



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 13, 2010  
CITY COUNCIL CHAMBERS

**AMENDED – #15**

CITY CLERK'S OFFICE

DATE 1-11-10 TIME 3:20pm

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

RECEIVED BY Indomiguez

**STUDY SESSION – 4:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. Discussion of PRC Case and PNM's Renewable Energy Portfolio Plan. (Marcos Martinez and Nick Schiavo)
4. ADJOURN

**AFTERNOON SESSION – 5:00 P.M.**

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 – December 9, 2009
9. EXECUTIVE SESSION:
  - a) Discuss Limited Personnel Matters Regarding the Appointment of Robert P. Romero as City Manager Pursuant to §10-15-1(H)(2) NMSA 1978.
  - b) Discuss Limited Personnel Matters Regarding the Appointment of Geno Zamora as City Attorney, Pursuant to §10-15-1(H)(2) NMSA 1978.



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10. Request for Approval – Appointment of Robert P. Romero as City Manager.
11. Request for Approval – Appointment of Geno Zamora as City Attorney.
12. PRESENTATIONS
  - a) Employee of the Month for January 2010 – Jerome Mondragon, Maintenance Worker; Parks Division/Maintenance. (5 minutes)
  - b) Muchas Gracias – Diego Bachicha. (5 minutes)
13. CONSENT CALENDAR
  - a) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Mayor Coss)  
A Resolution Repealing Resolution No. 2009-1 Relating to the Open Meetings Act; Adopting the State of New Mexico Open Meetings Act by Reference; and Adopting Notice Requirements. (Yolanda Vigil)
  - b) Bid No. 10/14/B – On Call Roadway Construction Services and Agreement Between Owner and Contractor For Engineering Division; Star Paving and TLC Plumbing and Utility; (Sandra Winkelmaier)
  - c) Bid No. 10/15/B – Illuminated Head Signs to Retro-Fit Thunderbird Transit Buses for Transit Division; TwinVision, Inc.; (Jon Bulthuis)
  - d) Request for Approval of Procurement Under Cooperative Price Agreement – Six (6) EZ Rider Heavy Duty Low Floor 30" Transit Buses for Transit Division; Arizona Bus Sales Corporation; (Jon Bulthuis)
  - e) Request for Approval of Amendment No. 1 To Contract – Correction of Amount of Award of Bid No. 10/01/B – FY 09/10 City Wide Water Utility Pavement Restoration; Advantage Asphalt & Seal Coating. (Bill Huey)
  - f) Request for Approval of Professional Services Agreement – Public Defender Services (RFP No. 10/11P); Bea Castellano Lockhart. (Sevastian Gurule)
  - g) Request for Approval of Amendment No. 3 to Professional Services Agreement – Firefighter Physicals for Fire Department; Concentra Medical Centers. (Brian Caldwell)



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- h) Request for Approval of Amendment No. 3 to Professional Services Agreement – Medical Direction Needed Per State Regulation to Function With Paramedics; Northern New Mexico Emergency Medical Services. (Brian Caldwell)
- i) Request for Approval of Procurement Under State Price Agreement – Computer Hardware, Software and Equipment for City Offices; Various Vendors. (Thomas Williams)
- j) Request for Approval of Amendment No. 1 to the Recreational Access Agreement (Downs Infield) Between the City of Santa Fe and Pueblo of Pojoaque Development Corporation to Clarify the Amount the City Charges to PPDC for City Treated Effluent Water. (Marcos Martinez and Bryan Romero)
- k) Request for Approval to Publish Notice of Public Hearing on February 10, 2010:
  - 1) Bill No. 2010-1: An Ordinance Amending Article 24-1 SFCC 1987 Regarding the *City of Santa Fe Uniform Traffic Code*; Amending Sections 12-1-42.1, 12-7-9.2, And 12-7.9.5 of the *City of Santa Fe Uniform Traffic Code* Regarding Off-Highway Motor Vehicle Use; and Amending Exhibit A, of the *City Of Santa Fe Uniform Traffic Code* Regarding Traffic Violation Penalty Assessments. (Councilor Trujillo) (Jeanne Price)
  - 2) Bill No. 2010-2: An Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunication and Cable Services. (Maureen Reed)
    - a) Bill No. 2010-3: An Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed)
    - b) Bill No. 2010-4: An Ordinance Granting a Non-Exclusive Franchise to Citylink Fiber Holdings of Santa Fe, New Mexico, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, Fixing the Terms and Conditions Thereof. (Maureen Reed)



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- c) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_.  
A Resolution Urging the U.S. Congress, the President and Executive Branch Members to Require the Federal Communications Commission to Reassess the Health Impacts of Radio Frequency Emissions; and to Actively Seek and Support Federal Legislation that Would Give Local Governments Greater Flexibility With Regard to the Placement of Wireless Communications Facilities (Councilor Romero, Councilor Bushee and Councilor Calvert) (Maureen Reed)
- l) CANADA Exploratory Monitoring Well Project:
  - 1) Project Summary and Public Input. (Claudia Borchert)
  - 2) Request for Approval of Award of RFB No. 10/08/B – CIP # 3031 for CANADA Exploratory Test Well Project to Henkle Drilling & Supply. (Bill Huey)
  - 3) Request for Approval of Amendment No. 1 to the Professional Services Agreement Between City of Santa Fe and John Shoemaker and Associates for Geohydrologic Oversight of the CANADA Well Drilling Project for the Amount of \$110,000.00 Exclusive of NMGR. (Claudia Borchert)
- m) Request for Approval of Administrative Procedures for the Water Requirements Ordinance No. 2009-28. (Dale Lyons and Wendy Blackwell)
- n) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Amending Resolution No. 2009-123, Adopted December 9, 2009; Authorizing the Execution and Delivery of a Loan Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than One Hundred Forty-One Thousand Four Hundred Dollars (\$141,400), Together With Interest, Costs of Issuance and Administrative Fees Thereon, **for the Purpose of Financing The Costs of Modification of the Electrical System at the Buckman Direct Diversion Surface Water Project to Provide for a Planned Photovoltaic System;** Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of And Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken;



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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. (Dale Lyons)

- 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2378-DW]; New Mexico Finance Authority.  
(Dale Lyons)
  - a) Request for Approval of Budget Increase – Grant Fund.
- o) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Calvert)  
A Resolution Amending Resolution No. 2009-128. Adopted December 9, 2009; Authorizing the Execution and Delivery of a Loan and Subsidy Agreement (“Loan Agreement”) by and Between the City of Santa Fe, New Mexico (The “Governmental Unit”) and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of Seventy-Five Thousand Seven Hundred Fifty Dollars (\$75,750), Together With Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Subsidy of One Hundred Seventy-Six Thousand Seven Hundred Fifty Dollars (\$176,750), **for the Purpose of Financing the Costs of a Project Consisting of Upgrades to The City’s Water Utility System, Including Instrumentation of Pumping Sites to Monitor Energy Usage**; Providing for the Payment of The Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely From the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent With This Resolution; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of The Loan Agreement. (Dale Lyons)
  - 1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement [No. 2393-ADW]; New Mexico Finance Authority.  
(Dale Lyons).
    - a) Request for Approval of Budget Increase – Grant Fund.
- p) Request for Approval of Nominating Petition Verification Report for Candidates in the March 2, 2010 Regular Municipal Election.  
(Yolanda Y. Vigil)



