



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JUNE 30, 2010  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

## CITY CLERK'S OFFICE

DATE 6-25-10 TIME 4:35pm

SERVED BY \_\_\_\_\_

RECEIVED BY Jydominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – June 9, 2010.
9. PRESENTATIONS
  - a) Update on United States Census 2010. (5 minutes)
  - b) Presentation of Pedestrian Safety Study Completed by AARP. (Chris Ortega) (5 minutes)
10. CONSENT CALENDAR
  - a) Bid No. 10/38/B – South Side Library; Lockwood Construction Company. (Chip Lilienthal)
    - 1) Request for Approval of Budget Adjustment – Project Fund.
  - b) Bid No. 10/40/B – Barrio La Canada Entranceway Renovation Project; Cerro Azul Construction, LLC. (David Chapman)
  - c) Request for Approval of Grant Agreements – Department of Housing and Urban Development for Supportive Housing; Santa Fe Community Housing Trust (One Contract) and The Life Link/La Luz. (4 Contracts) (Lee Depietro)



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- d) Request for Approval of Amendment No. 3 to Professional Services Agreement – Test, Calibrate, and Repair Large Water Meters for Water Division; Great Southwest Meters. (Shannon Jones)
- e) Request for Approval of Amendment No. 1 to Contract – Provide Construction Services for City Wide Utility Construction & Repair Projects; Sub Surface Contracting, Inc. (Bill Huey)
- f) Request for Approval of Grant Awards – State of New Mexico Aging and Long Term Services Department. (Melanie Montoya)
  - 1) Foster Grandparent Program
  - 2) Retired and Senior Volunteer Program
  - 3) Senior Companion Program
  - 4) Request for Approval of Budget Increase from Grant Revenue
- g) Request for Approval of Amendment No. 4 to Professional Services Agreement – Renewal for Additional Year for Sales and Marketing Services to the City; Christine Madden. (Keith Toler)
- h) Request for Approval of Budget Increase and Purchase of Two (2) Transit Buses. (Jon Bulthuis)
- i) Request for Approval of Change Order No. 4 – Pueblos Del Sol Trails and Park; Advantage Asphalt & Seal Coating, LLC. (Ben Gurule)
- j) Request for Approval - Santa Fe Municipal Airport Storm Water Pollution Prevention Plan. (Jim Montman)
- k) Request for Approval of Solar Energy Agreement – Design, Construct, Own, Operate and Maintain Solar Electricity for Buckman Direct Diversion Project; American Capital Energy. (Dale Lyons)
- l) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Wurzbarger)  
A Resolution Declaring, This Year and Every Year Thereafter, that the Week Preceding the Santa Fe International Folk Art Market Shall be Known as "International Folk Arts Week." (Jeanne Price)



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- m) Request for Approval – Renewal of Workers' Compensation Excess Insurance Coverage (RFP #04/29/P); Arthur J. Gallagher & Company. (Barbara Boltrek)
- n) Request for Approval of Professional Services Agreement – Workers' Compensation Claims Adjusting Services (RFP #10/29/P); Cannon Cochran Management Services, Inc. (Barbara Boltrek)
- o) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Authorizing the Execution and Delivery of a Loan Agreement ("Loan Agreement") By and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than Two Hundred Fifty Thousand Dollars (\$250,000), Together With Interest, Costs of Issuance and Administrative Fees Thereon, for the Purpose of Financing the Costs of a Project Consisting of Upgrades to the City's Water Utility System, Including Instrumentation of Pumping Sites to Monitor Energy Usage; Providing for the Payment of the Principal of, Interest and Administrative Fees Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement.
  - 1) Request to Approval of Drinking Water State Revolving Fund Loan Agreement (No. 2392 DW 2010); New Mexico Finance Authority. (Dale Lyons)
    - a) Request for Approval of Budget Increase – Grant Fund.
- p) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Dominguez and Councilor Wurzbarger)  
A Resolution Repealing Resolution No. 2008-50 that Established the Land Use Sub-Committee, a Sub-Committee of the Public Works/CIP & Land Use Committee, for the Purpose of Eliminating the Land Use Sub-Committee. (Jeanne Price)



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REGULAR MEETING OF  
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- q) Request for Approval to Fill Vacant Positions: (Robert Romero)
- r) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Dominguez)  
A Resolution Directing Staff to Seek Input from Santa Fe Public Schools Regarding the Proposed Teen Center at Tino Griego Pool and if the School District Supports the Center, Obtain What, if any, Commitment the School District Could Offer as a Partner in the Project. (Terrie Rodriguez)
- s) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Dominguez, Mayor Coss and Councilor Wurzburger)  
A Resolution Directing Staff to Evaluate Available Options for the Ongoing Financing of Parks, Open Space, Trail and Recreational Facility Projects. (Kathryn Raveling)
- t) Request for Approval to Publish Notice of Public Hearing on July 28, 2010:
  - 1) Bill No. 2010-21: An Ordinance Amending the Santa Fe Residential Green Building Code, Being Exhibit A of Chapter VII SFCC 1987, to Create a Graduated Home Energy Rating System (HERS) Requirement Based on Heated Square Footage. (Councilor Calvert) (Katherine Mortimer)
    - a) A Resolution Amending the Administrative Procedures for the Santa Fe Residential Green Building Code to Create a Graduated Home Energy Rating System (HERS) Requirement Based on Heated Square Footage. (Councilor Calvert) (Katherine Mortimer)
  - 2) Bill No. 2010-22: An Ordinance Amending Section 23-5.3 F (3) SFCC 1987 Regarding Conditions of Operation for Plaza Artists/Artisans Relating to the Display of Artwork. (Councilor Calvert) (Sebastian Gurule)
- u) Request for Approval of Sole Source Procurement and Master Software License Agreement – Emergency Medical Services Billing and Emergency Cost Recovery Service; ZOLL Data Systems Inc. (Fire Chief Barbara Salas)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JUNE 30, 2010  
CITY COUNCIL CHAMBERS

- v) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_.  
A Resolution Relating to a Request for Approval of Third Quarter Budget Adjustments Ending March 31, 2010. (Cal Probasco)
- 11. CONSIDERATION OF RESOLUTION NO. 2010 - \_\_\_\_\_. (Mayor Coss, Councilor Bushee, Councilor Ortiz and Councilor Romero)  
A Resolution Establishing the Duties and Membership of the Communication Franchise Advisory Committee Created by Ordinance No. 2010-14 (Section 27-2.16 SFCC 1987).
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY

## EXECUTIVE SESSION:

- a) Discussion of the Following Pending Litigation in Which the City of Santa Fe is a Participant: Beninato v. City of Santa Fe (First Judicial District Court No. D-101-CV-2008-02485); Beninato v. City of Santa Fe, et al. (First Judicial District Court No. D-101-CV-2009-00879); and Beninato v. City of Santa Fe (First Judicial District Court No. D-101-CV-2009-03522); pursuant to §10-15-1 (H)(7), NMSA 1978.
  - b) 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 and Pursuant to City of Santa Fe Resolution No. 2010-24.
  - c) Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the City of Santa Fe and All Bargaining Units Representing the Employees of the City of Santa Fe Pursuant to §10-15-1(H)(5), NMSA 1978.
- 14. Request that the Governing Body Rescind its September 30, 2009 Decision in Case #A-2009-05 Denying the Appeal of Stefanie Beninato from the Board of Adjustment's May 19, 2009 Decision Denying her Request for a Variance from the 10-Foot Second-Story Setback Requirements of Santa Fe City Code Section 14-7.1(B)(5)(g)(ii)C and Rehear the Matter at its July 28, 2010 Meeting. Said Request is Made Pursuant to the Proposed Settlement of a Pending Lawsuit Appealing the September 30, 2009 Decision and Two Other Related Lawsuits. (Kelley Brennan)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
  - 1) Request from Coyote Café, Inc., for a Transfer of Ownership of Dispenser License #2521 from Coyote Café, Ltd., to Coyote Café, Inc. The License will Remain at Coyote Café, 132 West Water Street. (Yolanda Y. Vigil)
  - 2) Request from Outback/Phoenix II, LP, for a Transfer of Ownership (Change of Stock) of Dispenser License #2776. The License will Remain at Outback Steakhouse #5113, 2574 Camino Entrada. (Yolanda Y. Vigil)
  - 3) Request for Approval of Amendment #2 to the Economic Development Professional Services Agreement; Santa Fe Business Incubator (RFP 09/03/P). (Fabian Trujillo)
  - 4) Request for Approval of Amendment #2 to the Economic Development Professional Services Agreement; Service Corps of Retired Executives (SCORE) (RFP #09/04/P). (Juan Torres)
  - 5) Request for Approval of Amendment #2 to the Economic Development Professional Services Agreement; Monte del Sol Charter School (RFP #09/08/P). (Kate Noble)



# Agenda

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- 6) CONSIDERATION OF BILL NO. 2010-7: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Wurzburger)  
An Ordinance Amending Section 1-3.2 SFCC 1987 Regarding the Imposition of Municipal Court Fees and Section 12-6-12.2 of the City of Santa Fe Uniform Traffic Code Regarding Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs. (Judge Yalman)
- 7) CONSIDERATION OF BILL NO. 2010-17: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Calvert and Mayor Coss)  
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. (Jon Bulhuis)
- 8) CONSIDERATION OF BILL NO. 2010-18: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Wurzburger)  
An Ordinance Amending Section 6-17.3 SFCC 1987 Regarding Membership Requirements for the City Business and Quality Of Life Committee. (Kathy McCormick)
- 9) CONSIDERATION OF BILL NO. 2010-19: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Mayor Coss)  
An Ordinance Amending Exhibit A of Chapter XIII SFCC 1987, Stormwater Utility, to Increase the Monthly Stormwater Utility Service Charge. (Chris Ortega)

## 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  
June 30, 2010**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<b><u>AFTERNOON SESSION</u></b>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JUNE 9, 2010	Approved	5
<b><u>PRESENTATIONS</u></b>		
UPDATE ON UNITED STATES CENSUS 2010.		5-6
PRESENTATION OF PEDESTRIAN SAFETY STUDY COMPLETED BY AARP		6-7
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – PUEBLOS DEL SOL TRAILS AND PARK; ADVANTAGE ASPHALT & SEAL COATING, LLC	Approved	7-8
CONSIDERATION OF RESOLUTION NO. 2010- 55 A RESOLUTION DECLARING THIS YEAR AND EVERY YEAR THEREAFTER, THAT THE WEEK PRECEDING THE SANTA FE INTERNATIONAL FOLK ART MARKET SHALL BE KNOWN AS “INTERNATIONAL FOLK ARTS WEEK” *****	Approved	8
END OF CONSENT CALENDAR DISCUSSION *****		
CONSIDERATION OF RESOLUTION NO. 2010–56. A RESOLUTION ESTABLISHING THE DUTIES AND MEMBERSHIP OF THE COMMUNICATION FRANCHISE ADVISORY COMMITTEE CREATED BY ORDINANCE NO. 2010-14 (SECTION 27-2.16 SFCC 1987)	Approved	9



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY MANAGER.	Information/discussion	10
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	10-11
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	11
REQUEST THAT THE GOVERNING BODY RESCIND ITS SEPTEMBER 30, 2009 DECISION IN CASE #A-2009-05, DENYING THE APPEAL OF STEFANIE BENINATO FROM THE BOARD OF ADJUSTMENT'S MAY 19, 2009 DECISION DENYING HER REQUEST FOR A VARIANCE FROM THE 10-FOOT SECOND-STORY SETBACK REQUIREMENTS OF SANTA FE CITY CODE SECTION 14-7.1(B)(5)(g)(ii)(C), AND REHEAR THE MATTER AT ITS JULY 28, 2010 MEETING. SAID REQUEST IS MADE PURSUANT TO THE PROPOSED SETTLEMENT OF A PENDING LAWSUIT APPEALING THE SEPTEMBER 30, 2009 DECISION AND TWO OTHER RELATED LAWSUITS	Approved [conditions]	11-12
MATTERS FROM THE CITY CLERK	None	12
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	12-14
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	16
PETITIONS FROM THE FLOOR		16-19
<u>APPOINTMENTS</u>		
Ethics and Rules Committee	Approved	19
Planning Commission	Approved	19-20
Transit Advisory Board	Approved	20
<u>PUBLIC HEARINGS</u>		
REQUEST FROM COYOTE CAFÉ, INC., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2521 FROM COYOTE CAFÉ, LTD., TO COYOTE CAFÉ, INC. THE LICENSE WILL REMAIN AT COYOTE CAFÉ, 132 WEST WATER STREET	Approved	20-21

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
REQUEST FROM OUTBACK/PHOENIX II, LP, FOR A TRANSFER OF OWNERSHIP (CHANGE OF STOCK) OF DISPENSER LICENSE #2776. THE LICENSE WILL REMAIN AT OUTBACK STEAKHOUSE #5113, 2574 CAMINO ENTRADA	Approved	21
REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT; SANTA FE BUSINESS INCUBATOR (RFP 09/03/P)	Approved	21-22
REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT; SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) (RFP #09/04/P)	Approved	22-23
REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT; MONTE DEL SOL CHARTER SCHOOL (RFP #09/08/P)	Approved	23
CONSIDERATION OF BILL NO. 2010-07; ADOPTION OF ORDINANCE NO. 2010- 15. AN ORDINANCE AMENDING SECTION 1-3.2 SFCC 1987, REGARDING THE IMPOSITION OF MUNICIPAL COURT FEES AND SECTION 12-6.12.2 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE REGARDING PENALTIES FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS	Approved	23-24
CONSIDERATION OF BILL NO. 2010-17 ADOPTION OF ORDINANCE NO. 2010- ____ . 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 IF PROVIDED	Postponed to 07/14/10	24
CONSIDERATION OF BILL NO. 2010-18: ADOPTION OF ORDINANCE NO. 2010-16. AN ORDINANCE AMENDING SECTION 6-17.3 SFCC 1987, REGARDING MEMBERSHIP REQUIREMENTS FOR THE CITY BUSINESS AND QUALITY OF LIFE COMMITTEE	Approved	24-25

**ITEM****ACTION****PAGE #**

CONSIDERATION OF BILL NO. 2010-19: ADOPTION  
OF ORDINANCE NO. 2010-17. AN ORDINANCE  
AMENDING EXHIBIT A OF CHAPTER XIII SFCC 1987,  
STORMWATER UTILITY, TO INCREASE THE  
MONTHLY STORMWATER UTILITY SERVICE  
CHARGE

Approved

25-26

ADJOURN

26

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
June 30, 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 June 30, 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 Wurzburger, Mayor Pro-Tem  
Councilor Christopher Calvert  
Councilor Miguel Chavez  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Ronald S. Trujillo

**Members Excused**

Councilor Patti J. Bushee  
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**

Councilor Ortiz asked to postpone Item H(7) to the first meeting in August, August 11, 2010. He said additional information needs to go out to the public, noting many people think this is being done for the benefit of one of the developments. And he wants to spread the word on the true impact.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Wurzburger, to approve the agenda as amended.

**FRIENDLY AMENDMENT:** Councilor Wurzbarger asked that all of the economic development items be heard together – H(3), (4) and (5). **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

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

## **7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Chavez, to approve the following Consent Calendar, as amended.

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

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

**Against:** None.

- a) **BID NO. 10/38/B – SOUTH SIDE LIBRARY; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
- b) **BID NO. 10/40/B – BARRIO LA CANADA ENTRANCEWAY RENOVATION PROJECT; CERRO AZUL CONSTRUCTION, LLC. (DAVID CHAPMAN)**
- c) **REQUEST FOR APPROVAL OF GRANT AGREEMENTS – DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR SUPPORTIVE HOUSING; SANTA FE COMMUNITY HOUSING TRUST (ONE CONTRACT ) AND THE LIFE LINK/LA LUZ (4 CONTRACTS). (LEE DePIETRO)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – TEST, CALIBRATE AND REPAIR LARGE WATER METERS FOR WATER DIVISION; GREAT SOUTHWEST METERS. (SHANNON JONES)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – PROVIDE CONSTRUCTION SERVICES FOR CITY WIDE UTILITY CONSTRUCTION & REPAIR PROJECTS; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**

- f) **REQUEST FOR APPROVAL OF GRANT AWARDS – STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)**
  - 1) **FOSTER GRANDPARENT PROGRAM**
  - 2) **RETIRED AND SENIOR VOLUNTEER PROGRAM**
  - 3) **SENIOR COMPANION PROGRAM**
  - 4) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE.**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – RENEWAL FOR ADDITIONAL YEAR FOR SALES AND MARKETING SERVICES TO THE CITY; CHRISTINE MADDEN. (KEITH TOLER)**
- h) **REQUEST FOR APPROVAL OF BUDGET INCREASE AND PURCHASE OF TWO (2) TRANSIT BUSES. (JON BULTHUIS)**
- i) *[Removed for discussion by Councilor Chavez]*
- j) **REQUEST FOR APPROVAL – SANTA FE MUNICIPAL AIRPORT STORM WATER POLLUTION PREVENTION PLAN. (JIM MONTMAN)**
- k) **REQUEST FOR APPROVAL OF SOLAR ENERGY AGREEMENT – DESIGN, CONSTRUCT, OWN, OPERATE AND MAINTAIN SOLAR ELECTRICITY FOR BUCKMAN DIRECT DIVERSION PROJECT; AMERICAN CAPITAL ENERGY. (DALE LYONS)**
- l) *[Removed for discussion by Councilor Wurzbarger]*
- m) **REQUEST FOR APPROVAL – RENEWAL OF WORKERS' COMPENSATION EXCESS INSURANCE COVERAGE (RFP #04/29/P); ARTHUR J. GALLAGHER & COMPANY. (BARBARA BOLTREK)**
- n) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WORKERS' COMPENSATION CLAIMS ADJUSTING SERVICES (RFP #10/29/P); CANNON COCHRAN MANAGEMENT SERVICES, INC. (BARBARA BOLTREK)**
- o) **CONSIDERATION OF RESOLUTION NO. 2010-50 (COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT ("LOAN AGREEMENT") BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE**

**CITY'S WATER UTILITY SYSTEM, INCLUDING INSTRUMENTATION OF PUMPING SITES TO MONITOR ENERGY USAGE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND ADMINISTRATIVE FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.**

**1. REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT (NO. 2392 DW 2010); NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**

- a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- p) CONSIDERATION OF RESOLUTION NO. 2010- 51 (COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). A RESOLUTION REPEALING RESOLUTION NO. 2008-50, THAT ESTABLISHED THE LAND USE SUB-COMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE, FOR THE PURPOSE OF ELIMINATING THE LAND USE SUB-COMMITTEE. (JEANNE PRICE)**
- q) REQUEST FOR APPROVAL TO FILL VACANT POSITIONS. (ROBERT ROMERO)**
- r) CONSIDERATION OF RESOLUTION NO. 2010- 52 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO SEEK INPUT FROM SANTA FE PUBLIC SCHOOLS REGARDING THE PROPOSED TEEN CENTER AT TINO GRIEGO POOL AND IF THE SCHOOL DISTRICT SUPPORTS THE CENTER, OBTAIN WHAT, IF ANY, COMMITMENT THE SCHOOL DISTRICT COULD OFFER AS A PARTNER IN THE PROJECT. (TERRIE RODRIGUEZ)**
- s) CONSIDERATION OF RESOLUTION NO. 2010- 53 (COUNCILOR DOMINGUEZ, MAYOR COSS AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO EVALUATE AVAILABLE OPTIONS FOR THE ONGOING FINANCING OF PARKS, OPEN SPACE, TRAILS AND RECREATIONAL FACILITY PROJECTS. (KATHRYN RAVELING)**

- t) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JULY 28, 2010:**
  - 1) **BILL NO. 2010-21: AN ORDINANCE AMENDING THE SANTA FE RESIDENTIAL GREEN BUILDING CODE, BEING EXHIBIT A OF CHAPTER VII SFCC 1987, TO CREATE A GRADUATED HOME ENERGY RATING SYSTEM (HERS) REQUIREMENT BASED ON HEATED SQUARE FOOTAGE (COUNCILOR CALVERT). (KATHERINE MORTIMER)**
    - a) **A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO CREATE A GRADUATED HOME ENERGY RATING SYSTEM (HERS) REQUIREMENT BASED ON HEATED SQUARE FOOTAGE (COUNCILOR CALVERT). (KATHERINE MORTIMER)**
  - 2) **BILL NO. 2010-22: AN ORDINANCE AMENDING SECTION 23-5.3(F)(3) SFCC 1987, REGARDING CONDITIONS OF OPERATION FOR PLAZA ARTISTS/ ARTISANS RELATING TO THE DISPLAY OF ARTWORK (COUNCILOR CALVERT). (SEVASTIAN GURULE)**
- u) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND MASTER SOFTWARE LICENSE AGREEMENT – EMERGENCY MEDICAL SERVICES BILLING AND EMERGENCY COST RECOVERY SERVICE; ZOLL DATA SYSTEMS, INC. (FIRE CHIEF BARBARA SALAS)**
- v) **CONSIDERATION OF RESOLUTION NO. 2010- 54. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THIRD QUARTER BUDGET ADJUSTMENTS ENDING MARCH 31, 2010. (CAL PROBASCO)**

#### **8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JUNE 9, 2010**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Wurzbarger, to approve the minutes of the Regular City Council meeting of June 9, 2010, as presented.

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

#### **9. PRESENTATIONS**

##### **a) UPDATE ON UNITED STATES CENSUS 2010.**

Donato Coviello reported on the U.S. Census effort. He said the supervisor and manager of the Santa Fe office could not attend because they are attending a regional meeting in Denver. He said he would like to “personally and profusely” thank the Mayor and Council, the City Manager and staff, and the people of Santa Fe for their assistance in making the effort so successful.



Mr. Coviello said there was a 66% response to the initial mailing, and then a follow-up on those who did not respond, noting the staff had to go to about 100,000 houses, and they have completed 100% contact. He said the Supervisor, Robert Lucero, has been authorized to go to the municipalities and train them to access this incredible amount of data, and to participate in surveys. He said this data will be compiled and published at the website and in a book. There will be an audit phase following this, and then a census coverage measurement, so some people may be selected randomly.

Councilor Ortiz thanked the local office of the Census Bureau. He said people doing the census wear a badge, and if they don't have a badge, people aren't required to open the door. He said someone from Nava Adé reported a person in the neighborhood purporting to be a census person, and they were advised that person should have a badge, otherwise they don't have to open the door.

Mr. Coviello said this is correct, and the census takers have been wearing bright orange vests. The census takers will never ask for financial information or ask to come into the house.

Councilor Chavez spoke about the importance of the census data and how it will be used. He asked how this fits with the timeline, for example, for redistricting.

Mr. Coviello said they are required by law to report all data to the President by the last day of 2010. The estimated date for the release of the data is February 1, 2010. He said the previous census data is available right now. He said it was hoped that New Mexico would get another representative to the U.S. Congress, but it is his opinion that it doesn't seem that will happen.

**b) PRESENTATION OF PEDESTRIAN SAFETY STUDY COMPLETED BY AARP. (CHRIS ORTEGA)**

A copy of "Site Locations for the Pedestrian Survey – Listed by City of Santa Fe Council Districts," is incorporated herewith to these minutes as Exhibit "1."

Chris Ortega reviewed the information in the Council packet, and in Exhibit "1," noting the AARP voluntarily participates to do this. He said the City is looking at the proposed recommendations, and staff will be coming back to the Public Safety and Public Works Committees within the next six months with a more comprehensive summary of what some of the improvements should be. Mr. Ortega said the City must follow the Manual of Uniform Traffic Devices to apply these things consistently City-wide, and don't just react to the perception of a need which may not meet certain thresholds or standards.

**Jackie Cooper, Coordinator of the Pedestrian Safety Study**, said by 2025 there will be an 80% increase in Americans age 65 and older, who likely will have to walk to transportation centers to go wherever they need to go. She said Honolulu, Hawaii considers itself the most dangerous city in the United States in which to walk if you are over age 65. She said the study has been done in Albuquerque and will be done in Las Cruces. She thanked "Dave" for his assistance in designing the study questions and for his participation in the study.

Councilor Chavez asked Mr. Ortega if it would be possible to put the study summary on the City's web page, and Mr. Ortega said yes.

Councilor Chavez said he gets many calls about people turning right on red, and asked what the Uniform Traffic Code says about that movement in traffic.

Mr. Ortega said the recommendation is consistent with what the City applies. He said if we were to install "Right Turn Yield To Pedestrians," at every traffic signal, it would be too much and motorists would become complacent. He said there needs to be enough traffic volume to warrant the sign, and that discretion is left to Traffic Engineering.

Councilor Chavez said, for the most part, even minimal signage will be ignored, and believes continued education will be beneficial in this effort.

Mayor Coss thanked the AARP. He is glad that Mr. Ortega followed up on the study, and is changing things. He said the City is looking at another reallocation for streets in the next CIP bond, and urged the AARP to continue to work with the City. He said we are moving on the idea of complete streets, and as we move forward we can improve streets for pedestrian safety as well.

#### **CONSENT CALENDAR DISCUSSION**

**10 (i) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – PUEBLOS DEL SOL TRAILS AND PARK; ADVANTAGE ASPHALT & SEAL COATING, LLC. (BEN GURULE)**

Councilor Ortiz said he can't participate in this discussion.

Councilor Chavez said the contractor seems to be doing good work for the City, but is under an ongoing investigation, and there is an audit happening as well. He said he will be voting against the approval of this change order.

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

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

**For:** Councilor Calvert, Councilor Dominguez, Councilor Trujillo and Councilor Wurzbarger and Mayor Coss

**Against:** Councilor Chavez.

**Recused:** Councilor Ortiz.

**Explanation of his vote:** Councilor Chavez said, "No. And the other comment I wanted to make is that our Procurement Code favors the low bid, but with change order after change order we are near the high bid. I don't know if you can compare the quality of work which also is a concern. So, for that, and other reasons stated earlier, I'm going to vote against this change order."

**Explanation of his vote:** Councilor Dominguez said, "I trust that staff has done their diligence and that they are complying with many of the wishes of the constituency, and so I'll be voting for this, so I vote yes."

**Explanation of her vote:** Councilor Wurzbarger said, "I would presume that the change orders were related to a change in a scope of work," and voted yes.

**10 (I) CONSIDERATION OF RESOLUTION NO. 2010- 55 (COUNCILOR WURZBURGER). A RESOLUTION DECLARING THIS YEAR AND EVERY YEAR THEREAFTER, THAT THE WEEK PRECEDING THE SANTA FE INTERNATIONAL FOLK ART MARKET SHALL BE KNOWN AS "INTERNATIONAL FOLK ARTS WEEK." (JEANNE PRICE)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, June 28, 2010, is incorporated herewith to these minutes as Exhibit "2."

A copy of the "International Folk Arts Week Schedule July 4-11, 2010, distributed to the Council by Ms. Cerny, is incorporated herewith to these minutes as Exhibit "3."

Councilor Wurzbarger said she pulled this item from consent to move for its approval. She said this is the Market's 7<sup>th</sup> year and it does have a \$15 million impact to the City during this time. The Market has 1,500 volunteers, and there will be a week of activities preceding the Folk Art Market. She introduced and thanked former Councilor Carol Robertson Lopez, Sarah Manges, Market Board Chair, and Charlene Cerny, Executive Director of the Market.

**Charlene Cerny, Executive Director**, invited everyone to attend the Folk Art Market this year, noting they have a new and invigorated relationship with the Folk Art Museum, and invited everyone to attend the grand opening at the Folk Art Museum. It is free for New Mexico residents. She said the Market grew out of the business community, and they went back to their roots and are working more with businesses this year. Ms. Cerny briefly reviewed the proposed schedule.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2010-55

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

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

**Against:** None.

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**END OF CONSENT CALENDAR DISCUSSION**

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**11. CONSIDERATION OF RESOLUTION NO. 2010-56 (MAYOR COSS, COUNCILOR BUSHEE, COUNCILOR ORTIZ AND COUNCILOR ROMERO). A RESOLUTION ESTABLISHING THE DUTIES AND MEMBERSHIP OF THE COMMUNICATION FRANCHISE ADVISORY COMMITTEE CREATED BY ORDINANCE NO. 2010-14 (SECTION 27-2.16 SFCC 1987)**

**MOTION:** Councilor Ortiz moved, seconded by Councilor Chavez, to adopt Resolution No. 2010-56.

**DISCUSSION:** Councilor Ortiz said he would raise a cautionary issue. He said we received an email from Mr. Firstenberg claiming that the ordinance as adopted was not the ordinance that was passed, and he hopes the City Attorney is doing a thorough reconciliation to ensure that whatever was done is reflected in the bill which is published as law. He said the people on the Committee want to get to work as quickly as possible.

Mayor Coss said he will present names of people for appointment to the Committee at the next meeting.

**CLARIFICATION OF MOTION BY THE SECOND:** Councilor Chavez noted an amendment sheet in the packet from Councilor Bushee, and asked Councilor Ortiz if that is included in the motion, and Councilor Ortiz said his motion "includes staff changes."

Councilor Chavez asked to be a cosponsor, noting it was his idea to reinstitute the committee..

Mayor Coss said the amendment has the effect of having this task force review franchise agreements before they are reviewed by the Planning Commission.

Mr. Zamora said Kelly Brennan can give clarification to be sure this is, in fact, the case.

Councilor Ortiz said his sense of the amendment is that it broadens the scope of the authority of the Committee from what we did on the night it was adopted which was to talk specifically about communications, to also include the ability for this committee to talk about franchises, and doesn't change the Telecommunication Ordinance.

Kelly Brennan, Assistant City Attorney, said this is correct.

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

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

**Against:** None.

**12. MATTERS FROM THE CITY MANAGER.**

Mr. Romero reminded everyone that tomorrow the fees will be increased Ft. Marcy, Sal Perez and Bicentennial pools, but fees will stay the same at GCCC.

Councilor Chavez what about the Senior fees at Genoveva Chavez, noting there was concern about the Senior Rate for those participating in Senior Olympics. Mr. Romero said during the budget process, the Governing Body decided rather than a free pass, everybody will get a 15 times punch pass.

**13. MATTERS FROM THE CITY ATTORNEY  
EXECUTIVE SESSION:**

- a) **DISCUSSION OF THE FOLLOWING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT: BENINATO V. CITY OF SANTA FE (FIRST JUDICIAL DISTRICT COURT NO. D-101-CV-2008-02485); BENINATO V. CITY OF SANTA FE, ET AL, (FIRST JUDICIAL DISTRICT COURT No. D-101-CV-2009-00879); AND BENINATO V. CITY OF SANTA FE (FIRST JUDICIAL DISTRICT COURT NO. D-101-CV-2009-03522), PURSUANT TO §10-15-1(H)(7) NMSA 1978.**
- b) **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, AND PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24.**
- c) **DISCUSSION OF BARGAINING STRATEGY PRELIMINARY TO COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF SANTA FE AND ALL BARGAINING UNITS REPRESENTING THE EMPLOYEES OF THE CITY OF SANTA FE PURSUANT TO §10-15-1(H)(5), NMSA 1978.**

Mr. Zamora introduced the newest member of the City Attorney's staff, Adrian Terry, who comes to the City from the New Mexico AG's office. Mr. Zamora said he brings a great deal of experience and expertise, and briefly listed Mr. Terry's work experience. He said Mr. Terry will be the point person on contracts, inspection of public records act, sunshine laws and civil liability. He said Mr. Terry is a graduate of UNM, having received both his MBA and Juris Doctorate from UNM.

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

- a) discussion of pending litigation in which the City is a participant regarding Beninato v. City of Santa Fe, First Judicial District Court No. D-101-CV-2008-02485, Beninato v. City of Santa Fe, First Judicial District Court Case No. D-101-CV-2009-00879, Beninato v. City of Santa Fe, First Judicial District Court Case No. D-101-CV-2009-005322, pursuant to §10-15-1(H)(7);

- b) discussion of current pending and threatened litigation in which the City is or may become a participant, pursuant to §10-15-1(H)(7) and City of Santa Fe Resolution No. 2010-24; and
- c) discussion of bargaining strategy preliminary to collective bargaining negotiations between the City of Santa Fe and all bargaining units representing the employees of the City of Santa Fe, pursuant to §10-15-1(H)(5) NMSA 1978.

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

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

**Against:** None.

The Council went into Executive Session at 5:55 p.m.

#### **MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 6:40 p.m. Councilor Chavez moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

14. **REQUEST THAT THE GOVERNING BODY RESCIND ITS SEPTEMBER 30, 2009 DECISION IN CASE #A-2009-05, DENYING THE APPEAL OF STEFANIE BENINATO FROM THE BOARD OF ADJUSTMENT'S MAY 19, 2009 DECISION DENYING HER REQUEST FOR A VARIANCE FROM THE 10-FOOT SECOND-STORY SETBACK REQUIREMENTS OF SANTA FE CITY CODE SECTION 14-7.1(B)(5)(g)(ii)(C), AND REHEAR THE MATTER AT ITS JULY 28, 2010 MEETING. SAID REQUEST IS MADE PURSUANT TO THE PROPOSED SETTLEMENT OF A PENDING LAWSUIT APPEALING THE SEPTEMBER 30, 2009 DECISION AND TWO OTHER RELATED LAWSUITS. (KELLY BRENNAN)**

**MOTION:** Councilor Ortiz moved to "approve the proposed settlement which was presented to us by the City Attorney, and as a part of the settlement authorization as presented by the City Attorney, I also add to my motion that we rescind our September 30, 2009 decision denying Ms. Beninato's appeal, and that we rehear that matter at our July 28, 2010 meeting, subject to the conditions that were discussed in Executive Session, to be worked out between the City Attorney and Ms. Beninato." The motion was seconded by Councilor Chavez.

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

**For:** Councilor Calvert, Councilor Chavez, Councilor Ortiz, Councilor Trujillo and Mayor Coss.

**Against:** None.

**Absent for the vote:** Councilor Wurzbarger and Councilor Dominguez.

**15. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**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 June 30, 2020, is incorporated herewith to these minutes as Exhibit "4."

**Councilor Trujillo**

Councilor Trujillo introduced an ordinance regarding solicitation on public property, creating a new Article 23-9 SFCC 1987, regulating panhandling on public property and amending Section 18-8.10 SFCC 1987, regarding business license fees. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Trujillo asked if the giant storage sheds at Big Lots are in compliance with City Code, noting he has received calls from constituents about this. He said they are in the parking lot in full view of everyone. He asked the City Manager to look into this matter.

Councilor Trujillo said he would like to look at the ordinance dealing with these kinds of things as well, and asked Mr. Romero to provide him with a copy of that ordinance.

**Councilor Calvert**

Councilor Calvert introduced Councilor Romero's ordinance creating a new Section 14-5.2(N) SFCC 1987, regarding applicability of special provisions and standards of historic district and landmark requirements to County and Santa Fe Public Schools capital outlay projects, which is modeled after the agreement we reached with the State and to clarify that it applies to these jurisdictions as well. He said it is in the spirit of cooperation so these things get a good hearing up front and avoids unnecessary costs down the road. A copy of the proposed ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Calvert thanked staff for getting the dumpster moved.

### **Councilor Chavez**

Councilor Chavez said he left a card on everyone's desk about the *New Mexico Furniture is Art* exhibit at the National Hispanic Cultural Center, June 18, 2010 to January 23, 2011. He urged everyone to attend the exhibit if they have the opportunity.

### **Councilor Wurzbarger**

Councilor Wurzbarger said at the next meeting she will bring a summary of the new ideas from the U.S. Conference of Mayors, including the initiative to address the problem of childhood obesity and peace initiatives, etc.

### **Councilor Ortiz**

Councilor Ortiz said now that the State has installed the big "Xs to keep people from coming into the Rail Station at Zia/St. Francis," there have been 3 accidents in the past 2 days. It has shortened the time necessary to clear that intersection. He said we need to revisit that intersection to either extend the lights on Zia Road to allow for better flow-out, or revisit the idea of having 3 left turn lanes going north on St. Francis.

Councilor Ortiz said he is introducing a Resolution with Councilors Calvert and Trujillo, designating \$1 million of the City's 2010 Capital Improvements Program (CIP) Bond for a homeless shelter to be operated by the Interfaith Community Shelter. He said the funds are for improvements to be made and the acquisition of the current site being operated by the Interfaith Community Shelter, to build a winter overflow station as well as to acquire a year-round, one-stop center. He said if we can find the funds in reserves this year, it would allow us to take \$1 million from the current CIP proposal going forward through the Committee cycle. He thanked Jeanne Price and Melissa Byers for coming through when his computer crashed. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Ortiz said about two weeks ago there was a naked bike rider on the Plaza which caused a fair amount of concern among his elderly constituents who asked the definition of indecent exposure and why the City isn't enforcing that, if it's still on the books. He asked who gave them permission to be on the Plaza, what is the process for obtaining permission to do what they did. He asked the City Manager to look into this issue and respond to the City Council and the public as to how these kinds of events can occur, and if so, what rights does the City have to limit or curtail them to common standards of decency.

Councilor Ortiz said we used to adopt Resolutions regarding the Fourth of July fireworks. He urged the public not to use these kinds of fireworks, and don't start fires.



Councilor Wurzbarger would like to cosponsor the Homeless Shelter Resolution.

Councilor Calvert said, with regard to the fireworks, he mentioned that to Ms. Price and that there is a standard that we have to meet, in terms of precipitation, to do that. He agrees there are enough fires around us and we need to be very careful during the Fourth of July holiday.

### **Mayor Coss**

Mayor Coss said he received a lot of calls about banning fireworks as well, and he has asked the City Attorney's Office to look into that. He said he will be working on any needed change to the Ordinance.

Mayor Coss introduced a Resolution to complete the donation of the 5.7 acres of vacant City owned land adjacent to the Santa Fe National Cemetery to the National Cemetery Administration, Department of Veteran's Affairs. He asked that Councilors Trujillo, Chavez and Wurzbarger be shown as cosponsors. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Mayor Coss said on July 10<sup>th</sup> his daughter, Molly, is marrying Jason Lithgow, and said he wants them to know that he loves them very much and wishes them the best of luck.

Councilor Trujillo said, for the record, we did have conversations with Veterans Affairs regarding upright headstones in that part of the Cemetery.

Mayor Coss said they are willing to have upright headstones, and have made accommodations for family members to relocate their family member to the upright portion.

Councilor Calvert said we discussed the "directive" they received regarding a law under Senator Domenici. However, the actual language says "may" not "shall." They do have discretion on this issue, and felt comfortable in going in that direction for the new ones which fits with what they are doing.

Mayor Coss introduced a Resolution on behalf of Councilor Dominguez, amending the duties and responsibilities of the Santa Fe Regional Juvenile Justice Board, reducing the number of members on the Board and making other necessary format changes. He asked to be shown as a cosponsor. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Mayor Coss wished everyone a very safe and happy Fourth of July holiday.

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Geno Zamora said it is important to note on the record that Councilor Wurzbarger did not participate in the discussion for Items 13(a), (b) or (c), and also did not participate on Action Item 14 on the Afternoon Agenda.

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**END OF AFTERNOON SESSION AT 6:55 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 Christopher Calvert  
Councilor Miguel Chavez  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Ronald S. Trujillo

#### **Members Excused**

Councilor Patti J. Bushee  
Councilor Rosemary Romero

#### **Others Attending**

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

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**MOTION:** Councilor Ortiz moved, seconded by Councilor Calvert, to amend the previous action to postpone Item H(7) to the Council meeting of August 11, 2010, and instead, to postpone Item H(7) to the Council meeting of July 14, 2010, and to approve the agenda as amended.

**VOTE:** The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Trujillo and Wurzbarger voting in favor of the motion, no one voting against, and Councilor Dominguez absent for the vote.

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### **F. PETITIONS FROM THE FLOOR**

*[All persons petitioning the Governing Body were sworn by the City Clerk prior to speaking]*

Mayor Coss gave each person 2 minutes to petition the Council.

**David McQuarie** said this afternoon the Council approved Consent Agenda Item (10)(i). He is

surprised because of all of the negative publicity. His question is why it was approved. He said regulations specifically state that a review of current street crossings shall be done in accordance with ADA. He said one out of two dozen have been done, but the curb ramps or landings is the upper level point for the trail. He said this is like building a house and then going back in and building a foundation. The second point is that by City Resolution and federal law, the review of public works projects are mandated. He asked why money was allocated to overlay a segment of Yucca without public comment on the full project. He said there is no plan in the City to do the intersections.

**Arthur Firstenberg** said he communicates with hundreds of people on telecom issues and this is what he is hearing. He said people have found the whole ordinance process incomprehensible, and called their City Councilors only to be told it doesn't matter "how many people call me, it won't affect how I vote."

Mr. Firstenberg said, "We filled the City chambers three weeks ago to make sure the Telecommunications Ordinance didn't pass. Many people went home early certain of the outcome, thinking they live in a democracy, only to learn in shock the next morning how the vote went. [Inaudible] heard the Mayor tell them I'm not here to protect your health and I'm glad, even though he knows full well that according to State law, that's what the City Council is here for. On Monday, when I read the ordinance as it appears on the City's website, I received a further shock. The amendments I thought you all added aren't in there. H-Board approval of antennas in Historic District is not required, only H-Board review and for compliance with Chapter 27, not for compliance with Historic District Standards."

Mr. Firstenberg continued, "New towers are still allowed in residential and Historic Districts, so long as they are solid poles with guy wires. Antennas are still allowed on private easements. New towers are still allowed in areas with covenants requiring utilities to be underground. Three-year construction forecasts are still a trade secret. The advisory committee we thought was going to represent all stakeholders is only going to improve telecommunications experts and is only going to consider telecommunications need, not land use economics or character or quality of life in Santa Fe."

Mr. Firstenberg continued, "I'm hearing from many people that there must be corruption here. That somebody must be taking kickbacks. Large numbers of people are terrified and angry, wondering how to finance a lawsuit. A few are contemplating civil disobedience and jail. Others feel disgusted and hopeless alienated from the democratic process and the public officials that they helped elect. Some are scrambling to get their affairs in order and figure if there's any safe place to move to. A few have already given up and are suicidal. I've been involved in these issues for 15 years and I've buried a lot of friends. Your actions 3 weeks ago endangered the lives and quality of life of many of your constituents and will kill some of them. I urge you to rescind your action, which you are allowed to do under the Council's rules. I urge those of you who voted for this ordinance to search within your hearts. Maybe at least one of you has enough human decency left to change your vote."

**Bill Bruno** District 2, said he feels a lot of sadness and what Arthur said is very much true. He said, "I wish I had some good news, but I have more bad news. Actually there was some good news in the press. It looked like good news. There was this study published in the British Medical Journal in the last month where they supposedly looked to see if kids were getting more childhood cancers near cell towers, and they didn't find any increased risk. But the bad news is that there was an editorial in the same issue that explained even if there was an associated risk, that study probably wouldn't have found it. But the real bad news. There is a study from Germany that's just come out, actually it's only available in Germany. It's the best study so far. They found that people living near cell phone towers, of the 19 conditions they looked at, 14 of them were significant in people who were closer to the tower. These included things like headaches, dizziness, inability to think straight, hearing problems, anyway, 19 things. And then there was an additional study showing tinnitus. Tinnitus is ear ringing, and I think I talked about that before. But a lot of people have a little bit of ear ringing. But, when it's really bad, people do commit suicide. When it gets so bad you can't hear your own thoughts, you can't hear your loved ones talking to you, it's worse than being dead. And so a study just came out that people who were with cell phones for 4 years or more have double the risk of tinnitus in the ear that they use the phone."

**Victoria Jewett**, District 2, said prior to June 9<sup>th</sup> the City Attorney's office requested that those of us who had serious reservations about the Telecommunications Ordinance could submit specific wording for revision to the ordinance to them. She said several solid suggestions were submitted, based on other community's ordinances that stood up in court. In spite of their efforts, they found that every new version published by the City Attorney's office was essentially the same as the original ordinances with a few cosmetic changes in wording that changed nothing. She said, "The City Attorney's Office seemed to be completely determined to maintain the ordinance as it was originally written, and that is why nothing had changed by the June 9<sup>th</sup> hearing. On June 9<sup>th</sup> we heard testimony from Brian Harris, the telecommunications specialist from the State Attorney General's Office, Richard Lowenberg, New Mexico's Chief Communications consultant on broadband issues, Mike Ripberger, the Telecommunications Bureau Chief for the New Mexico Public Regulation Commission, Ed Angel, President of the Santa Fe Complex, represents from CitiLink, Extenet Systems and Qwest and the presidents of two neighborhood associations, [with the possible exceptions of the neighborhood associations, all of the above individuals are strong proponents of broad band access], that they were very much opposed to this ordinance because it was riddled with flaws and inadequacies that make it unworkable for business, the City and your constituents. And yet, the ordinance passed, and I find this to be a travesty. While I deeply appreciate the efforts of the Councilors who tried to work with the community on this, I would suggest that those who believe this ordinance was adequate, or who no longer wanted to deal with the issue were "asleep at the wheel" and derelict in their duties."

**Terese Zucal** said she initially got involved in this issue after she went to the Santa Fe Film Festival and saw the movie *Free Signal* and it talks about how this is happening all over the world and the telecommunications companies are determined to get as much coverage as they can everywhere,

although we already have enough coverage here. She said in the area where there are holes, we could get coverage. She said you can go anywhere in the City or halfway to Eldorado and there is wireless. She suggested putting antennas in Cerrillos where there is no coverage. She said she has always claimed to be political, but for the first time she got involved. She thanked the "Councilors who did vote, Chris, Rebecca, Patti and Miguel for taking a stand." She said she was discouraged with everything else she witnessed.

Ms. Zucal said, "It basically seems like the City Attorney's Office has told you guys, without you even thinking what you're doing, they told you how to vote. And it doesn't make any sense to her.. Everything that's going on. They kept telling you about this 90 day, 90 day, 90 day law, and then as it turns out the 90 day didn't even start until the ordinance were passed. And then we were handing out the flyers to give the community the correct information because the community couldn't understand it, and then were told that was false information. And I don't know why we really need Councilors if the people making the decisions are the City Attorney's Office. That doesn't feel like a fair, democratic process. And when we start this whole thing we say and liberty and justice for all, and it would be good if we could really stand by our words. When we say prayers, I think it is hypocritical to say a prayer to God asking him to guide us and then we don't do the right thing. What does that mean. Who are we if we can't even keep our word." Ms. Zucal urged the Council to rescind the ordinance if they have one doubt, and we can work together to make a better ordinance. She doesn't see why only one side has to win.

#### **G. APPOINTMENTS**

##### **Ethics and Rules Committee**

Mayor Coss made the following appointment to the Ethics and Rules Committee:

Barbara B. (Jody) Larson – to fill unexpired term ending 03/2014.

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

**VOTE:** The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Trujillo and Wurzbarger voting in favor of the motion, no one voting against, and Councilor Dominguez absent for the vote.

##### **Planning Commission**

Mayor Coss made the following appointments to the Planning Commission:

Signe Lindell – Reappointment – term ending 06/2012; and  
Ken Hughes – Reappointment – term ending 06/2012

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

**VOTE:** The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Trujillo and Wurzburger voting in favor of the motion, no one voting against, and Councilor Dominguez absent for the vote.

#### **Transit Advisory Board**

Mayor Coss made the following appointment to the Transit Advisory Board:

Aurore Bleck (At-Large) – to fill unexpired term ending 03/2012;  
John Whitbeck (At-Large) – to fill unexpired term ending 03/2012; and  
Colin Messer (Education) Change in Interest Group Only.

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

**VOTE:** The motion was approved on a voice vote with Councilors Calvert, Chavez, Ortiz, Trujillo and Wurzburger voting in favor of the motion, no one voting against, and Councilor Dominguez absent for the vote.

#### **H. PUBLIC HEARINGS**

- 1) **REQUEST FROM COYOTE CAFÉ, INC., FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #2521 FROM COYOTE CAFÉ, LTD., TO COYOTE CAFÉ, INC. THE LICENSE WILL REMAIN AT COYOTE CAFÉ, 132 WEST WATER STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting that the business is not within 300 ft. of a church or school. Staff requests the business be required to comply with all City ordinances. She said there are staff reports on litter, noise and traffic in the packet.

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

**MOTION:** Councilor Ortiz moved, seconded by Councilor Calvert, to approve the request from Coyote Café, Inc., for a transfer of ownership of Dispenser License #2521 from Coyote Café, Ltd., to Coyote Café, Inc., the license to remain at Coyote Café, 132 West Water Street.

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

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

**Against:** None.

**Absent for the vote:** Councilor Dominguez.

- 2) **REQUEST FROM OUTBACK/PHOENIX II, LP, FOR A TRANSFER OF OWNERSHIP (CHANGE OF STOCK) OF DISPENSER LICENSE #2776. THE LICENSE WILL REMAIN AT OUTBACK STEAKHOUSE #5113, 2574 CAMINO ENTRADA. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting that the business is not within 300 ft. of a church or school. Staff requests the business be required to comply with all City ordinances. She said there are staff reports on litter, noise and traffic in the packet.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Ortiz, to approve the request from Outback/Phoenix II, LP, for a transfer of ownership (change of stock) of Dispenser License #27776, the license to remain at Outback Steakhouse #5113, 2574 Camino Entrada.

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

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

**Against:** None.

**Absent for the vote:** Councilor Dominguez.

- 3) **REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT; SANTA FE BUSINESS INCUBATOR (RFP 09/03/P). (FABIAN CHAVEZ)**



*Items 3, 4 and 5 were combined for purpose of presentation, public hearing and discussion, but were voted upon separately.*

A copy of "City of Santa Fe Economic Development Strategy for Implementation," is incorporated herewith to these minutes as Exhibit "10."

A copy of "City of Santa Fe Economic Development Strategy for Implementation, Adopted by City Council June 2008, is incorporated herewith to these minutes as Exhibit "11."

The staff report was given by Kate Noble, from the Memorandum of May 27, 2010, to the Council from Fabian Trujillo, Director, Economic Development Division, noting she provided copies of the Economic Development Strategy, which has become a touch stone to get back on course. She said two bodies have looked at the Strategy and found it to be relevant, and a Business & Quality of Life Subcommittee is working on Santa Fe's economy and future solutions for that. The Mayor presented this information to the Chamber of Commerce Public Affairs Committee and touted the strategy as being where Santa Fe should go. She spoke about the design of the strategy to complement economic development, tourism and the arts. She said staff recommends approval of the renewals of the contracts under the current RFP.

#### **Public Hearing**

There was no one speaking for or against this request.

#### **The Public Hearing was closed**

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

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

**For:** Councilor Calvert, Councilor Ortiz, Councilor Trujillo, Councilor Wurzbarger and Mayor Coss..

**Against:** None.

**Absent for the vote:** Councilors Chavez and Dominguez.

- 4) **REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT; SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) (RFP #09/04/P). (Juan Torres)**

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

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

**For:** Councilor Calvert, Councilor Ortiz, Councilor Trujillo, Councilor Wurzbarger and Mayor Coss.

**Against:** None.

**Absent for the vote:** Councilors Chavez and Dominguez.

- 5) **REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT; MONTE DEL SOL CHARTER SCHOOL (RFP #09/08/P). (KATE NOBLE)**

*Councilor Dominguez arrived at the meeting*

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

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

**For:** Councilor Calvert, Councilor Ortiz, Councilor Trujillo, Councilor Wurzbarger and Mayor Coss..

**Against:** None.

**Abstain:** Councilor Dominguez.

**Absent for the vote:** Councilor Chavez.

- 6) **CONSIDERATION OF BILL NO. 2010-07; ADOPTION OF ORDINANCE NO. 2010-15. (COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTION 1-3.2 SFCC 1987, REGARDING THE IMPOSITION OF MUNICIPAL COURT FEES AND SECTION 12-6.12.2 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE REGARDING PENALTIES FOR OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS. (JUDGE YALMAN)**

Judge Yalman said the increase of \$10 in the Correction fees would go to the Police Department to help to defray jail and youth detention costs, and the \$20 fee required to be adopted by the State would go to the Scientific Lab and would be a pass through. The increase in tracking fees to \$125 is a \$100 increase and would apply to DWI. The correction fees apply to all Court cost except animal and parking and the \$20 Scientific Lab fee applies just to DWI.

### **Public Hearing**

There was no one speaking for or against this request..

### **The Public Hearing was closed**

Responding to Councilor Dominguez, Judge Yalman said currently a corrections fee of \$20 is collected, with \$10 to alternative sentencing and \$10 to the Police Department. This would increase the fee to \$30 and the additional \$10 would go to the Police Department to defray jail and juvenile detention costs.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2010-15

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

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

**Against:** None.

- 7) **CONSIDERATION OF BILL NO. 2010-17 ADOPTION OF ORDINANCE NO. 2010- \_\_\_\_.**  
**(COUNCILOR CALVERT AND MAYOR COSS). 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 IF PROVIDED. (JON**  
**BULTHUIS)**

This item is postponed to the next Council meeting.

- 8) **CONSIDERATION OF BILL NO. 2010-18: ADOPTION OF ORDINANCE NO. 2010-16**  
**(COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTION 6-17.3 SFCC**  
**1987, REGARDING MEMBERSHIP REQUIREMENTS FOR THE CITY BUSINESS AND**  
**QUALITY OF LIFE COMMITTEE. (KATHY McCORMICK)**

Kate Noble said this is an amendment to the ordinance to allow members of the Business and Quality of Life Committee to live in the County, with the intent to not exclude talent which may live in the County outside the City.

### **Public Hearing**

There was no one speaking for or against this request

### **The Public Hearing was closed**

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2010-16

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

**For:** Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzburger.

**Against:** None.

**Absent for the vote:** Councilor Chavez.

**9) CONSIDERATION OF BILL NO. 2010-19: ADOPTION OF ORDINANCE NO. 2010- 17 (MAYOR COSS). AN ORDINANCE AMENDING EXHIBIT A OF CHAPTER XIII SFCC 1987, STORMWATER UTILITY, TO INCREASE THE MONTHLY STORMWATER UTILITY SERVICE CHARGE. (CHRIS ORTEGA)**

Chris Ortega said staff requests approval of the fee increase, noting it was approved during the budget process, and the rates will be increased as shown on page 5 of the materials in the packet.

Councilor Calvert said the proposed amendment should be changed from "1010" to "2010."

### **Public Hearing**

There was no one speaking for or against this request.

### **The Public Hearing was closed**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Wurzburger, to adopt Ordinance No. 2010-17, as amended.

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

**For:** Councilor Calvert, Councilor Dominguez, Councilor Ortiz, Councilor Trujillo, and Councilor Wurzburger.

**Against:** None.

**Absent for the vote:** Councilor Chavez.

**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:40 p.m.

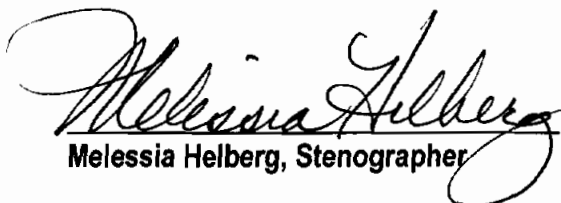
**Approved by:**

\_\_\_\_\_  
**Mayor David Coss**

**ATTESTED TO:**

\_\_\_\_\_  
**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**