



Agenda REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 2010  
CITY COUNCIL CHAMBERS

**AMENDED AGENDA – ITEM #10-n-1**

**AFTERNOON SESSION – 5:00 P.M.**

CITY CLERK'S OFFICE

DATE 8-23-10 TIME 2:15pm

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

RECEIVED BY Indomiguera

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 – August 11, 2010.
9. PRESENTATIONS
  - a) Fiscal Year 2010/2011 Economic Development Proposals. (Kate Noble)  
(5 minutes)
10. CONSENT CALENDAR
  - a) Bid No. 10/26/B – Arroyo de Torreon Erosion Control and Bank Stabilization (Phases I, II and III) Agreement Between Owner and Contractor for Solid Waste Division; Blueline Construction, Inc. (Regina Wheeler)
    - 1) Request for Approval of Budget Transfer – Solid Waste Fund.
  - b) Bid No. 11/01/B – City Wide Water Utility Pavement Restoration Agreement Between Owner and Contractor for Water Division; Advantage Asphalt & Seal Coating LLC. (Bill Huey)
  - c) Bid No. 11/04/B – Water Main Replacements Project (Phase I) Agreement Between Owner and Contractor for Water Division; Blueline Construction, Inc. (Stephanie Reynolds)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 2010  
CITY COUNCIL CHAMBERS

## AMENDED AGENDA – ITEM #12

### AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 8-23-10 TIME, 11:50 am

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

RECEIVED BY tydominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 11, 2010.
9. PRESENTATIONS
  - a) Fiscal Year 2010/2011 Economic Development Proposals. (Kate Noble)  
(5 minutes)
10. CONSENT CALENDAR
  - a) Bid No. 10/26/B – Arroyo de Torreon Erosion Control and Bank Stabilization (Phases I, II and III) Agreement Between Owner and Contractor for Solid Waste Division; Blueline Construction, Inc. (Regina Wheeler)
    - 1) Request for Approval of Budget Transfer – Solid Waste Fund.
  - b) Bid No. 11/01/B – City Wide Water Utility Pavement Restoration Agreement Between Owner and Contractor for Water Division; Advantage Asphalt & Seal Coating LLC. (Bill Huey)
  - c) Bid No. 11/04/B – Water Main Replacements Project (Phase I) Agreement Between Owner and Contractor for Water Division; Blueline Construction, Inc. (Stephanie Reynolds)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 2010  
CITY COUNCIL CHAMBERS

- d) Request for Approval of Procurement Under Cooperative Price Agreement – Automated Refuse Carts for Solid Waste Division; Toter, Inc. (Regina Wheeler)
  - 1) Request for Approval of Budget Transfer – Solid Waste Fund.
- e) Request for Approval of Maintenance Agreement – Library Software and Maintenance Services for Library Division; Innovative Interfaces, Inc. (Patricia Hodapp)
- f) Request for Approval of Amendment No. 3 to Professional Services Agreement – Construction Support Services for Santa Fe Canyon Hydropower Project for Water Division; AECOM Technical Services, Inc. (Dale Lyons)
- g) Request for Approval of Budget Increase for Water Conservation Rebate Program for Water Division. (Daniel Ransom)
- h) Request for Approval of Budget Increase and Transfer for Change Order No. 15 for Design-Build and Construction of Booster Station 3-4 Parallel Pipeline; Buckman Direct Diversion Board and CH2M Hill/Western Summit Constructors Joint Venture. (Rick Carpenter and Mark Ryan)
- i) Request for Approval of Administrative Services Agreement – Fiscal Year 2010/2011 Third Party Administrative Services/Stop Loss Insurance Services; United Healthcare Insurance Company. (Vicki Gage)
- j) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Authorizing the Transfer of Luna Laundry's Current Usage at 7620 Baca Lane of Three Acre Feet of Water to Luna Laundry's New Location at 3138 Rufina Street. (Brian Snyder)
- k) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Mayor Coss)  
A Resolution Directing Staff to Prepare a Lease with ¡Youthworks! for the use of Vacant Municipal Real Property off Rodeo Road Adjacent to the Genoveva Chavez Community Center. (Kate Noble)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 2010  
CITY COUNCIL CHAMBERS

- l) Request for Approval of Memorandum of Understanding – Airport Road Safety Improvements Project; Santa Fe County. (Desirae Lujan)
- m) Request for Approval to Publish Notice of Public Hearing on September 15, 2010:
  - 1) Consideration of the Community Development Block Grant 2009-2010 Consolidated Annual Performance Evaluation Review (CAPER). (Kym Dicome)
  - 2) Bill No. 2010-25: An Ordinance Amending Section 25-5.6 SFCC 1987 Regarding Temporary Water Rate Increases in Times of Drought; Repealing and Readopting Rate Schedules 1C, 1D and 1E of Exhibit B, Chapter 25 SFCC 1987 to Increase Water Rates to Supplement Lost Revenue from Low Income Credit Customers; Creating a Water Rate Charge that Would be Implemented in Times of Drought; and Amending Rate Schedule 11 of Exhibit B, Chapter 25 SFCC 1987 Regarding Rates and Conditions for the City's Potable Water Fill Station. (Councilor Wurzburger) (Brian Snyder)
- n) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_.  
A Resolution Authorizing Publication of a Notice of Sale of \$10,300,000 City of Santa Fe, New Mexico General Obligation Tax-Exempt Bonds, Series 2010, and Authorizing the City Council, City Officers and City Employees to Take Further Action Necessary in Connection with the Sale of the Bonds. (Kathryn Raveling)
- o) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Mayor Coss, Councilor Calvert, Councilor Bushee, Councilor Wurzburger and Councilor Trujillo)  
A Resolution Repealing Resolution No. 2009-31; and Directing Staff to Prepare the Necessary Documents to Complete the Donation of 5.7 Acres of Vacant City Owned Land Located Adjacent to The Santa Fe National Cemetery to The National Cemetery Administration, Department of Veteran's Affairs. (Edward Vigil)
- p) Request for Approval to Fill Vacant Positions. (Robert Romero)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 2010  
CITY COUNCIL CHAMBERS

- q) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Dominguez and Councilor Ortiz)  
A Resolution Directing Staff to Proceed With a Community Planning Process for the Airport Road Area that will Result in a Master Plan that Focuses on Establishing a Healthy Community, Streetscape Enhancements and Adjoining Land Development. (Katherine Mortimer) (Postponed at July 28, 2010 City Council Meeting) **(Postponed to October 27, 2010 City Council Meeting)**
11. Request for Approval of 2010/2011 Union/Management Negotiations Agreement; Santa Fe Police Officer's Association. (Deputy Chief Abram Anaya)
12. Request for Approval to Publish Notice of Public Hearing on September 29, 2010:
- 1) Bill No. 2010-26: An Ordinance Authorizing the Issuance and Sale of City of Santa Fe, New Mexico, General Obligation Tax-Exempt Bonds, Series 2010, in the Principal Amount of \$10,300,000, Payable From Ad Valorem Taxes Levied on all Taxable Property Within the City, Levied Without Limit as to Rate or Amount; Providing for the Form, Terms and Conditions of the Bonds, the Manner of Their Execution, and the Method of, and Security for, Payment; Providing for the Award and Sale of the Bonds to the Purchaser and the Price to be Paid by the Purchaser for the Bonds; and Providing for Other Details Concerning the Bonds. (Kathryn Raveling)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- Discussion of Threatened or Pending Litigation in which the City of Santa Fe Is or May Become a Participant, Pursuant to City of Santa Fe Resolution No. 2010-24 and Pursuant to §10-15-1(H)(7), NMSA 1978.
15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 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 Ashford TRS Sapphire, LLC, for a Transfer of Ownership of Dispenser License #0899 from Ashford TRS Corporation, to Ashford TRS Sapphire, LLC. The License will Remain at the Santa Fe Hilton Hotel, 100 Sandoval Street. (Yolanda Y. Vigil)
  - 2) Request from Weldon Fulton, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Museum Hill Café, 710 Camino Lejo. (Yolanda Y. Vigil)
  - 3) CONSIDERATION OF BILL NO. 2010-23: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Calvert)  
An Ordinance Approving a Lease Between the City of Santa Fe and NVT Licenses, LLC, for Approximately 11.463 Acres of City-Owned Land Located at the Santa Fe Municipal Airport to Be Used for the Construction of a Photovoltaic Electrical System Benefiting the Wastewater Management Division. (Jim Montman)
    - a) Request for Approval of Lease Agreement – 11.463 Acres of Airport Land for the Purpose of Constructing and Maintaining a Photovoltaic System for Supplying Electrical Energy Output Benefiting the Wastewater Management Division. (Jim Montman)
- I. ADJOURN



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
AUGUST 25, 2010  
CITY COUNCIL CHAMBERS

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

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING  
August 25, 2010

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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
August 25, 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 August 25, 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**

A copy of an Action Sheet, with attachment) from the Public Works/CIP and Land Use Committee meeting of Monday, August 23, 2010, regarding Item 10(k) on the Consent Agenda is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet, with attachments, from the Public Works/CIP and Land Use Committee meeting of Monday, August 23, 2010, regarding Item 10(m)(2) on the Consent Agenda is incorporated herewith to these minutes as Exhibit "2."