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- q) Request for Approval of Appointment of Precinct Officials for the March 2, 2010 Regular Municipal Election. (Yolanda Y. Vigil)
  - 1) Request for Approval to Extend City Clerk's Hours on February 23, 2010 from 5:00 p.m. to 9:00 p.m. to Allow Precinct Officials to Vote Absentee for the March 2, 2010 Regular Municipal Election.
- 14. State of the Municipal Court Semi-Annual Report. (Judge Yalman)
- 15. CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Councilor Chavez)  
A Resolution Declaring an Emergency and Opposing Legislative Efforts to Balance the State's Budget at the Expense of Local Government Including any Proposal to Repeal the Hold Harmless Provision. (Jeanne Price)
- 16. MATTERS FROM THE CITY MANAGER
- 17. MATTERS FROM THE CITY ATTORNEY

## EXECUTIVE SESSION:

- a) Discussion of Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State; Pursuant to §10-15-1(H) (8) NMSA 1978.
- b) Discussion of Stipulation of PRC Case 260 on PNM's Renewable Energy Portfolio Plan, Pursuant to §10-15-1(H)(7) NMSA 1978.
- c) Discussion of Threatened Litigation, Pursuant to §10-15-1(H)(7) NMSA 1978:
  - 1) Bill No. 2010-2: Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunication and Cable Services. (Maureen Reed)
    - a) Bill No. 2010-3: Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed)



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- d) Discussion of Proposed Litigation to Compel Execution of a Deed Conveying Land for a Park at Nava Ade, Pursuant to §10-15-1(H)(7) NMSA 1978.
- e) Discussion of Pending Litigation Regarding High Summit Corporation v. City of Santa Fe, D-0101-CV-2009-03914, Pursuant to §10-15-1(H)(7) NMSA 1978.
- 18. Action Regarding the Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State. (Kelley Brennan)
- 19. Action Regarding Stipulation of PRC Case 260 on PNM's Renewable Energy Portfolio Plan. (Marcos Martinez)
- 20. Action to Compel Execution of a Deed Conveying Land for a Park at Nava Ade. (Kelley Brennan)
- 21. Action Regarding High Summit Corporation v. City of Santa Fe, D-0101-CV-2009-03914. (Marcos Martinez)
- 22. MATTERS FROM THE CITY CLERK
- 23. 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



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## G. APPOINTMENTS

## H. PUBLIC HEARINGS:

- 1) Request from Rio Chama Steakhouse, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Soup, 410 Old Santa Fe Trail, Space A. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2009-59: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Bushee and Councilor Wurzbarger)  
An Ordinance Amending Sections 14-9.2(F)(1)(J) and 14-9.2(H) SFCC 1987 Regarding Sidewalks and Curb and Gutters in the City's Historic Districts. (Jeanne Price)
- 3) Request for Approval of Economic Development Professional Services Agreement Amendment #2, for Youthworks (RFP# 09/02/P). (Kate Noble)
- 4) Request for Approval of Leases for Three Tracts of Land Totaling 9.5692 Acres (Santa Fe Civic Housing Authority/Villa Alegre Project) Consisting of: (Kelley Brennan) (Postponed at November 10, 2009 City Council Meeting) **(Postponed to January 27, 2010 City Council Meeting)**
  - a) Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street. (Multifamily)
  - b) Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase I. (Senior)
  - c) Tract 2/Phase 3 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3/Phase 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Workforce/Commercial)
  - d) Request for Approval of Memorandum of Agreement between the City of Santa Fe and the Santa Fe Civic Housing Authority Setting Forth the Energy Program at the Villa Alegre Project.





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- 5) CONSIDERATION OF BILL NO. 2009-49: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Mayor Coss)  
An Ordinance Authorizing Leases for Three Tracts of Land Totaling 9.5692 Acres Consisting of: Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street; Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase I; Tract 2 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Santa Fe Civic Housing Authority/Villa Alegre Project) (Mayor Coss) (Lee DePietro) (Postponed at November 10, 2009 City Council Meeting) **(BILL NO. 2009-49 WITHDRAWN)**
- 6) **Case #A 2009-06. Northwest Quadrant Escarpment Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-06, Variance Request From Section 14-5.6 to Allow 15,000 Square Feet of the Alignment of Ridgetop Road to Encroach on the Ridgetop Subdistrict to Provide Sufficient Distance from an Existing PNM Switching Station. The Location of the Requested Variance is Along the Proposed Ridgetop Road Alignment Between Camino de los Montoyas and NM 599. (Tamara Baer) (Postponed at the September 30, 2009 City Council Meeting) **(Withdrawn by Applicant)**
- 7) **Case #A 2009-07. Northwest Quadrant Terrain Management Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-08, Variance Request from Section 14-8.2 to Allow Disturbance of 28,000 Square Feet of 30 Percent Slopes on Two Sites in Order to Preserve Open Space Areas and to Allow Structures to be Built on the Disturbed 30 Percent Slopes. The Locations of the Requested Variance are Within the Proposed Neighborhood Center Areas North of the Ridge and Northeast of the PNM Switching Station. (Tamara Baer) (Postponed at the September 30, 2009 City Council Meeting) **(Withdrawn by Applicant)**

I. ADJOURN



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**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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**STUDY SESSION – 4:15 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. Discussion of PRC Case and PNM's Renewable Energy Portfolio Plan. (Marcos Martinez and Nick Schiavo)
4. ADJOURN

CITY CLERK'S OFFICE

DATE 1-8-10 TIME 4:40pm

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

RECEIVED BY Indomiguez

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- b) Muchas Gracias – Diego Bachicha. (5 minutes)

## 13. CONSENT CALENDAR

- a) CONSIDERATION OF RESOLUTION NO. 2010-\_\_\_\_\_. (Mayor Coss)  
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A Resolution Urging the U.S. Congress, the President and Executive Branch Members to Require the Federal Communications Commission to Reassess the Health Impacts



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of Radio Frequency Emissions; and to Actively Seek and Support Federal Legislation that Would Give Local Governments Greater Flexibility With Regard to the Placement of Wireless Communications Facilities (Councilor Romero, Councilor Bushee and Councilor Calvert) (Maureen Reed)

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  - 1) Project Summary and Public Input. (Claudia Borchert)
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(Yolanda Y. Vigil)
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14. State of the Municipal Court Semi-Annual Report. (Judge Yalman)

15. MATTERS FROM THE CITY MANAGER

16. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State; Pursuant to §10-15-1(H) (8) NMSA 1978.
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- a) Bill No. 2010-3: Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed)

- d) Discussion of Proposed Litigation to Compel Execution of a Deed Conveying Land for a Park at Nava Ade, Pursuant to §10-15-1(H)(7) NMSA 1978.

- e) Discussion of Pending Litigation Regarding High Summit Corporation v. City of Santa Fe, D-0101-CV-2009-03914, Pursuant to §10-15-1(H)(7) NMSA 1978.

17. Action Regarding the Agreement to Sell Tracts A, B, C and D at College of Santa Fe to the State. (Kelley Brennan)

18. Action Regarding Stipulation of PRC Case 260 on PNM's Renewable Energy Portfolio Plan. (Marcos Martinez)





*Agenda* REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 13, 2010  
CITY COUNCIL CHAMBERS

19. Action to Compel Execution of a Deed Conveying Land for a Park at Nava Ade. (Kelley Brennan)
20. Action Regarding High Summit Corporation v. City of Santa Fe, D-0101-CV-2009-03914. (Marcos Martinez)
21. MATTERS FROM THE CITY CLERK
22. 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 Rio Chama Steakhouse, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be located at Soup, 410 Old Santa Fe Trail, Space A. (Yolanda Y. Vigil)
  - 2) CONSIDERATION OF BILL NO. 2009-59: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Councilor Bushee and Councilor Wurzbarger)  
An Ordinance Amending Sections 14-9.2(F)(1)(J) and 14-9.2(H) SFCC 1987 Regarding Sidewalks and Curb and Gutters in the City's Historic Districts. (Jeanne Price)
  - 3) Request for Approval of Economic Development Professional Services Agreement Amendment #2, for Youthworks (RFP# 09/02/P). (Kate Noble)



*Agenda* REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 13, 2010  
CITY COUNCIL CHAMBERS

- 4) Request for Approval of Leases for Three Tracts of Land Totaling 9.5692 Acres (Santa Fe Civic Housing Authority/Villa Alegre Project) Consisting of: (Kelley Brennan) (Postponed at November 10, 2009 City Council Meeting) **(Postponed to January 27, 2010 City Council Meeting)**
  - a) Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street. (Multifamily)
  - b) Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase I. (Senior)
  - c) Tract 2/Phase 3 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3/Phase 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Workforce/Commercial)
  - d) Request for Approval of Memorandum of Agreement between the City of Santa Fe and the Santa Fe Civic Housing Authority Setting Forth the Energy Program at the Villa Alegre Project.
- 5) CONSIDERATION OF BILL NO. 2009-49: ADOPTION OF ORDINANCE NO. 2010-\_\_\_\_\_. (Mayor Coss)  
An Ordinance Authorizing Leases for Three Tracts of Land Totaling 9.5692 Acres Consisting of: Tract 1/Phase 1 (3.9587 Acres Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street; Tract 1/Phase 2 (3.7370 Acres) Located North of West Alameda, East of Las Crucitas and Southwest of West San Francisco Street and East of Tract 1/Phase I; Tract 2 (1.5235 Acres) Located North of West Alameda, West of Camino Del Campo and South of West San Francisco Street; and Tract 3 (0.3500 Acres) Located North of West Alameda, East of Camino Del Campo and South of West San Francisco Street. (Santa Fe Civic Housing Authority/Villa Alegre Project) (Mayor Coss) (Lee DePietro) (Postponed at November 10, 2009 City Council Meeting) **(BILL NO. 2009-49 WITHDRAWN)**



*Agenda* REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 13, 2010  
CITY COUNCIL CHAMBERS

- 6) **Case #A 2009-06. Northwest Quadrant Escarpment Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-06, Variance Request From Section 14-5.6 to Allow 15,000 Square Feet of the Alignment of Ridgetop Road to Encroach on the Ridgetop Subdistrict to Provide Sufficient Distance from an Existing PNM Switching Station. The Location of the Requested Variance is Along the Proposed Ridgetop Road Alignment Between Camino de los Montoyas and NM 599. (Tamara Baer) (Postponed at the September 30, 2009 City Council Meeting) **(Withdrawn by Applicant)**
- 7) **Case #A 2009-07. Northwest Quadrant Terrain Management Variance Appeal.** The City of Santa Fe Housing and Community Development Department Appeals to the Governing Body of the City of Santa Fe the Planning Commission Decision Denying Case #M 2009-08, Variance Request from Section 14-8.2 to Allow Disturbance of 28,000 Square Feet of 30 Percent Slopes on Two Sites in Order to Preserve Open Space Areas and to Allow Structures to be Built on the Disturbed 30 Percent Slopes. The Locations of the Requested Variance are Within the Proposed Neighborhood Center Areas North of the Ridge and Northeast of the PNM Switching Station. (Tamara Baer) (Postponed at the September 30, 2009 City Council Meeting) **(Withdrawn by Applicant)**

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.

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<u>CASE #A 2009-06. NORTHWEST QUADRANT ESCARPMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE, THE PLANNING COMMISSION DECISION DENYING CASE #M 2009-06. VARIANCE REQUEST FROM SECTION 14-5.6 TO ALLOW 15,000 SQUARE FEET OF THE ALIGNMENT OF RIDGETOP ROAD TO ENCROACH ON THE RIDGETOP SUBDISTRICT TO PROVIDE SUFFICIENT DISTANCE FROM AN EXISTING PNM SWITCHING STATION. THE LOCATION OF THE REQUESTED VARIANCE IS ALONG THE PROPOSED RIDGETOP ROAD ALIGNMENT BETWEEN CAMINO DE LOS MONTOYAS AND NM 599</u>	Appeal withdrawn	22

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<p><u>CASE #A 2009-07. NORTHWEST QUADRANT TERRAIN MANAGEMENT VARIANCE APPEAL.</u>  THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE, THE PLANNING COMMISSION DECISION DENYING CASE #M 2009-08, VARIANCE REQUEST FROM SECTION 14-8.2 TO ALLOW DISTURBANCE OF 28,000 SQUARE FEET OF 30 PERCENT SLOPES ON TWO SITES IN ORDER TO PRESERVE OPEN SPACE AREAS AND TO ALLOW STRUCTURES TO BE BUILT ON THE DISTURBED 30 PERCENT SLOPES. THE LOCATIONS OF THE REQUESTED VARIANCE ARE WITHIN THE PROPOSED NEIGHBORHOOD CENTER AREAS NORTH OF THE RIDGE AND NORTHEAST OF THE PNM SWITCHING STATION</p>	Appeal withdrawn	22-23
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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
January 13, 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 January 13, 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 Rosemary Romero  
Councilor Ronald S. Trujillo

**Members Excused**

Councilor Matthew E. Ortiz

**Others Attending**

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

**6. APPROVAL OF AGENDA**

Mr. Romero noted that Item #15 has been added to the Amended Agenda.

Councilor Romero said Items #13(l) and #13(m) have been removed from the Agenda and referred back to Committee.

Mayor Coss said there is a request to do the Presentations before the first Executive Session

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

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

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

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

### **CONSENT CALENDAR**

- a) **CONSIDERATION OF RESOLUTION NO. 2010- 1 (MAYOR COSS). A RESOLUTION REPEALING RESOLUTION NO. 2009-1, RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS. (YOLANDA VIGIL)**
- b) **BID NO. 10/14/B – ON CALL ROADWAY CONSTRUCTION SERVICES AND AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR ENGINEERING DIVISION; STAR PAVING AND TLC PLUMBING AND UTILITY. (SANDRA WINKELMAIER)**
- c) **BID NO. 10/15/B – ILLUMINATED HEAD SIGNS TO RETROFIT THUNDERBIRD TRANSIT BUSES FOR TRANSIT DIVISION; TWINVISION, INC. (JON BULTHUIS)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – SIX (6) EZ RIDER HEAVY DUTY LOW FLOOR 30" TRANSIT BUSES FOR TRANSIT DIVISION; ARIZONA BUS SALES CORPORATION. (JON BULTHUIS)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – CORRECTION OF AMOUNT OF AWARD OF BID NO. 10/01/B – FY 09/10 CITY WIDE WATER UTILITY PAVEMENT RESTORATION; ADVANTAGE ASPHALT & SEAL COATING. (BILL HUEY)**

- f) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PUBLIC DEFENDER SERVICES (RFP NO. 10/11/P); BEA CASTELLANO LOCKHART. (SEVASTIAN GURULE)**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – FIREFIGHTER PHYSICALS FOR FIRE DEPARTMENT; CONCENTRA MEDICAL CENTERS. (BRIAN CALDWELL)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – MEDICAL DIRECTION NEEDED PER STATE REGULATION TO FUNCTION WITH PARAMEDICS; NORTHERN NEW MEXICO EMERGENCY MEDICAL SERVICES. (BRIAN CALDWELL)**
- i) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – COMPUTER HARDWARE, SOFTWARE AND EQUIPMENT FOR CITY OFFICES; VARIOUS VENDORS. (THOMAS WILLIAMS)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE RECREATIONAL ACCESS AGREEMENT (DOWNS INFELD) BETWEEN THE CITY OF SANTA FE AND PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION TO CLARIFY THE AMOUNT THE CITY CHARGES TO PPDC FOR CITY TREATED EFFLUENT WATER. (MARCOS MARTINEZ AND BRYAN ROMERO)**
- k) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 10, 2010:**
  - 1) **BILL NO. 2010-1: AN ORDINANCE AMENDING ARTICLE 24-1 SFCC 1987, REGARDING THE CITY OF SANTA FE UNIFORM TRAFFIC CODE; AMENDING SECTIONS 12-1.42.1, 12-7.9.2 AND 12-7.9.5 OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE REGARDING OFF-HIGHWAY MOTOR VEHICLE USE; AND AMENDING EXHIBIT A, OF THE CITY OF SANTA FE UNIFORM TRAFFIC CODE REGARDING TRAFFIC VIOLATION PENALTY ASSESSMENTS (COUNCILOR TRUJILLO). (JEANNE PRICE)**
  - 2) **BILL NO. 2010-2: AN ORDINANCE REPEALING CHAPTER 27 SFCC 1987, AND CREATING NEW CHAPTER 27 SFCC 1987 REGARDING TELECOMMUNICATION AND CABLE SERVICES. (MAUREEN REED)**
    - a) **BILL NO. 2010-3: AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN HE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED)**

- b) BILL NO. 2010-4: AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO CITYLINK FIBER HOLDINGS OF SANTA FE, NEW MEXICO, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED)
  - c) CONSIDERATION OF RESOLUTION NO. 2010- \_\_\_\_\_. A RESOLUTION URGING THE U.S. CONGRESS, THE PRESIDENT AND EXECUTIVE BRANCH MEMBERS TO REQUIRE THE FEDERAL COMMUNICATIONS COMMISSION TO REASSESS THE HEALTH IMPACTS OF RADIO FREQUENCY EMISSIONS; AND TO ACTIVELY SEEK AND SUPPORT FEDERAL LEGISLATION THAT WOULD GIVE LOCAL GOVERNMENTS GREATER FLEXIBILITY WITH REGARD TO THE PLACEMENT OF WIRELESS COMMUNICATIONS FACILITIES (COUNCILOR ROMERO, COUNCILOR BUSHEE AND COUNCILOR CALVERT). (MAUREEN REED)
- I) CANADA EXPLORATORY MONITORING WELL PROJECT:
- 1) PROJECT SUMMARY AND PUBLIC INPUT. (CLAUDIA BORCHERT)
  - 2) REQUEST FOR APPROVAL OF AWARD OF RFB NO. 10/08/B – CIP #3031 FOR CANADA EXPLORATORY TEST WELL PROJECT TO HENKLE DRILLING & SUPPLY. (BILL HUEY)
  - 3) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SANTA FE AND JOHN SHOEMAKER AND ASSOCIATES FOR GEOHYDROLOGIC OVERSIGHT OF THE CANADA WELL DRILLING PROJECT FOR THE AMOUNT OF \$110,000.00, EXCLUSIVE OF NMGR. (CLAUDIA BORCHERT)
- [This item was withdrawn from the Consent Calendar and referred to the Public Works Committee]*
- m) REQUEST FOR APPROVAL OF ADMINISTRATIVE PROCEDURES FOR THE WATER REQUIREMENTS ORDINANCE NO. 2009-28. (DALE LYONS AND WENDY BLACKWELL.
- [This item was withdrawn from the Consent Calendar and referred to the Finance Committee]*
- n) CONSIDERATION OF RESOLUTION NO. 2010- 2 (COUNCILOR CALVERT). A RESOLUTION AMENDING RESOLUTION NO. 2009-123, ADOPTED DECEMBER 9, 2009; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN ONE HUNDRED FORTY ONE THOUSAND FOUR HUNDRED DOLLARS (\$141,400), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, *FOR THE PURPOSE*

**OF FINANCING THE COSTS OF MODIFICATION OF THE ELECTRICAL SYSTEM AT THE BUCKMAN DIRECT DIVERSION SURFACE WATER PROJECT TO PROVIDE FOR A PLANNED PHOTOVOLTAIC SYSTEM; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (DALE LYONS)**

- 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2378-DW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**
  - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- o) CONSIDERATION OF RESOLUTION NO. 2010- 3 (COUNCILOR CALVERT). A RESOLUTION AMENDING RESOLUTION NO. 2009-128, ADOPTED DECEMBER 9, 2009; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AND SUBSIDY AGREEMENT (“LOAN AGREEMENT”), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF SEVENTY FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$75,750), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A SUBSIDY OF ONE HUNDRED SEVENTY-SIX THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$176,750), *FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY’S WATER UTILITY SYSTEM, INCLUDING INSTRUMENTATION OF PUMPING SITES TO MONITOR ENERGY USAGE*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (DALE LYONS)**
  - 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT [NO. 2393-ADW]; NEW MEXICO FINANCE AUTHORITY. (DALE LYONS)**
    - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- p) **REQUEST FOR APPROVAL OF NOMINATING PETITION VERIFICATION REPORT FOR CANDIDATES IN THE MARCH 2, 2010 REGULAR MUNICIPAL ELECTION. (YOLANDA Y. VIGIL)**
- q) **REQUEST FOR APPROVAL OF APPOINTMENT OF PRECINCT OFFICIALS FOR THE MARCH 2, 2010 REGULAR MUNICIPAL ELECTION. (YOLANDA Y. VIGIL)**
  - 1) **REQUEST FOR APPROVAL TO EXTEND CITY CLERK'S HOURS ON FEBRUARY 23, 2010, FROM 5:00 P.M. TO 9:00 P.M., TO ALLOW PRECINCT OFFICIALS TO VOTE ABSENTEE FOR THE MARCH 2, 2010 REGULAR MUNICIPAL ELECTION.**

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

**MOTION:** Councilor Bushee moved, seconded by Councilor Dominguez, to approve the minutes of the Regular City Council meeting of December 9, 2009, as presented.

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

**12. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR JANUARY 2010 – JEROME MONDRAGON, MAINTENANCE WORKER; PARKS DIVISION/MAINTENANCE.**

Mayor Coss read the letter of nomination into the record which praised Jerome Mondragon for his quick action which assisted in saving the life of Officer Stefan Garcia. Mayor Coss presented Mr. Mondragon with a plaque and a check for \$200 from the Employee Benefits Committee.

Mr. Mondragon thanked the City for this honor.

- b) **MUCHAS GRACIAS – DIEGO BACHICHA.**

Mayor Coss presented Diego Bachicha with a Muchas Gracias Certificate for his assistance to the City Clerk last week in drawing for candidate ballot positions for the March 2010 election.

City Clerk Yolanda Vigil presented Diego with gifts and a picture of him drawing for ballot positions which made the front page of the Santa Fe City Hall Daily News.

**c) OTHER**

Mayor Coss welcomed Governor Rivera of Pojoaque Pueblo and thanked him for attending this evening.

**9. EXECUTIVE SESSION:**

- a) DISCUSS LIMITED PERSONNEL MATTERS REGARDING THE APPOINTMENT OF ROBERT P. ROMERO AS CITY MANAGER, PURSUANT TO §10-15-1(H)(2) NMSA 1978.**
- b) DISCUSS LIMITED PERSONNEL MATTERS REGARDING THE APPOINTMENT OF GENO ZAMORA AS CITY ATTORNEY, PURSUANT TO §10-15-1(H)(2) NMSA 1978.**

**MOTION:** Councilor Bushee moved, seconded by Councilor Romero, that the Council go into Executive Session for the purpose of discussion of limited personnel matters regarding the appointment of Robert P. Romero as City Manager and Geno Zamora as City Attorney, pursuant to §10-15-1(H)(2).

**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.

The Council went into Executive Session at 5:18 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 5:37 p.m. Councilor Wurzbarger 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 Bushee, Calvert, Chavez, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion and no one voting against.

**10. REQUEST FOR APPROVAL – APPOINTMENT OF ROBERT P. ROMERO AS CITY MANAGER.**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve Mayor Coss's appointment of Robert P. Romero as City Manager.

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

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

**Against:** Councilor Chavez.

**Explaining his vote:** Councilor Chavez said, "I'm going to vote no on this and I'm going to explain my vote. These are very critical positions. And believe me Robert, this is nothing personal, but we know that the City Manager's office has been somewhat of a revolving door. The citizens now will have had three managers in four years. These critical positions, because of our Home Rule Charter, are not posted and don't really interview candidates in the fashion you would in other work environments in other situations. And, I really believe this is one of the Charter amendments that needs to be considered in the future. To have City Managers come and go is very unsettling for department directors and certainly for the public. That's what I'm most concerned about. I've had this conversation, Robert, with the public, and believe me, you have a very good reputation. I've always respected the work that you've done in Public Works. But, the question that comes up in the public's mind is what's going to happen to that work. And you may have a plan and I respect that as well. But, people are concerned about the condition of the streets and of the infrastructure and they know that you've done a good job. And that's really why I'm taking the position that I'm taking. And it really puts me between, not a rock and hard place, but a boulder and a hard place, because of my appreciation for your work on a one-on-one level, and your response and your work ethic and your attitude toward City staff, toward the Councilors and towards the public. So, I just wanted to explain my vote, and share with the Council, with the Mayor, and with the public, what my thought process is. So, I will be voting no, only for those reasons.

**Explaining his vote:** Councilor Dominguez said, "I'm going to vote yes, and I'd like to explain my vote as well, if I could, briefly. I think that regardless of who the Mayor is, they would be somewhat foolish not to consider giving you this position, Robert, for a couple of reason. Number one, I think that you've proven yourself as a Public Works Director in the various capacities that you've had, even as the Acting City Manager in a number of projects that you've put forward. I just wanted to tell you congratulations to you, congratulations to your family, and I'm sure that you are the type of individual that's not unnecessarily afraid of the challenges, and I'm happy that you stepped up to the plate, if you will, and have accepted the challenge."

**Explaining her vote:** Councilor Romero said, "Yes, and I don't need to explain my vote. I think after three years... Galen was our longest serving City Manager at three years. I hope many great years for you Robert."

**Explaining his vote:** Councilor Trujillo said, "I vote yes, and I do want to say, Robert, it has been an honor working with you, dating back to the DOT days when we were doing quantities. The professionalism you've brought to the Public Works Structure, I know you're going to bring the same things to the City Manager. Congratulations, and let's keep this City moving forward."



**Explaining her vote:** Councilor Wurzburger said she votes yes, and thanked Robert for taking this position.

**Explaining her vote:** Councilor Bushee said, "Yes. I am going to take a minute. I've served with Robert the entire time he's been here at the City, and it's all been a very good, productive time. You've been innovative, industrious, you work well with people, you work well with Council, you are a pleasure to work with and I'm not sure I understood the political speech that started off this nomination, but I will say I'm grateful that you're willing to take this on at this juncture. I wish you much good luck and bless you, and thank your family for being willing to put up with this, because you know what is ahead. Yes."

**Explaining his vote:** Councilor Calvert said, "Yes, for all of the reasons I heard before."

Robert Romero thanked the Mayor for this opportunity, saying it is a big challenge, but he believes he is ready for that challenge. He said you [the Council] know what you are getting, and I will work as hard as I can for you.

Mayor Coss said it is an honor to have Robert Romero as our City Manager. He thanked the Council for their support of this appointment.

#### **11. REQUEST FOR APPROVAL – APPOINTMENT OF GENO ZAMORA AS CITY ATTORNEY.**

**MOTION:** Councilor Trujillo moved, seconded by Councilors Romero and Wurzburger, to approve Mayor Coss's appointment of Geno Zamora as City Attorney.

**DISCUSSION:** Councilor Bushee said she hasn't had the opportunity to work with Mr. Zamora, but she has heard good things, and looks forward to a long term of service with Mr. Zamora.

Councilor Dominguez said he was struck by the passion of Mr. Zamora for his community, which he appreciates and looks forward to working with Mr. Zamora as well.

Councilor Chavez said he doesn't know Mr. Zamora as well as he knows some of the other family members. He spoke about the connection of the Zamora family to his family through his Aunt Connie Chavez Adelo. He said he attended St. Michael's with Mr. Zamora's brother for one year. He said these connections are strong, and they attend family functions together. He said even with the passing of his Aunt Connie and George Adelo, the next generation will have to keep that family connection going. He appreciates knowing the family, and we will see what the future brings.

Councilor Romero said the City is honored to have Mr. Zamora because of the caliber of his previous work. She thanked Sheila Zamora for attending this evening.

Mayor Coss thanked Mr. Zamora for coming forward and submitting name for this position, and said he is very pleased to make this appointment. He thanked the Council for its support.

**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

**Explaining his vote:** Councilor Trujillo said he likes the passion Mr. Zamora shows for his community and believes he will show that same passion for the City, and voted yes.

**Explaining his vote:** Councilor Chavez said he will vote yes, noting the City Attorney's office has been a little more stable and consistent with more continuity. He said both the City Attorney and the City Manager are critical positions for the Mayor and Council, but more so for the public, noting we are here first to serve the public. He said, although he doesn't know Mr. Zamora personally, because of the family connection he feels that he will and can do a good job for the City. He said, "The legacy of attorneys in the Zamora family is bar none." He said being an attorney isn't an easy job because of the challenges and the work to be done. He hopes Mr. Zamora will be with the City for more than the four years of any one Mayor's term of office.

Mr. Zamora thanked the Governing Body for giving a "local kid" a chance to serve the City. He said he is grateful for this opportunity, and said the City has his dedication and he looks forward to working with the City to continue to make this a wonderful place to live and for this and future generations to be able to stay in Santa Fe.

Mayor Coss thanked the Council for their support of these appointments.

#### **14. STATE OF THE MUNICIPAL COURT SEMI-ANNUAL REPORT. (JUDGE YALMAN)**

A copy of "Santa Fe Municipal Court – Case Statistics," entered for the record by Judge Yalman, is incorporated herewith to these minutes as Exhibit "1."

A copy of, "Fines and Fees Collected for 2007 and 2008," entered for the record by Judge Yalman, is incorporated herewith to these minutes as Exhibit "2."

Judge Yalman thanked her staff and introduced those in attendance. She introduced and thanked those staff in the Police Department, ITT and other City departments for their assistance and dedication during the past year.

Judge Yalman presented her State of the Municipal Court Report, as set out in her Memorandum of November 18, 2009, to the Mayor and City Councilors, which is in the Council packet. Please see this Memorandum, and Exhibits "1" and "2" for specifics of this presentation. Judge Yalman noted the downward trend in collections which she believes is due to the economy.

Councilor Bushee said it is a great pleasure after 16 years on the Council to hear a Judge continue to give reports of how they have entered the modern age, and that we no longer have to be embarrassed about what has come out of the Municipal Court. She thanked the Judge and her staff for their service, and asked everyone in attendance to join her in giving Judge Yalman a standing ovation.

Councilor Chavez noted spikes in shoplifting cases, which he believes is because of the current economy, and cell phone violations. He asked, regarding cell phone violations, if it is customary to waive or reduce the fees.

Judge Yalman said it depends on what happens, such as a medical necessity or extenuating circumstances. She said she occasionally dismisses a case and so do the Police. She said she works with people on paying fines and fees, noting there is no change in the cost for a 2<sup>nd</sup> and 3<sup>rd</sup> offense. She said most people are honest about what they're doing, and most plead guilty and pay the fee. Responding to Councilor Chavez, Judge Yalman said in considering whether or not to dismiss a case, she asks herself would she have taken the call, noting the law allows an exception for medical.

Councilor Chavez commented that it is a difficult ordinance to enforce, commenting that many people tend to ignore the law.

Judge Yalman said she believes that cell phone violations are as dangerous as DWI, and texting is even more dangerous.

Councilor Romero asked Judge Yalman about encouraging more community service.

Judge Yalman said she doesn't encourage community service, and if someone is working she tries to get them to pay. She said there are so many who can't pay, she wants to reserve the community service for them. She contacted Robert Romero to talk about a more focused way the City can avail itself of those doing public service.

Councilor Romero would like to track those numbers and uses.

Judge Yalman said there is a way of tracking this, but she won't be able to track specifically, but can provide percentages.

Councilor Dominguez thanked Judge Yalman for this information, saying he likes the data, noting this allows us to look at trends. He requested, when providing the monthly fiscal report, that Judge Yalman also provide the previous months' numbers for comparison as well.

Judge Yalman said this can be done.

Councilor Wurzbarger said she has received complaints about cell phone violations. She asked the Judge if she can work with Chief Wheeler to see what else we can do. She said the other big issue in last 3-4 months, is that she is receiving more and more complaints about speeding on streets with speed bumps.

Judge Yalman said it would help to have more police on the street, as well as people knowing when they get a citation, they are going to have to pay. She is very strict on speeding, so she is unsure what else can be done, noting the City has increased court costs and fines so it is more expensive.

Councilor Wurzbarger said perhaps the direction is more education. She looks forward to working with her on this.

Councilor Trujillo asked about the number of citations for texting violations.

Judge Yalman said she has seen only one ticket. However, some people choose to take the penalty assessment and she doesn't see those.

Councilor Trujillo asked if she can break-out the citations between texting and cell phone violations.

Judge Yalman said the software won't do that, but she will do that by hand if necessary.

Councilor Calvert thanked Judge Yalman for turning things around at the Court, commenting that it is an amazing difference.

Judge Yalman invited the Governing Body to visit the Court, saying she believes it would be beneficial for them to do so.

Mayor Coss thanked Judge Yalman for her service and for her report to the Governing Body.

**15. CONSIDERATION OF RESOLUTION NO. 2010-04 (COUNCILOR CHAVEZ). A RESOLUTION DECLARING AN EMERGENCY AND OPPOSING LEGISLATIVE EFFORTS TO BALANCE THE STATE'S BUDGET AT THE EXPENSE OF LOCAL GOVERNMENT INCLUDING ANY PROPOSAL TO REPEAL THE HOLD HARMLESS PROVISION. (JEANNE PRICE)**

A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Chavez's said he believes it is appropriate for the City to formally note its concern about any loss of GRTs. He said Las Cruces, Deming and other municipalities have or will adopt similar resolutions.

**MOTION:** Councilor Chavez moved, seconded by Councilor Bushee, to adopt Resolution No. 2001-04.

**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.

Councilors Romero, Trujillo, Calvert and Dominguez asked to be added as cosponsors of the Resolution.

**16. MATTERS FROM THE CITY MANAGER.**

There were no matters from the City Manager

**17. MATTERS FROM THE CITY ATTORNEY**

**EXECUTIVE SESSION:**

- a) DISCUSSION OF AGREEMENT TO SELL TRACTS A, B, C AND D AT COLLEGE OF SANTA FE TO THE STATE, PURSUANT TO §10-15-1(H)(8) NMSA 1978.
- b) DISCUSSION OF STIPULATION OF PRC CASE 260 ON PNM'S RENEWABLE ENERGY PORTFOLIO PLAN; PURSUANT TO §10-15-1(H)(7) NMSA 1978.
- c) DISCUSSION OF THREATENED LITIGATION; PURSUANT TO §10-15-1(H)(7) NMSA 1978:
  - 1) BILL NO. 2010-2: ORDINANCE REPEALING CHAPTER 27 SFCC 1987 AND CREATING A NEW CHAPTER 27 SFCC 1987, REGARDING TELECOMMUNICATION AND CABLE SERVICES. (MAUREEN REED)
    - a) BILL NO. 2010-3: ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED)
- d) DISCUSSION OF PROPOSED LITIGATION TO COMPEL EXECUTION OF A DEED CONVEYING LAND FOR A PARK AT NAVA ADÉ, PURSUANT TO §10-15-1(H)(7) NMSA 1978.
- e) DISCUSSION OF PENDING LITIGATION REGARDING HIGH SUMMIT CORPORATION V. CITY OF SANTA FE, D-0101-CV-2009-03914, PURSUANT TO §10-15-1(H)(7) NMSA 1978.

**MOTION:** Councilor Bushee moved, seconded by Councilor Trujillo, that the Council go into Executive Session for the purpose of discussion of:

- a) agreement to sell Tracts A,B,C and D at College of Santa Fe to the State, pursuant to §10-15-1(H)(8);
- b) stipulation of PRC Case 260 on PNM's Renewable Energy Portfolio Plan, pursuant to §10-15-1(H)(7);
- c) threatened litigation, pursuant to §10-15-1(H)(7) NMSA 1978
  - 1) Bill No. 2010-2: Ordinance repealing Chapter 27 SFCC 1987 and creating a new Chapter 27 SFCC 1987, regarding telecommunication and cable services;
    - a) Bill No. 2010-3: Ordinance granting a non-exclusive franchise to Newpath Networks, LLC, to rent, use and occupy the City's public rights-of-way and fixing the terms and conditions thereof;
- d) proposed litigation to compel execution of a deed conveying land for a park at Nava Adé, pursuant to §10-15-1(H)(7); and
- e) pending litigation in High Summit Corporation v. City of Santa Fe D-0101-CV-2009-03914, pursuant to §10-15-1(H)(7);

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

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

**Against:** None.

The Council went into Executive Session at 6:23 p.m.

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

**MOTION:** At 7:10 p.m. Councilor Wurzbarger moved, seconded by Councilor Calvert, 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, Dominguez, Romero, Trujillo and Wurzbarger voting for the motion, no one voting against and Councilor Bushee absent.

#### **18. ACTION REGARDING THE AGREEMENT TO SELL TRACTS A, B, C AND D AT THE COLLEGE OF SANTA FE TO THE STATE. (KELLEY BRENNAN)**

There was no action on this item. Mayor Coss said this will be on the agenda at the next Council meeting on January 27, 2010.

**19. ACTION REGARDING STIPULATION OF PRC CASE 260 ON PNM'S RENEWABLE ENERGY PORTFOLIO PLAN. (MARCOS MARTINEZ)**

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger to approve the stipulation as presented by staff.

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

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

**Against:** None.

**Absent:** Councilor Bushee.

**20. ACTION TO COMPEL EXECUTION OF A DEED CONVEYING LAND FOR A PARK AT NAVA ADÉ. (KELLEY BRENNAN)**

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

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

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

**Against:** None.

**Absent:** Councilor Bushee

**21. ACTION REGARDING HIGH SUMMIT CORPORATION V. CITY OF SANTA FE, D-0101-CV-2009-03914. (MARCOS MARTINEZ)**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve staff recommendations.

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

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

**Against:** None.

**Absent:** Councilor Bushee.

**22. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

*Mayor Coss moved Item #23 Communications from the Governing Body to the end of the Agenda*

**END OF AFTERNOON SESSION AT 7:12 P.M.**



## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor David Coss, at approximately 7:12 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 Rosemary Romero  
Councilor Ronald S. Trujillo

#### **Members Excused**

Councilor Patti J. Bushee  
Councilor Matthew E. Ortiz

#### **Others Attending**

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

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

There were no petitions from the floor.

### **G. APPOINTMENTS**

#### **Sustainable Santa Fe Commission**

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

Sergio Gonzales – to fill unexpired term ending 5/2012.

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

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

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

- 1) REQUEST FROM RIO CHAMA STEAKHOUSE, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT SOUP, 410 OLD SANTA FE TRAIL, SPACE A. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the location is not within 300 feet of a church or school, and staff requests that the business be required to comply with all City ordinances.

#### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Romero, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at Soup, 410 Old Santa Fe Trail, Space A.

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

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

**Against:** None.

- 2) CONSIDERATION OF BILL NO. 2009-59: ADOPTION OF ORDINANCE NO. 2010-01 (COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). AN ORDINANCE AMENDING SECTIONS 14-9.2(F)(1)(J) AND 14-9.2(H) SFCC 1987, REGARDING SIDEWALKS AND CURB AND GUTTERS IN THE CITY'S HISTORIC DISTRICTS. (JEANNE PRICE)**

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

### **Public Hearing**

There was no one speaking for or against this request.

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

Councilor Wurzburger thanked staff for their hard work and Marilyn Bane, as a community member for pushing this through.

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Romero, to adopt Ordinance No. 2010-01.

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

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

**Against:** None.

### **3) REQUEST FOR APPROVAL OF ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AGREEMENT AMENDMENT #2, FOR YOUTHWORKS (RFP #09/02/P). (KATE NOBLE)**

Kate Noble presented information regarding this matter from the materials in the Council packet. She said this is the second renewal of the contract, and it can be renewed up to 4 times. Ms. Noble recognized and introduced YouthWorks staff and participating youth in attendance.

### **Public Hearing**

There was no one speaking for or against this request.

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

Councilor Romero thanked the Executive Director of YouthWorks for the great work and the kudos from EPA, and encouraged her to attend the CFRP workshop next week.

Councilor Chavez said this is a good investment, based in skills, and giving youth a career path, and spoke about being self employed and the value of his trade. He asked the dollar amount of the PSA for the record.

Ms. Noble said it is \$162,058 for the current year.

Councilor Chavez asked if it is consistent in each year or if it varies from year to year.

Ms. Noble said it is consistent, noting it was \$161,900 last year. She said some of the unspent funds from the previous year were rolled over because construction was so slow. She said 2012 will be the last year of this contract before it goes out to bid.

Councilor Chavez said this is a worthwhile investment.

Responding to Councilor Chavez, Ms. Noble said YouthWorks does have graduations twice a year, and suggested the Governing Body might want to attend. She said they have made it more fluid so it didn't have to be regimented into three cohorts, because sometimes it doesn't work in the regimented ways and they wanted to free up the educators at YouthWorks to be able to move the young people through at whatever pace and however it makes sense. She said there is some regiment around GED and college classes in terms of when they enter and exit the program, and in academic achievement.

Councilor Wurzbarger said keeping young people in Santa Fe is a major challenge and everybody loves this program and understands its significance.

Councilor Calvert said this is a great program which he fully supports. He asked for clarification of the amount of the amendment to the contract and how we got there. He said Ms. Noble said staff budgeted a reduction of 9% for the contract renewal which would be \$148,000, and she was rolling over \$14,000. He would subtract that amount from what is needed to budget this year.

Ms. Noble said they were asked to cut all of their contracts, and they tried to cut this one less than the others, but there was \$14,000 left over, because they didn't do as many placements as anticipated. She said in essence that amount was rolled over to make the contract whole again.

Councilor Calvert reiterated his assertion about what needs to be budgeted.

Councilor Chavez said perhaps the motion could reflect the dollar amount that captures the \$148,000 and the roll-over.

Ms. Noble said \$148,000 was a very deep cut. If we capped the contract at the lower amount and didn't have the roll-over, we would limit the ability to place young people in jobs. She said there are economies of scale, noting 8 are needed for a community college class, and any placements above that number is where you get real value because there is no additional infrastructure cost for a community college class.

**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to approve Economic Development Professional Services Agreement #2 for Youthworks, at \$148,000, noting the total amount available will be \$162,000, but the budget would be for \$148,000.

**DISCUSSION:** Mayor Coss said he wants to be sure that all available funds possible in these programs, because they get our economy moving again.

**CLARIFICATION OF THE MOTION:** Councilor Wurzbarger said the point is that we are here to approve a contract, and we're having a discussion about where the money comes from, and the contract amount will be for \$162,058. Councilor Calvert said this is correct.

**DISCUSSION:** Councilor Trujillo said he has worked with YouthWorks every year during the fishing derby and they do a great job.

Councilor Dominguez said the service to the community and the City is tremendous and outstanding. He encouraged them to continue to do the work they're doing. He hopes, when the economy gets, that the City can expand the program.

Mayor Coss said he wants to find ways to expand it to make the economy better, and appreciates Council support for this program.

