments in the packet. Staff wanted to be clear that this picks up EZA and EZC approvals. Under SPPAZO, the City has to recognize those approvals.

Mr. O'Reilly said the other unintended consequence is not giving a clear date of when the suspension of expirations ends, and it stops next year on July 1, 2011.

Councilor Bushee asked what happens if a permit was just issued.

Mr. O'Reilly said the City adopts the IBC and IRC. The IBC has a provision which allows a building official to extend permits under certain circumstances. So that authority is available now under the IBC. He said this Resolution recognizes that in a more formal way.

Councilor Bushee asked if this means that some building permits and development plans will not be extended.

Mr. O'Reilly said any development approvals or building permits which expired prior to July 1, 2009 are expired, and they would have to start over.

Councilor Bushee said she is speaking of the 2011 date.

Mr. O'Reilly said if the expiration date fell within July 1, 2009 and July 1, 2011, they would be granted an additional two years.

Responding to Councilor Bushee, Mr. O'Reilly said the City tracks these things very well. He said it is hard to say which ones would fall under SPPAZO and this Resolution, saying there already are two. He said as we move forward, he feels more people would be coming forward asking the status of their project. He said the Resolution did not go to EZA and ETC, and the remaining ELUC and ELUA aren't set up to hear these kinds of things, and it is under the purview of the Governing Body.

Public Hearing

James Siebert, said he endorses this Resolution and thanked Councilor Wurzbarger for bringing this forward. He said one of the consequences of the Resolution is saving hundreds of hours of staff time which can be used to do other things.

Mr. Siebert said some of his clients' revenues are down 50-60%, and he believes it will take a long time to work out of this recession. He hopes the City can do more things like this, where the public/private sector can work together. He said a key issue which needs to be addressed are the contracts going out of the City and out of State.

Monica Montoya, said she owns a local planning firm. She is in support of the Resolution and Ordinance. She said two clients are shovel ready, but can't proceed because of the financing issue. She said the other issue is the market and the ability of people to purchase homes, noting some Habitat for Humanity homes are involved. She said it is a wonderful gesture by the City to support these people, noting it often takes a lot of investment to bring a project through the process. This is a very good thing that a City can do for the community. She asked for favorable Council consideration of the Resolution.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Ordinance No. 2010-10, as amended.

DISCUSSION: Councilor Bushee asked the current steps to extend..

Mr. O'Reilly said the version of the IBC currently adopted by the City does allow two 90 day extensions, but that hasn't been sufficient because of the economy. The Building Code allows the building official to add extensions to that. However, it becomes problematic because the building official would be doing this without the direction of the Governing Body, which is the reason this should be done by Resolution. He said a development plan is allowed one extension for 18 months, which hasn't proved to be long enough, given the current economy.

Councilor Bushee asked there is a cost for each extension.

Mr. O'Reilly said yes for development approvals, and it uses staff time and the Commission time to hear these cases.

Councilor Bushee asked what is the charge.

Mr. O'Reilly said he doesn't have that information at his finger tips. He said there is no cost to extend a building permit for a two-time extension totaling 180 days.

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

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

Explaining her vote: Councilor Bushee voted yes, saying she found it interesting that the County is doing a development moratorium, and the City is giving a "green light" for two years.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2010-43.

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

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

Councilor Wurzbarger departed the meeting

G. APPOINTMENTS

Occupancy Tax Advisory Board

Mayor Coss made the following appointments to the Occupancy Tax Advisory Board:

Mary Bonney (Tourism) – Reappointment – term ending 02/2012;
Miguel Castillo (Tourism) – Reappointment – term ending 02/2012;
Jon Hendry (At-Large) – Reappointment – term ending 02/2012;
Kimberly Klinkrodt (Lodgers) Reappointment – term ending 02/2012; and
Paul A.C. Margetson (Lodgers) – Reappointment – term ending 02/2012.

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

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

Archaeological Review Committee

Mayor Coss made the following appointments to the Archaeological Review Committee:

David C. Eck – to fill unexpired term ending 06/2011.