Councilor Calvert said he would like to move Item 10(j) from the Consent Calendar to be heard after Item #13 on the Afternoon Agenda.

Mr. Romero said, with regard to Items #10(k) and #10(m)(2) on the Consent Calendar, he would like to add the changes that were made at Public Works for the record [Exhibits "1" and "2," respectively].

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

**DISCUSSION:** Councilor Bushee understood that the Council would be hearing Item 10(j) from the Consent Calendar in Executive Session.

Mayor Coss said he doesn't believe that can be done because it isn't published for that.

Councilor Bushee asked if Item 10(k) has been removed from the Consent Calendar.

Councilor Calvert said no, he removed Item 10(j).

Councilor Bushee asked if it was removed for a public hearing.

Councilor Calvert said no, and asked staff to explain.

Councilor Bushee said she wants to be sure Item 10(j) won't be heard in Executive Session.

Geno Zamora said, regarding Item #13, Matters from the City Attorney, in accordance with Resolution No. 2010-24, he will be giving the monthly report which is a discussion of threatened or pending litigation in which the City of Santa Fe is, or may become, a participant. He said documentation has been provided regarding Item 10(j) which contains a potential threat of litigation, so issues relating to that matter will be discussed in Executive Session, along with a number of threatened or pending litigation items which have arisen since the last report last month.

Councilor Bushee said she had called Mr. Zamora to ask what this meant, and he referred to the Resolution she sponsored, and he told her "no specific cases." She said, "What I'm asking is normally if we hear a specific case, don't we announce that we're going into Executive Session over threatened and pending litigation with regard to x, y or z."

Mr. Zamora said, "To correct any miscommunication, Councilor, each month when we do this report, in accordance with the Resolution, we actually do address specific cases and we go through each case that has arisen since the last report. And so, in accordance with our common practice over the last few months, you will hear, during Executive Session, pending and threatened litigation that has occurred since July 28, 2010. So, in addition to several other matters, there is something regarding Luna Laundry which pertains to a threat of litigation, so as a normal course of...."

Councilor Bushee said, "Then you mean we are going to hear Luna Laundry in Executive Session. When I called specifically and asked what cases this was pertaining to, and you told me it had to do with a policy that we established."

Mr. Zamora said, "Again, the report I'm providing is in accordance with the Resolution, with your Resolution from this Spring, that we report on all pending and threatened litigation. And you asked what the Executive Session is about, which is exactly that – a report of pending and threatened litigation."

*Councilor Chavez arrived at the meeting*

Councilor Bushee said, "My question was, when I called you, had you had in mind already to hear this threatened and pending litigation with regard to Luna Laundry."

Mr. Zamora said, "Probably so, along with about, as you'll hear in Executive Session, about 8 other items. But, and again, forgive me if I misunderstood your question, but I do not recall being asked each specific item that was going to be presented during Executive Session."

Councilor Bushee said, "I asked you what specific cases. Anyway, we'll talk afterward, but I feel like this is being added and I understand now that there's potential threat. But, I'm just concerned that we didn't really advertise this one specifically."

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dominguez, Ortiz, Romero, Trujillo and Wurzbarger voting for the motion, none against, and Councilor Chavez abstaining, saying he wasn't present for the motion, and all of the discussion.

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

Councilor Bushee asked Councilor Ortiz if he is removing Item 10(b). Councilor Bushee said, "Then it doesn't matter, okay, I'll just pull it. We'll have that discussion then."

Councilor Bushee asked the reason Item 10(q) is on consent if it is being postponed.

Ms. Vigil explained that it is on the consent agenda because it was postponed to this date specific – August 25, 2010, and there was a request for postponement.

Councilor Bushee asked how it can be established in the future that "you don't want it on the Consent Calendar, you want to have an actual discussion of it."

Ms. Vigil said it would have to be removed at the time it is placed on the agenda and it can be discussed at that time.

Councilor Dominguez said he wanted to pull item 10(k) so he could be added as a cosponsor.

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

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

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

**Against:** None.

- a) **BID NO. 10/26/B – ARROYO DE TORREON EROSION CONTROL AND BANK STABILIZATION (PHASES I, II AND III) AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR SOLID WASTE DIVISION; BLUELINE CONSTRUCTION, INC. (REGINA WHEELER)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – SOLID WASTE FUND.**
- b) *[Removed for discussion by Councilor Bushee and Councilor Chavez]*
- c) **BID NO. 11/04/B – WATER MAIN REPLACEMENTS PROJECT (PHASE I), AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION; BLUELINE CONSTRUCTION, INC. (STEPHANIE REYNOLDS)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – AUTOMATED REFUSE CARTS FOR SOLID WASTE DIVISION; TOTER, INC. (REGINA WHEELER)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – SOLID WASTE FUND.**
- e) **REQUEST FOR APPROVAL OF MAINTENANCE AGREEMENT – LIBRARY SOFTWARE AND MAINTENANCE SERVICES FOR LIBRARY DIVISION; INNOVATIVE INTERFACES, INC. (PATRICIA HODAPP)**
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION SUPPORT SERVICES FOR SANTA FE CANYON HYDROPOWER PROJECT FOR WATER DIVISION; AECOM TECHNICAL SERVICES, INC. (DALE LYONS)**
- g) *[Removed for discussion by Councilor Bushee]*
- h) *[Removed for discussion by Councilor Bushee]*

- i) REQUEST FOR APPROVAL OF ADMINISTRATIVE SERVICES AGREEMENT – FISCAL YEAR 2010/2011 THIRD PARTY ADMINISTRATIVE SERVICES/STOP LOSS INSURANCE SERVICES; UNITED HEALTHCARE INSURANCE COMPANY. (VICKI GAGE)
- j) *[Removed for discussion by Councilor Calvert to be heard after Item #13]*
- k) *[Removed for discussion by Councilor Bushee and Councilor Chavez, and by Councilor Dominguez to be added as a cosponsor]*
- l) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – AIRPORT ROAD SAFETY IMPROVEMENTS PROJECT; SANTA FE COUNTY. (DESIRAE LUJAN)
- m) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 15, 2010:
  - 1) CONSIDERATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT 2009-2010 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER). (KYM DICOME)
  - 2) BILL NO. 2010-25: AN ORDINANCE AMENDING SECTION 25-5.6 SFCC 1987, REGARDING TEMPORARY WATER RATE INCREASES IN TIMES OF DROUGHT; REPEALING AND READOPTING RATE SCHEDULES 1(C), 1(D) AND 1(E) OF EXHIBIT B, CHAPTER 25 SFCC 1987, TO INCREASE WATER RATES TO SUPPLEMENT LOST REVENUE FROM LOW INCOME CREDIT CUSTOMERS; CREATING A WATER RATE CHARGE THAT WOULD BE IMPLEMENTED IN TIMES OF DROUGHT; AND AMENDING RATE SCHEDULE 11 OF EXHIBIT B, CHAPTER 25 SFCC 1987, REGARDING RATES AND CONDITIONS FOR THE CITY'S POTABLE WATER FILL STATION (COUNCILOR WURZBURGER). (BRIAN SNYDER)
- n) CONSIDERATION OF RESOLUTION NO. 2010- 69. A RESOLUTION AUTHORIZING PUBLICATION OF A NOTICE OF SALE OF \$10,300,000 CITY OF SANTA FE, NEW MEXICO GENERAL OBLIGATION TAX-EXEMPT BONDS, SERIES 2010, AND AUTHORIZING THE CITY COUNCIL, CITY OFFICERS AND CITY EMPLOYEES TO TAKE FURTHER ACTION NECESSARY IN CONNECTION WITH THE SALE OF THE BONDS. (KATHRYN RAVELING)
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed for discussion by Councilor Chavez]*