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

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

**Against:** None.

- 4) **REQUEST FOR APPROVAL OF LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES (SANTA FE CIVIC HOUSING AUTHORITY/VILLA ALEGRE PROJECT), CONSISTING OF:**
- a) **TRACT 1/PHASE 1 (3.9587 ACRES LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET (MULTIFAMILY)**
  - b) **TRACT 1/PHASE 2 (3.7370 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET AND EAST OF TRACT 1/PHASE 1. (SENIOR)**
  - c) **TRACT 2/PHASE 3 (1.5235 ACRES) LOCATED NORTH OF WEST ALAMEDA, WEST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET; AND TRACT 3/PHASE 3(0.3500 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET. (WORKFORCE/COMMERCIAL)**

- d) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE SANTA FE CIVIC HOUSING AUTHORITY SETTING FORTH THE ENERGY PROGRAM AT THE VILLA ALEGRE PROJECT.**  
(KELLY BRENNAN) (Postponed at November 10, 2009 City Council Meeting).  
(Postponed to January 27, 2010 City Council Meeting)
- 5) **CONSIDERATION OF BILL NO. 2009-49; ADOPTION OF ORDINANCE NO. 2010- \_\_\_\_ (MAYOR COSS). AN ORDINANCE AUTHORIZING LEASES FOR THREE TRACTS OF LAND TOTALING 9.5692 ACRES CONSISTING OF TRACT 1/PHASE 1 (3.9587 ACRES LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET; TRACT 1/PHASE 2 (3.7370 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF LAS CRUCITAS AND SOUTHWEST OF WEST SAN FRANCISCO STREET AND EAST OF TRACT 1/PHASE 1; TRACT 2 (1.5235 ACRES) LOCATED NORTH OF WEST ALAMEDA, WEST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET; AND TRACT 3 (0.3500 ACRES) LOCATED NORTH OF WEST ALAMEDA, EAST OF CAMINO DEL CAMPO AND SOUTH OF WEST SAN FRANCISCO STREET. (SANTA FE CIVIC HOUSING AUTHORITY/VILLA ALEGRE PROJECT) (MAYOR COSS). (LEE DePIETRO). (Postponed at November 10, 2009 City Council Meeting) (BILL NO. 2009-49 WITHDRAWN)**
- 6) **CASE #A 2009-06. NORTHWEST QUADRANT ESCARPMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE, THE PLANNING COMMISSION DECISION DENYING CASE #M 2009-06. VARIANCE REQUEST FROM SECTION 14-5.6 TO ALLOW 15,000 SQUARE FEET OF THE ALIGNMENT OF RIDGETOP ROAD TO ENCROACH ON THE RIDGETOP SUBDISTRICT TO PROVIDE SUFFICIENT DISTANCE FROM AN EXISTING PNM SWITCHING STATION. THE LOCATION OF THE REQUESTED VARIANCE IS ALONG THE PROPOSED RIDGETOP ROAD ALIGNMENT BETWEEN CAMINO DE LOS MONTOYAS AND NM 599. (TAMARA BAER) (Postponed at the September 30, 2009 City Council Meeting) (Withdrawn by Applicant)**
- 7) **CASE #A 2009-07. NORTHWEST QUADRANT TERRAIN MANAGEMENT VARIANCE APPEAL. THE CITY OF SANTA FE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT APPEALS TO THE GOVERNING BODY OF THE CITY OF SANTA FE, THE PLANNING COMMISSION DECISION DENYING CASE #M 2009-08, VARIANCE REQUEST FROM SECTION 14-8.2 TO ALLOW DISTURBANCE OF 28,000 SQUARE FEET OF 30 PERCENT SLOPES ON TWO SITES IN ORDER TO PRESERVE OPEN SPACE AREAS AND TO ALLOW STRUCTURES TO BE BUILT ON THE DISTURBED 30 PERCENT SLOPES. THE LOCATIONS OF THE REQUESTED VARIANCE ARE**

**WITHIN THE PROPOSED NEIGHBORHOOD CENTER AREAS NORTH OF THE RIDGE  
AND NORTHEAST OF THE PNM SWITCHING STATION. (TAMARA BAER)  
(Postponed at the September 30, 2009 City Council Meeting) (Withdrawn by  
Applicant)**

**23. 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 January 13, 2010, is incorporated herewith to these minutes as Exhibit "4."

**Councilor Romero**

Councilor Romero read an excerpt from Martin Luther King, Jr.'s, "I Have A Dream," speech on January 30, 1966.

Councilor Romero introduced a Resolution supporting the Railyard Stewards efforts at the Railyard Park. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Mayor Coss said he would be happy to cosponsor the Resolution.

**Councilor Trujillo**

Councilor Trujillo acknowledged the passing of Carl Sosie and Richard "Dickie" Rodriguez, and extended condolences to the family.

Councilor Trujillo wished his daughter a happy 8<sup>th</sup> birthday, and congratulated his mother-in-law Judy Espinosa on retiring from the State.

Councilor Trujillo asked if scholarships were awarded this year at College of Santa Fe.

Mayor Coss said this couldn't be done this year until they had their accreditation, but this is part of the contract for next year. Staff have been working on the scholarship criteria.

Councilor Wurzbarger noted there was a substantive discussion on the criteria at the BQL. She said those will come back to BQL after comment, and will be brought to the Council, noting it will be implemented next year.

### **Councilor Wurzburger**

Councilor Wurzburger acknowledged the passing of Mary Martinez and extended condolences to the family.

Councilor Wurzburger noted that the College of Santa Fe will have 800 students next year, which is two years ahead of the projections. She said they are asking staff to bring forward the proposed amendments to address the needs arising out of the accelerated growth, and well as the cleanup items identified by the parties during the first months. The parties would like to amend the lease to permit funds committed by the City for deferred maintenance to be used for the improvements critical to serving the anticipated number students. She would like to move quickly to get this done.

Councilor Wurzburger introduced the following:

- a. A Resolution to cosponsor a form for sharing information and discussing priorities and emerging results. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."
- b. An Ordinance granting a non-exclusive franchise to Extenet Systems, Inc., to rent, use and occupy the City's public rights-of-way. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

### **Councilor Dominguez**

Councilor Dominguez introduced the following:

- a. A Resolution directing staff to solicit names of individuals for renaming La Resolana Park. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
- b. An Ordinance amending Rule 18 of Exhibit A, Chapter 25 SFCC 1987, regarding water meters, noting Councilor Bushee is a cosponsor. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "9."

Councilor Dominguez wished his son a happy 17<sup>th</sup> birthday.

### **Councilor Calvert**

Councilor Calvert had no communications.



**Mayor Coss**

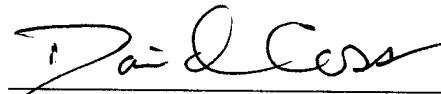
Mayor Coss introduced a Resolution amending Table 50, page 45 of the Impact Fee Capital Improvements Plan and Land Use Assumptions to include eight Lifepak 15's for transmitting cardiac patient data. He noted the Resolution is cosponsored by Councilor Trujillo, and Councilors Calvert, Dominguez and Romero would like to cosponsor as well. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Mayor Coss congratulated Robert Romero and Geno Zamora on their appointments and on joining the City. He thanked Galen Buller for three great years as City Manager, and Kelley Brennan for serving as Acting City Attorney during the past two months.

**I. ADJOURN**

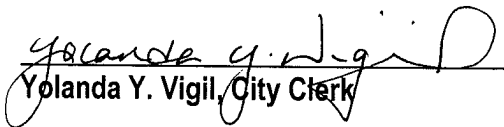
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:45 p.m.

**Approved by:**

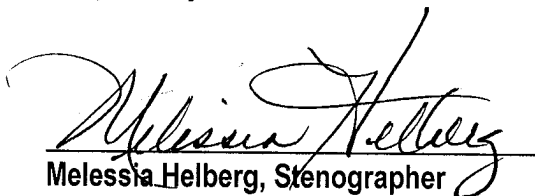


**Mayor David Coss**

**ATTESTED TO:**

  
Yolanda Y. Vigil, City Clerk

**Respectfully submitted:**

  
Melessia Helberg, Stenographer