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

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

Bicycle and Trail Advisory Committee

Mayor Coss made the following appointments to the Bicycle and Trail Advisory Committee:

Frank Herdman – Reappointment – term ending 06/2012;
Shelley Robinson – Reappointment – term ending 06/2011;
Gretchen Grogan – term ending 06/2012;
Alicia Martinez – term ending 06/2011;
Tomas Rivera – Reappointment – term ending 06/2012;
James Ronald Pacheco – term ending 06/2011;
John W. Longworth – Reappointment – term ending 06/2011; and
Lisa M. Miles – term ending 06/2012.

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

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

- 1) **REQUEST FROM BUMBLEBEE'S BAJA GRILLS, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT BUMBLEBEE'S BAJA GRILLS, INC. – STORE #1, 301 JEFFERSON ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting currently there is a restaurant license there, but they are changing from an LLC to a corporation, therefore they are required to reapply. She said they will be serving alcohol in the patio approval, so she is requesting a condition of approval that they be required to install a gate which will allow ingress/ingress, but will prevent alcohol from leaving the area. The gate must be approved by the State Historic Preservation Division, and the Alcohol & Gaming Division will not issue final approval on the application until the gate has been installed. The business is not within 300 feet of a church or school, and staff reports are in the packet regarding litter, noise and traffic.

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 approve the request from Bumblebee's Baja Grills, Inc., for a Restaurant Liquor License to be located at Bumblebees Baja Grills, Inc., Store #1, 301 Jefferson Road, with the conditions of approval as recommended by the City Clerk.

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

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

Against: None.

Absent: Councilor Wurzbarger.

- 2) **REQUEST FROM BUMBLEBEE'S BAJA GRILLS, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT BUMBLEBEE'S BAJA GRILLS, INC. – STORE #2, 3777 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is not within 300 feet of a church or school, and staff reports are in the packet regarding litter, noise and traffic. She said this business is also changing from an LLC to a corporation.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Calvert noted this business has a patio, and asked if the wall makes it different from the other store.

Ms. Vigil said both locations have a wall, but the difference is that there is a gate at the Cerrillos Road location.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the request from Bumblebee's Baja Grills, Inc., for a Restaurant Liquor License to be located at Bumblebees Baja Grills, Inc., Store #2, 3733 Cerrillos Road.

DISCUSSION: Councilor Ortiz said one of the results of the Living Wage Ordinance, is that a national chain didn't take over the site, and instead we got this local business owner, and we were able to see this local business expand to a second location. He said he likes the Bumblebee ad at the movie theater. .

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

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

Against: None.

Absent: Councilor Wurzbarger.

- 4) **CONSIDERATION OF BILL NO. 2010-15: ADOPTION OF ORDINANCE NO. 2010-11 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING PARAGRAPH 1 OF SECTION 23-7.4 SFCC 1987, REQUIRING LEAGUES USING THE MUNICIPAL RECREATION COMPLEX AND MUNICIPAL PARKS SPORTS FIELDS TO SUBMIT BYLAWS AND FINANCIAL STATEMENTS. (FABIAN CHAVEZ)**

The staff report was presented by Jeanne Price, noting that the gentlemen who spoke under Petitions from the floor was speaking to this ordinance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Romero, to adopt Ordinance No. 2010-11.

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

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

Against: None.

Absent: Councilor Wurzbarger.

- 5) **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 (KELLEY BRENNAN) (Postponed at March 31, 2010 City Council Meeting) (WITHDRAWN BY STAFF)
- 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. (KELLEY BRENNAN) (Postponed at March 31, 2010 City Council Meeting) (WITHDRAWN BY STAFF)

13. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney

15. MATTERS FROM THE CITY CLERK

Yolanda Vigil wished everyone a safe and happy weekend.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of , is incorporated herewith to these minutes as Exhibit "2."

Councilor Calvert

Councilor Calvert introduced a Resolution authorizing a water loan, explaining we lost ARRA funds because we got no bids and we are going to go this way instead. He is willing to work with the City Manager on ideas regarding City procurement. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert introduced an ordinance on the Green Building Code to create a graduated home energy rating system requirement based on heated square footage. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "4."