- q) **CONSIDERATION OF RESOLUTION NO. 2010- \_\_\_\_ (COUNCILOR DOMINGUEZ AND COUNCILOR ORTIZ). A RESOLUTION DIRECTING STAFF TO PROCEED WITH A COMMUNITY PLANNING PROCESS FOR THE AIRPORT ROAD AREA THAT WILL RESULT IN A MASTER PLAN THAT FOCUSES ON ESTABLISHING A HEALTHY COMMUNITY, STREETScape ENHANCEMENTS AND ADJOINING LAND DEVELOPMENT. (KATHERINE MORTIMER) (Postponed at July 28, 2010 City Council Meeting) (Postponed to October 27, 2010 City Council Meeting) Postponed to the Council meeting of October 27, 2010.**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 11, 2010.**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee, to approve the minutes of the Regular City Council meeting of August 11, 2010, as presented.

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

**9. PRESENTATIONS**

**a) FISCAL YEAR 2010/2011 ECONOMIC DEVELOPMENT PROPOSALS. (KATE NOBLE)**

A copy of a packet, "Economic Development Proposal Process" with attachments, is incorporated herewith to these minutes as Exhibit "3."

Kate Noble presented information from Exhibit "3" which is in the Council packet, noting this presentation is being made to let the Governing Body and public know that a call for proposals has been issued for innovative projects that will move Santa Fe's economy forward, noting these are economic development funds. Please see Exhibit "3" for specifics of this presentation.

**CONSENT CALENDAR DISCUSSION**

**10(b) BID NO. 11/01/B – CITY WIDE WATER UTILITY PAVEMENT RESTORATION AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION; ADVANTAGE ASPHALT & SEAL COATING, LLC. (BILL HUEY)**

Councilor Bushee said she removed this item to give Councilor Ortiz the opportunity to recuse himself on this item. She said, "I have had a Memorandum written for me by the City Attorney that we continue to vote on contracts with regard to this contractor, and I really just brought it off for that purpose."

**MOTION:** Councilor Romero moved for purposes of discussion, seconded by Councilor Wurzbarger, to approve this request.



**DISCUSSION:** Councilor Bushee asked if we are having a discussion about the recusal or about the contract.

Councilor Romero would like to see the Memorandum Councilor Bushee received from the City Attorney.

Councilor Bushee said she asked for a Memorandum and she is sure that can be shared with the Council under the attorney-client privilege.

Councilor Chavez said he will be consistent and vote against this. He said the City Manager may be recommending that we continue to approve these contracts. Unfortunately, we do know that this contractor is under investigation, not on the City side, and asked what is the inspection process and if we are sure that is taking place, commenting he doesn't know. He said more importantly, we have to convince the public that we are getting the best buy for our money and that our Procurement Code is being followed. He said, "Whether you recuse yourself is a separate issue, but I'm going to vote against approving this contract for the reasons I stated."

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

**For:** Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

**Against:** Councilor Chavez.

**Abstain:** Councilor Bushee.

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

**10 (g) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR WATER CONSERVATION  
REBATE PROGRAM FOR WATER DIVISION. (DANIEL RANSOM)**

Councilor Bushee asked if there are other options for outdoor uses that are being considered. She understands the indoor rebates have been successful. She asked if there were 1,600 water harvesting rebates.

Randy Sugrue said he doesn't have all of the numbers with him. He said a separate resolution is coming to the next Public Utilities Committee which will introduce the changes which will be made to the rebate program.

Councilor Bushee said we are approving the budget increase, noting the Memorandum says, "The table below shows rebates processed as of June 28, 2010." She asked Mr. Sugrue if the Council is just approving money, but not approving how to designate those funds.

Mr. Sugrue said that would be his point of view, noting these are the past programs and how the funds have been spent. He said the new funds would be going to similar programs, but with some changes.

Councilor Bushee asked if there is a reason we are considering the budget increase separately without knowing how the funds will be designated. She wants to know about the efficacy of continuing with rainbarrels given how few are given out. She is trying to narrow how we should designate these funds.

Brian Snyder said the Committee/Council process was started before the program runs out of funding for the program. He said they ran out of funds for the project after they started the funding process. The program is on hold temporarily. He said it has been modified, based on funds received to date, noting additional programs have been added. He said the funding originally was intended to fund this program. He said this will go to PUC, Finance and then they will bring the new programs to Council with an effective date at the end of September.

Councilor Bushee asked what is the request before the Council this evening.

Mr. Snyder said staff is requesting funding the program.

Councilor Bushee asked if there is a reason staff is requesting the funding now without knowing how you will be designating the funds.

Mr. Snyder said they started this process to refund the program, because they anticipated they would run out of funds, and when they started through the Committee process, the program ran out of funds. He said the program is halted because it is out of funds, and they are reevaluating the program. He said the requested funding will go toward the new program.

Councilor Bushee said she has never considered the two separately, and would prefer this go back to Committee with the program attached to the requested funding, and then we can decide if that is how we want it done, and asked if there is a problem with that, and Mr. Snyder said no.

**MOTION:** Councilor Bushee moved that this be remanded to the Public Utilities and Finance Committees, to decide how the money will be spent. THE MOTION DIED FOR LACK OF A SECOND.

Mr. Snyder said the challenge in doing this is that the packets for the Public Utilities Committee were due today, noting that Committee meets only once a month, and this item isn't on that agenda, so it would be a challenge to get it on next month's agenda, and if that couldn't be done, it wouldn't be considered until October.

Mayor Coss said he understands the issue, and perhaps an appropriate motion would be to approve the request, but no expenditures can be made until it is approved by the Council.

**MOTION:** Councilor Bushee moved, seconded by Wurzbarger, to approve this request, with the condition that no expenditures can be made until it is approved by the Council.

**DISCUSSION:** Councilor Chavez said the amount is about \$703,000, and Mr. Snyder said this is correct.

Councilor Chavez asked Mr. Snyder if he sees that dollar amount changing now or in the future.

Mr. Snyder said the dollar amount is staff's projection based on what has been received to date, noting in the first 7½ months of the year, they spent \$840,000 for rebates, noting the program has been hugely successful. It has been more successful than anticipated, and the reason it had to be put on hold temporarily. The \$700,000 is needed to reopen the program and extend it through the end of the year.

Councilor Chavez said for some reason, rainbarrels were removed from the equation, although they are still available. He said it doesn't make sense to remove them, and it makes sense to have them back. He said for some people, this is the most cost effective way to do water harvesting, because they can't afford fancy cisterns and irrigation systems, and such, but would like a couple of rainbarrels with a spigot in their front and back yards. He wants to see rainbarrels remain in the program.

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

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

**Against:** None.

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

**10 (h) REQUEST FOR APPROVAL OF BUDGET INCREASE AND TRANSFER FOR CHANGE ORDER NO. 15 FOR DESIGN-BUILD AND CONSTRUCTION OF BOOSTER STATION 3-4 PARALLEL PIPELINE; BUCKMAN DIRECT DIVERSION BOARD AND CH2M HILL/ WESTERN SUMMIT CONSTRUCTORS JOINT VENTURE. (RICK CARPENTER AND MARK RYAN)**

Councilor Bushee said the Memorandum indicates total funding of \$4.8 million, and the City's portion is \$1.6 million, and the County's portion is \$1.6 million. She asked the source of the additional \$1.6 million.

Mr. Snyder said the total cost of the project, less the 40% paid by Las Campanas, with the balance paid on a cost sharing between the City and the County at \$1.6 million each, noting Las Campanas makes up the difference in funding.

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

**Against:** None.

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

**10(k) CONSIDERATION OF RESOLUTION NO. 2010- 70 (MAYOR COSS AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO PREPARE A LEASE WITH YOUTHWORKS FOR THE USE OF VACANT MUNICIPAL REAL PROPERTY OFF RODEO ROAD ADJACENT TO THE GENOVEVA CHAVEZ COMMUNITY CENTER. (KATE NOBLE).**

Councilor Bushee said line 25 of the Resolution, page 4 says, "Staff is directed to prepare the necessary documents to enter into a five year lease..." She believes we just need to prepare a lease and suggested amending the Resolution as follows: "Staff is directed to prepare the necessary documents to begin the process to enter into a five-year lease."

Councilor Bushee would like to get the FIR changed at some point when this comes back to Council, because in two places the Resolution says, "...the City is willing to waive any fees, escort requirements or permitting requirements..." However, there is no cost affixed as to what those fees would be. She wants to know the dollar number of the fees waived, and what costs were incurred prior to making her decision.

Councilor Bushee asked about the traffic and parking issues, and presumes this isn't in conflict with the GCCC.

Councilor Trujillo said the building is being proposed at the site of the old high school, which is to the side of GCCC along the Arroyo Chamiso, so there will be plenty of parking for YouthWorks.

Councilor Bushee said she just wanted this clarified as it moves forward.

**MOTION:** Councilor Bushee moved, seconded by Councilor Romero, to adopt Resolution No. 2010-70, the two changes she proposed and the amendments which were handed out [Exhibit "1"].

**DISCUSSION:** Councilor Chavez noted for the record that this item, and the previous item 10(g) do not have an action sheet from the Public Works Committee.

Mayor Coss said that is on the desk and Mr. Romero mentioned this previously. [Exhibit "1" to these minutes]

Councilor Chavez said this is a 5-year lease, so it isn't permanent. He said it is unfortunate that there wasn't a better interface between its previous location and the Public Schools, because he believes there could have been a better fix.

Councilor Chavez said as we contract work on behalf of the citizens, we need to be sure these projects are being inspected, and this applies to YouthWorks as well. These projects have to be engineered and executed well, and even in this case, the City needs to get the "best bang for the buck," and that there is quality and quality control in these programs. He said this is a critique and constructive criticism.

Councilor Chavez asked to be added as a sponsor, because it is a positive program, although there is some room for improvement.

Councilor Dominguez said the work done by Youthworks speaks for itself, in terms of its contribution to the community.

Councilor Dominguez said he is not opposed to the motion, however he would like to know the rationale for the five-year lease, and asked if anything currently is planned for that site for 5 years.

Ms. Noble said it was following the previous ones, noting this will give YouthWorks the opportunity to continue its work while making plans for a permanent location, and staff thought five years was an appropriate amount of time.

Councilor Chavez asked, with regard to the buildings and portables, if the Public Schools will be paying the cost of transportation.

Ms. Noble said the Public Schools will be bearing the cost of the transportation.

Responding to Councilor Dominguez, Ms. Noble said the City is working on setting up separate meters for YouthWorks, and YouthWorks will be paying its own utility bills.

Councilor Chavez asked if any of the City funding can be used to find a future site for YouthWorks.

Ms. Noble understands that the City contracts with YouthWorks for specific services, and it would be necessary to go through another process to use this funding for a future site.

Councilor Chavez said the City purchased 12 acres on Siler, and asked if we could dedicate a small footprint on Siler Road.

Ms. Noble said Land Use has no fees which would apply. According to Chief Wheeler, as long as the move is made Monday through Friday during regular work week, there would be no fiscal impact to the Police Department. She said it is accurate to say there is no fiscal impact, so there would be no fees to waive.

**CLARIFICATION BY THE CITY CLERK:** Ms. Vigil asked if the motion includes the amendments which are on the desk [Exhibit "1"], and Councilor Bushee said yes.

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

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

**Against:** None.

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

**Explaining their vote:** Councilors Romero, Trujillo, Bushee and Chavez voted yes, and asked to be added as cosponsors of this bill.

**10(o) CONSIDERATION OF RESOLUTION NO. 2010- 71 (MAYOR COSS, COUNCILOR CALVERT, COUNCILOR BUSHEE, COUNCILOR WURZBURGER AND COUNCILOR TRUJILLO). A RESOLUTION REPEALING RESOLUTION NO. 2009-31; AND DIRECTING STAFF TO PREPARE THE NECESSARY DOCUMENTS TO COMPLETE THE DONATION OF 5.7 ACRES OF VACANT CITY OWNED LAND LOCATED ADJACENT TO THE SANTA FE NATIONAL CEMETERY TO THE NATIONAL CEMETERY ADMINISTRATION, DEPARTMENT OF VETERAN'S AFFAIRS. (EDWARD VIGIL)**

A letter dated June 17, 2010, with 553 petition signatures attached requesting transfer of the 5.7 acres of land adjacent to the existing Santa Fe National Cemetery be donated without restrictions, to the Honorable Mayor and City Council Members, from Raymond Henry Urioste, President, Vietnam Veterans of America, Northern New Mexico Chapter #996, is incorporated herewith to these minutes as Exhibit "4."

Councilor Bushee said she wants to clarify that the language on page 1 of the Resolution includes the exclusion of the ridgeline, and what is the follow-up to see that ridgeline remains.

Mr. Zamora said the follow-up to ensure that the ridgeline remains is that there will be a written contractual agreement with the administration, as well as, to the extent possible, restrictions directly in the deed to preserve that as well.

Councilor Bushee said she wanted Mr. Zamora's response to her question on the record.

Councilor Bushee thanked all of the veterans who have been patiently waiting for about 6 years for the donation to take place.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert to adopt Resolution No. 2010-71.

**DISCUSSION:** Councilor Chavez hopes this is locked in for perpetuity, and will need no further discussion. However, there may be other issues related to the Cemetery and veterans which need discussion.

Councilor Romero thanked the veterans who attended, especially those who came from as far away as Roswell and Las Vegas. She would like to have the letter and petition signatures to be entered for the record [Exhibit "4"]. She thanked all of the veterans for their work on this matter.

Councilor Trujillo thanked the veterans for their service to our country. He said it is his hope that the United States Congressional Delegation will continue to work for legislation which will allow upright headstones for those whose headstones are now laying flat. He thanked the veterans for attending this meeting and for their support of this effort.

Councilor Dominguez thanked the veterans for their patience, and as the son of a Vietnam veteran, he thanks them most of all for their service to our country. He congratulated the Council for finally getting this done.

Mayor Coss thanked the veterans for their attendance and their service to our country. He thanked Councilors Bushee and Calvert for their work in moving this forward.

**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 Romero voted yes and asked to be added as a cosponsor.

The Veterans in attendance saluted the Mayor and the members of the City Council for their action this evening.

#### **10(p) REQUEST FOR APPROVAL TO FILL VACANT POSITIONS. (ROBERT ROMERO)**

Councilor Chavez asked, for the record and for the public, if Mr. Romero would list positions being filled and the dollar amount.

Robert Romero presented the requested information from his Memorandum of August 25, 2010, to the City Council, which is in the Committee packets.

Councilor Chavez asked the total dollar amount of the request.

Mr. Romero said there currently are 48 vacant positions, and he is requesting to fill these positions, noting only 4 are not public safety or enterprise. If all of the positions are not filled for one year,

there would be a \$3.5 million savings. He is asking to fill only positions which are critical to be filled. He said the cost of the Parking Enforcement Supervisor is \$77,000 including benefits, the Librarian is \$65,000 including benefits, the Administrative Secretaries are \$60,000 each

Councilor Chavez said he appreciates that there are savings of \$3.5 million. However, there is a hiring freeze and vacancy credits and such. He said there is still a question of how we can fill these positions when people are hearing that we are having a difficult time balancing the budget, that GRTs are down and such. He said these are worthwhile positions, but there is a cost to do fill them.

Mr. Romero said currently, the GRTs are equal to the budget, noting all of these are budgeted positions. Since our GRTs are equal to the budget, we can afford to fill these positions, and if this trend continues it may be possible to fill vacant positions. However, he said he is requesting to fill only positions necessary to run our facilities.

Councilor Chavez said he understands, but we are on a "tightrope" between what is needed and the funds generated, and the reason he is asking these question.

**MOTION:** Councilor Chavez moved, seconded by Councilor Wurzbarger, to approve this request, with clarification that the Housing and Community Development Director was not included, and that will come back to the Finance Committee for discussion, as directed.

**DISCUSSION:** Councilor Chavez said in the future he would like the dollar amount included when Mr. Romero is requesting to fill vacant positions.

Mr. Romero said there would be savings of \$3.5 if none of the positions on the list were filled.

**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.

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#### **END OF CONSENT CALENDAR DISCUSSION**

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#### **11. REQUEST FOR APPROVAL OF 2010/2011 UNION/MANAGEMENT NEGOTIATIONS AGREEMENT; SANTA FE POLICE OFFICER'S ASSOCIATION. (DEPUTY CHIEF ABRAM ANAYA).**

Deputy Chief Anaya said an agreement has been reached between management and the Santa Fe Police Officers Association on the contract for 2010/2011, noting the contract has been ratified with Santa Fe City management and the Santa Fe Police Officers Association, and requested approval by the Council.



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

**DISCUSSION:** The President of the Santa Fe Police Officers Association, Sgt. Lopez, said the Association is in agreement, commenting that they worked hard and tried to keep a flat budget, and everyone did a job in coming together to reach an agreement.

**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 voted yes and thanked the Department for its work on the vehicle take home policy.

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

Mr. Romero said the Fore Kids Golf Tournament is on Friday, noting the proceeds fund scholarships for low income youth in the community. He said they are asking for donations to help fund that tournament and scholarships, and he urged the Governing Body to attend this worthwhile event.

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

**DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24 AND PURSUANT TO §10-15-1(H)(7) NMSA 1978.**

Mr. Zamora stressed that this is for a discussion of all threatened or pending litigation.

Councilor Chavez asked if Resolution 2010-24 is specifically for review of pending litigation.

Mr. Zamora said that Resolution requests that the City Attorney provide a monthly report, in executive session, regarding threatened or pending litigation affecting the City.

Councilor Chavez said there was an earlier discussion that another item was going to be lumped with this, and asked the status of that.

Mr. Zamora said to correct any misperception, this is a monthly report on all threatened or pending litigation. There was a question with regard to an individual item of threatened or pending litigation, but that isn't separate, and is part of the monthly reporting process. Responding to Councilor Chavez, Mr.

Zamora said this item happens to be on the Consent Calendar which has been moved to be heard following the Executive Session.

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Romero, that the Council go into Executive Session for the purpose of discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant, pursuant to City of Santa Fe Resolution No. 2010-24 and pursuant to §10-15-1(H)(7).

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee

The Council went into Executive Session at 6:05 p.m.

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

**MOTION:** At 6:35 p.m. Councilor Wurzburger moved, seconded by Councilor Romero, 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, Ortiz, Romero, Trujillo and Wurzburger voting for the motion, no one voting against, and Councilors Chavez, Dominguez and Bushee absent for the vote.

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#### **10(j) CONSIDERATION OF RESOLUTION NO. 2010- \_\_\_\_ (COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE TRANSFER OF LUNA LAUNDRY'S CURRENT USAGE AT 7620 BACA LANE OF THREE ACRE FEET OF WATER TO LUNA LAUNDRY'S NEW LOCATION AT 3138 RUFINA STREET. (BRIAN SNYDER)**

Councilor Calvert said, "For a point of clarification, we originally had a Resolution that was going through Committee to allocate the 3 afy from the water bank to Luna Laundry. There was some discussion about the pros and cons of that. We then changed the Resolution to read moving the usage, along with Luna Laundry to their new site. I think the current owner of the property on Baca Lane didn't realize that wouldn't change our other Ordinance which is Chapter 14 base that also says that he would still retain the rights to those 3 afy for a period of 12 months for a similar usage. So, that's just a legal clarification of where we are right now, and I hope that addresses some of the questions by some of the parties involved.

We would not be taking away that usage from the current property owner. He would have what is allowed by ordinance for 12 months to find a similar usage to use that same amount of water.

*Councilor Bushee returned to the meeting*

Councilor Calvert continued, "So, on the matter itself, I guess the question is why is it we want to do this, and the reason I have been pursuing this is basically, economic development, especially in this tough economy. If the Luna Laundry is allowed to make this move, it is moving from the County into the City, which means its bringing that GRT into the City. It's a \$400,000 business, with 14 employees, and there are unique circumstances. It's a water intensive business. I don't think it would be an issue if this was an office use moving from one location to another, but it is something we have grappled with. Because it is a water intensive business, we tried to look at an Ordinance amendment. That didn't seem to work. We tried the application of the water budget that allows allocation of water budget. One of the criteria is economic development. So, I think that is why this is an issue is because of the type of business. It is water intensive."

Councilor Calvert continued, "We have made exceptions in the past for these types of businesses, recognizing that there are unique circumstances when it came to billing for El Ice and some others, knowing that they don't fit real conveniently into how we structure our ordinances and other things all of the time."

Councilor Calvert continued, "This business invested over \$100,000 on its equipment to reduce its consumption with no subsidy from the City. He took that upon himself. Sure, he gained the benefit of a reduced water bill because he made that investment, but it is also at least a five-year payback on that to realize the full benefit of the investment. The reason this business is moving is to expand. He's moving into a space that is twice the size of his current space, and the restrictions on the current property don't allow him to expand that facility, so he is moving where he can expand. And, potentially by expanding, he would reduce consumption as his business grows, because if he takes it from a hotel that does it [laundry] not very efficiently, if he does their laundry, it will be done with a lot less water consumption and thus reduce the overall consumption in the City. And finally, you may recall we also passed a Resolution, based upon this business's initiative, we passed a Resolution, this Governing Body did, to encourage incentives for the laundry industry to conserve water."

Councilor Calvert continued, "Now I know that people are concerned about this setting a bad precedent, and so I would like to address that to a certain extent. I know you were concerned about setting a precedent which would open the floodgates for a lot of other people to do that. Again, this wouldn't be a problem in most cases, except for the type of business we're talking about. Now, I think you may recall some information presented in Executive Session. There are somewhere around 26 businesses that might fall into water intensive. Some of those are car washes which I think moving location is not much of a likelihood and its going to be a very expensive building proposition for them to move a location, unless somebody shuts down and then that facility is opened. But, that already would have been a car wash anyway."

Councilor Calvert continued, "There are some laundromats... there are also some laundromats and drycleaners that also do laundry. I don't think they rise to the level of acre feet of water that we're talking about. There is a bottling company among those. That certainly is a high water use. But I think the number of these water intensive businesses in the City, and the likelihood that they would relocate and want the same provision is not great, especially in this economy. We're talking about 3 afy at the old site. The exposure, if we were to allow this usage somehow by transferring it or by allocating it from our water budget, that 3 afy is what is currently being used, so that usage is in there. What we're sort of at exposure for is the possibility of 3 more acre feet at the current site, and that exposure is limited that it has to be established within twelve months for a similar use. The odds about it in this economic climate, I don't know. I don't think they're great, but it's possible."

Councilor Calvert continued, "There is a fair amount of water in the water bank right now. We just accumulated 25 afy in the last rebate program....at least 25 afy. We authorized tonight another \$700,000... we authorized that amount, not that it can be spent yet, but we authorized that amount. But, if you read the packet, none of that water is being called upon because of the economic climate that we're currently in. Now, if it was called on, one of the things it might be called on was for small development. Again, that's economic development. This is another form of economic development we're talking about. So, whether we're providing it for development, building or whether we're providing it for a business that's already in existence and they expand, I still think they fall into the category of economic development. It's something that I think we're ultimately in need of. We heard discussion at Public Works about possible property tax increases. Well, another way of getting revenue is by increasing our economy. A \$500,000 small business moving into the City is part of that equation, I think."

Councilor Calvert continued, "The other thing is if the business owner had not taken the initiative to put in the water recycling equipment that saved 75-80% of the water he uses, then we could have been at risk for 12 afy, because that use was grandfathered in before the water budget came into effect. So, if you look at exposure, we could have 12 afy which had been grandfathered in, because he uses 3 afy. If he hadn't put in the equipment, his usage would have been 12 afy and that would have been grandfathered into the budget. So, even if you are concerned about the 3 afy that is at risk for 12 months, I mean is at risk, and has to be established within 12 months, we're still thinking about a lot less than what we were potentially at risk for if the property owner had not taken the initiative."

Councilor Calvert continued, "The other precedent that I am concerned about is what message this sends to business in this community. We already have the rap that we're not very business-friendly, and I'm concerned about setting a precedent for economic development that if businesses cannot move into the City to grow, without incurring a huge expense, then what incentive is there for them to stay here. I can't tell you what the owner's plans are if this doesn't get approved, but one of the options I'm sure he has is to move it to another location, such as Rio Rancho, where all of these things are less expensive and taking that employment."

Councilor Calvert continued, "We have funded economic development projects with City grants that don't necessarily have any greater potential for job creation or retention than this one. We're talking about \$45,000 if you put the value on water. We spent money recently on solar logic – we spent \$30,000 there and created 10 jobs which is great. We have cleaner systems where we spent \$300,000 for the 15

jobs that were created. So, there is a variance of what we give per job. But some of the... the loan fund which is now administered by the Tri-County Revolving Loan Fund looks at a criteria of "one job be created for every \$25,000 lent." And the State's is one job created for every \$50,000 spent."

Councilor Calvert continued, "So, we're talking in dollar amounts, but we're also talking about water – it's a precious commodity. But, in dollar amount, I think this project can be considered not just in terms of job retention or the fact that he intends to grow, and I don't think he would move if he didn't think he had that potential, because he's buying a place that is twice the current square footage that he currently has. So, I think the guidelines for money spent, for jobs created, falls well within the parameters of these various programs."

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

**DISCUSSION:** Councilor Calvert quoted from the Resolution, beginning on line 15, "WHEREAS, Luna Laundry, a commercial laundry with a water recycling system, is currently served by City water at 7620 Baca Lane outside the city limits." He said he already is on City water and is moving into the City and will be on City water. He said what we are transferring is elusive and doesn't understand and it doesn't make sense to him. He said we're talking 3 afy in perpetuity, and he will continue to use that 3 afy unless he can find a way to conserve and use less, but he will have to spend money to do that. He asked if Luna Laundry will be moving the water recycling system from one place to another.

Mayor Coss asked that the record reflect that Councilor Calvert said yes.

Councilor Chavez said he doesn't see where the water is moving if he's already a City water customer using 3 afy.

Mayor Coss said that is the constituent's main point: that he's already using the water and he's just moving the location.

Councilor Calvert said he can explain, and Councilor Chavez said he went through all that earlier.

Councilor Wurzbarger said she was "on board" with Councilor Calvert until the executive session, because she is completely in support of this as an economic development activity. However, the problem she has with the new information from our attorney this evening is the notion that now the owner now has the 12 months to use the 3 afy. She said this is a situation where our economic development objectives are directly in conflict with our water budget policy which says, quote, we have no water to allocate. She said she was fine with this as long as there was zero net use and using the same water. She accepts Councilor Calvert's argument, if it was only the 3 afy. However, we have to be concerned about precedent "which is three times twenty-six which is seventy eight acre feet." She said perhaps the answer to that is to change the policy sooner, rather than later, but is that a taking because we are now changing the policy on water which people have.

Councilor Wurzbarger said she is quite confused, and the only way she can support this request at this point, is that we somehow give direction to staff, and we have the authority to be able to do a change so we're not violating our water condition which is real which she doesn't see changing. There is nothing new in the forecast about how we will get more water in Santa Fe.

Councilor Calvert said under the water budget ordinance, the City is allowed to allocate water for various purposes, one of which is economic development. He said Councilor Wurzbarger has stated that there is no water to allocate, but he doesn't understand the basis for that, because we just accumulated 25 afy through the conservation rebate program. He said there are no takers for that water currently, because there is nothing going on, and he believes water is available. He doesn't believe all 26 businesses have the same amount of risk in wanting to relocate and take advantage of this water.

Councilor Wurzbarger said she does believe there is the same level of risk.

Councilor Calvert said if we decide to move forward, he would prefer to use the previous Resolution which did allocate water from our water budget, which he believes would clarify the legal issues which make it appear we're taking it from one place and moving it to another, even though Chapter 14 says otherwise. He said if we want to move forward on this project, we could state that it is based on the finding that it is under the economic development provision of the water budget.

Councilor Bushee said Councilor Wurzbarger has been consistent in her position on this issue, noting the Finance Committee meeting minutes of June 21, 2010, on page 15 provide: "Mr. Snyder said, "You are correct. If we were to move forward with this, there still remains the 3 afy for a one year time frame for a similar use at that facility." She said Councilor Wurzbarger then says, "...that means we could have two laundries, therefore using twice as much water, for which we have not charged you anything, and Mr. Snyder said this is correct." Councilor Bushee said this is the crux of the problem.

Councilor Bushee said she is concerned about precedent setting and the 26 business which potentially could avail themselves of that precedent we would be setting, as well as bypassing our water budget process. She said, "The original, existing laundry, which is not owned by the gentlemen that is seeking this.... well it's not a transfer Mayor, so I'm not going to call it a transfer. Well, he's seeking a way not to bring new water rights for his new water use in the City. Is... we are really not dealing with water budgeting. There is no existing budget on the laundry because it's pre-existing to our ordinance. Even if there is water conservation, which these days you really wouldn't get to have a business like this in this city without those water conservation techniques.. is this new business that is twice as big a building and expand its use, it has no water budget. It's not going to operate... we're bypassing several requirements... that you bring water rights to the table and that we don't have an existing water budget to operate from. And then we will leave the existing building with the potential of still being a water customer for being a laundry or some other water intensive use."

Councilor Bushee said she didn't realize the building wasn't owned by Luna Laundry, noting that she does know we are under threatened litigation. She thought he already was a customer of the City.

Mayor Coss said Luna Laundry doesn't have a meter in its name.

Councilor Bushee said a landlord can put the bill in their name.

Mayor Coss said he could have gone the other way, but it didn't.

Councilor Bushee said she wants to know why that isn't possible, and asked if this is something she can ask the owner of the building, Mr. Rottman. She asked Mr. Rottman if he minds answering this question.

**Mr. Rottman** said he put in the water meter originally, noting he paid for the meter. He said Scott Ciener, owner of Luna Laundry, pays for the water by the month because he is such a big water user. Mr. Rottman said he is renting part of the building for his business, so this is the reason they went this way. Mr. Rottman said he bought the meter from the City and paid for it himself, and it's never been transferred.

Councilor Bushee asked if he has a contract or lease with Luna Laundry.

Mr. Rottman said no, the lease has expired, but the laundry is still there, and they are going month to month.

Councilor Bushee asked Mr. Rottman if he has plans to put another business in that location.

Mr. Rottman said he first heard about this last Monday, so he has made no plans, noting Brian Snyder notified him last Monday. He said he never had any notice of this or what was going on.

Councilor Ortiz said Councilor Wurzbarger correctly pointed out the nature of the competing interests we have which is the viability of our water rights ordinance, and requiring everyone to abide by the same requirements versus the competing economic development interests and whether we should further that. He said he asked staff to reach out to the property owner. He said this applicant is seeking an allocation, and we have this "free rider" situation which causes him, and some other Councilors, a lot of heartburn. He said the question is why give this business water from the water bank, which we have worked hard to accumulate, just because the water is there, and because he was the first person to "spy upon it and say this is an easy solution which obviates the need for me to spend between forty and fifty thousand on water rights."

Councilor Ortiz said, "I can guarantee, Councilor Calvert, that if this becomes the policy decision that we make, there will be many other people who will come and clamor for what is essentially a free ride, which is what the original resolution was talking about. So, if we don't go with the free ride, which was the first Resolution, then we go with the revised Resolution, which says we recognize, as Councilor Chavez has pointed out, that he is a water customer, and as a water customer, he can move the use from one location to another. Much like, if we had a house and I built it, and then I decided to move out of my house, but I was moving my family, my water use follows me and my family to another residence."

Councilor Ortiz continued, "What raises the specter then that our water budget then becomes out of whack, is when the property owner, the surviving the left over use, who has 12 months to find a similar use so that he doesn't have to come in with a water requirement, then we essentially have the water use that has been transferred to the site, to some other site, and we've got the old site that can come in with their own water

use, so then we're out of balance. This is the example I raised at Finance. It was the example we had when St. Francis School closed down and we moved the water use to the new school, Santo Nino, they were moving the water use. And we had a fight. I tried to say the same argument that is being raised now in the revised Resolution, which is the school is moving, the students are using the same amount of water, why does the new school have to come in and bring retrofits and bring in and get those credits to apply for the use. And the explanation given to me at the time by the staff, different staff, is that we can't move that water use, that it is a land development issue. And if it's a land development issue, then it has to be treated as a new application."

Councilor Ortiz continued, "And again, I think that if this Council wanted to come up with a policy which would say that we, in recognition of economic development projects, or in recognition of businesses expanding, or in recognition of businesses that utilize and implement the highest efficiency in conservation mechanisms, that we give them a cost break – that we actually have them buy the allocation from the City's water supply at some reduced amount. I think that that's something that could find some compromise for the water development process. And, it could prove of some benefit to the businesses that are at hand. What that amount is, I couldn't tell you. I can't say that we can say it's 50% off, or I can't say that we can do something else. I do say that in my own personal feelings, in weighing the interests, I weigh toward the interest of preserving a water bank ordinance that a lot of us spent a lot of thought and energy in preserving. And, I think if push comes to shove, I support the measures in the water bank ordinance."

Councilor Ortiz continued, "I do think that there is a way of compromising. I had hoped that we would come up with a different solution that just said.. well we're going to come with a transfer, and well the owner is now saying that it damages his property. I don't think it does. I think you have the right under Chapter 13 to come in because you're pre-existing and come up with your own water budget for a similar use, and your property isn't damaged, and you've got all of the rights protected under law that you would otherwise have. And so, I think that your threat, while it was a valid threat, that allowed us to go into executive session, and I think it will ultimately fail. But, I think you have the ability to participate in that process, and I think that that discussion hasn't happened."

Councilor Ortiz continued, "I don't know if timing... I think this is a question I asked after the conclusion of the meeting... is whether timing is of the essence in this matter and I forget the answer that was told. So, is the sale of this building conditioned on you having a water budget in place."

**Scott Ciener, owner of Luna Laundry**, said the sale was contingent on many things – parking, water, and us getting the financing – and it fell through because of the water and the contract ended. He said the seller was here, but had to leave. He said the property hasn't been sold to anybody else, but because of the seasonality in his business, he needs to move quickly.

Councilor Bushee said it was urgent back in June when we first talked about this, commenting she was sure that was the pending sale. She had suggested, as a compromise, that we consider this as a bridge loan of sorts and if and when the move is made and business increased, the water could be borrowed



from the water bank and the City could be paid back at a certain time, as if it was truly a bank. She said this wouldn't "green-light" the other 26 business that would be "chomping at the bit" to get a "free ride," and allow him to facilitate the purchase, but pay it back.

Councilor Bushee said she knows we tout "green," but she doesn't believe we should allow a business with this kind of water use without a baseline ability to serve. She would like staff to see if this is amenable to any of the parties, and treat it as a new business and new use, because it's not really a transfer of a use, and to consider a way that it truly is a bank that you are borrowing from.

Councilor Calvert said, in response to the statement that we would be bypassing the water budget ordinance, one of the alternatives is the ability of the Council to allocate water from the water bank under these same kinds of conditions. He said, with regard to the concern about increase of use at the new location, it definitely would exceed 3 afy at the new location, but it might be compensated for if he took over business, for example, from one of the local hotels who does laundry very inefficiently, and there would be a net reduction in water use. He said one of the problems we're seeing here is that part of this is controlled by the water budget ordinance and part by Chapter 14. He said ultimately we need to move the Chapter 14 condition into the water budget to make it work.

**WITHDRAWAL OF MOTION:** Councilor Calvert withdrew his previous motion.

**MOTION:** Councilor Calvert moved, seconded by Councilor Bushee, to refer this matter to the Public Utilities Committee to explore some of the other options which have been suggested this evening and bring it back to the City Council.

**DISCUSSION:** Mayor Coss asked if this will go to next week's Public Utilities Committee meeting.

Councilor Bushee said it is too late to do that.

Councilor Ortiz said we could send it to the Finance Committee meeting of September 20, 2010,

Councilor Calvert asked if it would be okay to send it only to the Finance Committee.

**AMENDED MOTION:** Councilor Calvert moved, seconded by Councilor Bushee, to refer this matter to the Finance Committee and to the Public Works Committee, to explore some of the other options which have been suggested this evening and bring it back to the City Council.

**DISCUSSION:** Councilor Chavez asked to remove the word "transfer" from the title.

Councilor Calvert said the title will be modified if it needs to be modified.

Councilor Bushee spoke about a similar situation when El Seville came to the Council on the El Corazon project, noting it had a water budget that runs with the land, and that was a zero net water use. She said what is missing is requiring new uses in the City to be a net zero use, and to provide a water budget that runs with the land.

**VOTE:** The Amended 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.

**Explaining her vote:** Councilor Wurzburger voted yes, saying she wants to make sure this is not just a general referral. She said, for purposes of clarification, she wants this to come back with some sort of compromise with respect to not violating the essence of bringing water to the table, and that the issue with respect to the Chapter 14 problem is addressed, so we are looking at a basic net zero water use for any kind of water allocation, and also to include in the compromise the economic development component, noting her preference would be to see it come back with the original Resolution with this kind of compromise language.

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**14. MATTERS FROM THE CITY CLERK**

Ms. Vigil reminded the Council that the Special Fiesta presentation to the Council will be on Tuesday, September 7, 2010, at 4:30 p.m.

Mayor Coss moved Communications from the Governing Body to the end of the agenda.

**END OF AFTERNOON SESSION AT 7:15 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 Miguel Chavez  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

#### **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**

**Justine [inaudible]** said she is here to ask questions about the prairie dogs along Alameda, saying she is confused about the information she is getting. She asked if the prairie dogs are to be removed, and if so, who will be removing them, and where will they be taken, noting "they" have some suggestions. She has been unable to contact her Councilor, Councilor Bushee, so this is the reason she is here this evening. She said many of the prairie dogs, the juveniles, are very small, and some of the prairie dog families have very small ones. She said there are very skinny prairie dogs between Camino Alire and the Church, and when the prairie dogs are moved, often they lose about 1/3 of their body weight. She said if the removal is done just before hibernation, the prairie dogs won't survive. She had hoped for a public hearing on this issue. She asked who she contacts to get this information.

Mayor Coss said that would be Fabian Chavez in the Parks Division, and she can contact him tomorrow.

Justine asked if the Council has any other answers for her, or if "this is it for right now."

Mayor Coss said this is it for right now.

**G. APPOINTMENTS**

**Planning Commission**

Mayor Coss made the following appointment to the Planning Commission:

Lawrence E. Ortiz – to fill unexpired term ending 06/2011.

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

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

**Santa Fe River Commission**

Mayor Coss made the following appointment to the Santa Fe River Commission:

Dale Doremus – to fill unexpired term ending 10/2010.

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

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

**MPO Policy Board**

Mayor Coss made the following appointment to the MPO Policy Board:

Councilor Ronald S. Trujillo

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

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

## H. PUBLIC HEARINGS

- 1) **REQUEST FROM ASHFORD TRS SAPPHIRE, LLC, FOR A TRANSFER OF OWNERSHIP OF DISPENSER LICENSE #0899 FROM ASHFORD TRS CORPORATION, TO ASHFORD TRS SAPPHIRE, LLC. THE LICENSE WILL REMAIN AT THE SANTA FE HILTON HOTEL, 100 SANDOVAL STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is not within 300 feet of school or church, there are reports in the packet regarding litter, noise and traffic, and staff does not anticipate any negative traffic impacts. Staff recommends this business be required to comply with the City's ordinances.

### Public Hearing

There was no one speaking for or against this request.

### The Public Hearing was closed

**MOTION:** Councilor Romero moved, seconded by Councilor Trujillo, to approve the request from Ashford TRS Sapphire, LLC, for a transfer of ownership of Dispenser License #0899, from Ashford TRS Corporation to Ashford TRS Sapphire, LLC, to be located at the Santa Fe Hilton Hotel, 100 Sandoval Street.

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee and Councilor Chavez

- 2) **REQUEST FROM WELDON FULTON FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT MUSEUM HILL CAFÉ, 710 CAMINO LEJO. ( YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting consumption outside, but that area is fully fenced. The business is not within 300 feet of a church or school, and staff is requesting that the business be required to comply with all City ordinances.

### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the request from Weldon Fulton, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Museum Hill Café, 710 Camino Lejo.

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

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

**Against:** None.

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

- 3      **CONSIDERATION OF BILL NO. 2010-23; ADOPTION OF ORDINANCE NO. 2010-20 (COUNCILOR CALVERT). AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF SANTA FE AND NVT LICENSES, LLC, FOR APPROXIMATELY ~~44.463~~ 12.555 ACRES OF CITY-OWNED LAND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT TO BE USED FOR THE CONSTRUCTION OF A PHOTOVOLTAIC ELECTRICAL SYSTEM BENEFITTING THE WASTEWATER MANAGEMENT DIVISION. (JIM MONTMAN)**
- A)      **REQUEST FOR APPROVAL OF LEASE AGREEMENT – ~~44.463~~ 12.555 ACRES OF AIRPORT LAND FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PHOTOVOLTAIC SYSTEM FOR SUPPLYING ELECTRICAL ENERGY OUTPUT BENEFITTING THE WASTEWATER MANAGEMENT DIVISION. (JIM MONTMAN)**

The staff report was presented by Jim Montman from the materials in the Council packet, noting the amendment sheet in the packet increases the acreage to 12.555 acres.

### **Public Hearing**

#### **Speaking to the request**

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

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2010-20, as amended.

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

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

**Against:** None.

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, for approval of Item 3(a), the Lease Agreement, 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 Wurzburger.

**Against:** None.

**15. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of August 25, 2010, is incorporated herewith to these minutes as Exhibit "5."

**Councilor Calvert**

Councilor Calvert said he is very much in favor of a program as moved forward by the City Police Department to put the people who are wanted in the newspaper, which somewhat emulates what is happening in Albuquerque which has been successful. He hopes it is helpful here in Santa Fe as well.

Councilor Calvert introduced the following:

1. A Resolution supporting the Bishop's Lodge Road Pedestrian and concrete box culvert improvements project funded through a MAP Cooperative Agreement with NM-DOT. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

2. A Resolution amending Resolution No. 2010-16, Exhibit A, Guidelines for the City's Rebate Program for the installation/retrofit of efficient water conservation technologies. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7"

### **Councilor Dominguez**

Councilor Dominguez said it is the beginning of the school year and reminded everyone to drive carefully, especially in the school zones, and the message is to care for our children.

### **Councilor Wurzbarger**

Councilor Wurzbarger had no communications.

### **Councilor Trujillo**

Councilor Trujillo asked staff to look into the watering schedules at the Park, saying he doesn't want to lose the grass before it reopens.

Councilor Trujillo wished his wife Amber a happy birthday on Saturday.

### **Councilor Ortiz**

Councilor Ortiz said he and Councilor Trujillo received a letter from the owner of 2518 Camino San Patricio, noting it is a code enforcement letter, and provided the letter to Matthew O'Reilly.

Councilor Ortiz introduced an Ordinance that changes some of the appeals provisions in Chapter 14. He said a wholesale change of the Appeals section was made, and staff has now recognized there are gaps in enforcement which cause delays in the issuance of permits, particularly as it relates to the H-Board and its approvals, noting it is cosponsored by Councilors Trujillo and Romero. He said last minute amendments were introduced by members of the public which were adopted without identifying their significance. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Calvert said when the changes were adopted, we also specified some rules and procedures were to come forward. Those were due in April, and although there are drafts floating around, they haven't been sent to the Committees and the proposed amendments should be discussed in light of the policies and procedures in the same context to get everything working together.



### **Councilor Bushee**

Councilor Bushee said she has no introductions. She is working on changes to the DWI Forfeiture Ordinance, and asked Councilors to let her know if they have comments or changes.

Councilor Bushee said she is working with the Animal Shelter and the Police Department on changes which may or may not happen.

Councilor Bushee said she is working with Councilors Calvert and Trujillo on a potential new resolution for prairie dogs, but Fabian Chavez has asked her to wait until mid-September for a variety of reasons.

Councilor Bushee said she read in the newspaper about airports with local art appeal. She said Santa Fe is the 3<sup>rd</sup> largest art capital in the U.S. She would like the Arts Commission to solicit some sculptures and indoor/outdoor items of art to put in the Airport.

Councilor Bushee said the transparency site just launched by Albuquerque looks inviting to her. She doesn't know whether we have the technical staff to operate something like that, but if so, it would be great.

Councilor Bushee said there issues regarding the discussions that we may not be able to issue CIP Bonds and using property tax instead. She said that didn't come up when we were looking at using reserves during the budget process. She said she has had calls and emails regarding the discussion of additional property tax, and it is at best, a half-baked concept at this point. She would appreciate, if we have to back off issuing our CIP bonds, another discussion around the homeless shelter funding. She said this was proposed by staff and the Finance Committee hasn't discussed this issue.

Councilor Ortiz said the first time he heard about it was from the media, and no one from staff had talked to him about this, although the City Manager has since sent him an email. He said this will be discussed at the September Finance Committee meeting because it is the end of the first quarter.

Councilor Bushee said if the funding for the shelter is based on reserves, she has real problems, especially if it can't be repaid. She said we can't rush something forward based on CIP bond funds and then launch into property taxes as a solution without background information, discussion and thorough work.

### **Councilor Romero**

Councilor Romero introduced the following:

1. A Resolution amending Resolution No. 2010-11 wherein the City Manager was directed to enter into a three-year contract with the Railyard stewards in order to increase the maximum amount to be paid for services to be performed at the Railyard Park. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution adopting requirements for the Water Conservation Rebate Program for Homeowner Associations and Condominium Associations with water master meters. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
3. A Joint Resolution with Commissioner Holian relating to respect in the workplace in Santa Fe County and the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Romero thanked YouthWorks and Community Services for their great work on the murals and the weed cleanup on Pacheco Street.

Councilor Romero thanked the Iris Society for its great contribution to Casa Linda Park.

Councilor Romero welcomed Bill Lamboy, the City's new Neighborhood Planner, saying we have things for him to do.

### **Councilor Chavez**

Councilor Chavez would like an update regarding the Accessory Dwelling Unit Ordinance or condominium recordation with the County. He said it has been a year since the Accessory Dwelling Unit ordinance was proposed, and we met with our Legislators to try to get something done in 2010. He said it will be, at best, a local option, and believes it won't be addressed in the upcoming Legislative Session or the one following that. He said something needs to be done in the meantime.

Councilor Chavez said a lot of residents have expressed concern to him about traffic on Agua Fria, and St. Frances, noting he has heard concerns about heavy truck traffic and speeding throughout the City. He said we need to be careful in enforcing the truck ban because many of the large trucks are making deliveries. Councilor Chavez said residents have communicated with the Police Department, but they want even more patrols.

Councilor Chavez said on October 9, 2010, at 9:00 a.m., at the Villa Linda Park, the first annual Cancer Walk will be held which will benefit the Cancer Society.

Councilor Chavez said he has received calls and comments from several citizens about the property tax, and they are concerned..

Councilor Chavez extended best wishes and congratulations to all of the students K-12 starting school. He has two grandchildren that will be starting school and wished them the best.

Councilor Chavez said his son, Manuel, was accepted into school in California and will be starting in October.

### **Mayor Coss**

Mayor Coss introduced the following:

1. A Resolution approving a Joint Powers Agreement establishing the Regional Coalition of LANL Communities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
2. An Ordinance creating a new Article 25-13 SFCC 1987 regarding the Santa Fe River target flow for a living river initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

Mayor Coss said, with regard to the property tax as an option, it is premature, and needs a lot more discussion and work. However, he would not urge the Council to stop the housing project for the homeless shelter. He said the information in the newspaper came from Councilors who got a resolution from the Faith Community and they agreed to do it. Responding to Councilor Bushee, Mayor Coss said the funding source information came from staff because the Councilors asked them to do it. He said we have a difficult situation with regard to how to handle the CIP bonding issue.

### **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 7:40 p.m.

**Approved by:**

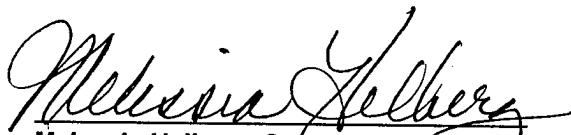
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**Mayor David Coss**

**ATTESTED TO:**

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

**Respectfully submitted:**

  
\_\_\_\_\_  
**Melessia Helberg, Stenographer**