Councilor Calvert introduced a Resolution to amend the administrative procedures in accordance with the Ordinance amendment. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Ortiz

Councilor Ortiz introduced a Resolution declaring the month of April each year as "Newborn Month," to make it an annual event, noting the Newborn Shower is tomorrow morning at 11:30 in the Nambe Room at the Civic Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

Councilor Ortiz said the Procurement Code matter will be on the Finance Committee agenda on June 23, 2010, with a recommendation on July 9, 2010, to discuss changing the scoring criteria to give more weight to local experience and knowledge.

Councilor Ortiz said Councilor Bushee is introducing a Resolution to save the Paolo Soleri Amphitheater located on the Santa Fe Indian School campus, and he will be proposing an amendment to give it "teeth." He wants the Resolution to go to the Finance Committee along with a copy of then City Manager Jim Romero's 2005 letter in the packet.

Councilor Ortiz reminded the Finance Committee that the meeting will be on Tuesday, June 1, 2010, instead of Monday.

He said there will be parties on Memorial Day and for graduation. He hopes everyone has good time, but remains safe.

Councilor Trujillo

Councilor Trujillo reminded everyone of the Fishing Derby on June 5, 2010, 6:00 to 12:00 for children and after that for anyone, noting it is a free fishing day with NM Game & Fish.

Councilor Trujillo said Henry Valdez advised that he won't be coming back to the Public Safety Committee, so an appointment is needed there.

Councilor Trujillo reminded everyone that the Relay for Life is on June 11, 2010, and hopes to see everyone participating.

Councilor Trujillo asked, regarding the Rail Runner, if there is ordinance preventing blowing horns in City limits, and asked staff to research this issue.

Councilor Romero

Councilor Romero said the City budget was reduced by amount of the RPA staff position, and the County did the same thing, so this means in the next 6 months the City picking up the slack. She invited the Governing Body to attend the RPA June 15, 2010 regular meeting and the retreat on June 21, 2010, 9:00 a.m. to 1:30 p.m.

Councilor Bushee

Councilor Bushee introduced Resolution to work with the All Indian Pueblo Council to save the Paolo Soleri Amphitheater located on the Santa Fe Indian School campus. She would like to have a full discussion on this issue. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee said she sent several requests to the City Manager, and is waiting to hear back on those.

Councilor Bushee said she went on a community bicycle ride to see the new trails, and the graffiti is bad along the River Trail especially. She spoke with Ms. Pratt regarding the possibility of a mural

Councilor Bushee would like to cosponsor Councilor Ortiz's Baby shower Resolution.

Mayor Coss

Mayor Coss said today is Councilor Dominguez's birthday and wished him happy birthday.

Mayor Coss introduced Resolutions on behalf of Councilor Dominguez as follows

1. Adopting design guidelines for landscaping medians and planting strips. Mayor Coss asked to cosponsor the Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
2. Directing staff to evaluate available options for the ongoing financing of parks, open space, trail and recreation facility projects. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Mayor Coss introduced an Ordinance on behalf of Councilor Wurzbarger regarding Court fees regarding penalties for DWI or driving under influence of drugs. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "10."

Mayor Coss said he has a meeting in two weeks with a former City Manager and 8 businesses with the City Manager and Finance Director about the issue trying to change procurement so local people have a chance at bidding on contracts.

Mayor Coss introduced a Resolution approving a waiver of the Santa Fe Homes Program Requirements for Phase A-1 of the Artyard project, which is cosponsored by Councilors Bushee, Wurzbarger and Romero. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11"

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 8:15 p.m.

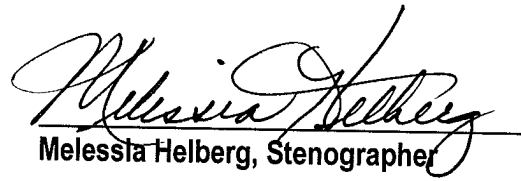
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer