



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
JANUARY 12, 2011  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1-7-11 TIME 2:15pm

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

RECEIVED BY Jenay Dominguez

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 8, 2010.
9. PRESENTATIONS
  - a) Employee of the Month for January 2011 – Erica Martinez, Accounting Supervisor; Finance Department/Utility Customer Service. (5 minutes)
10. CONSENT CALENDAR
  - a) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Mayor Coss)  
A Resolution Repealing Resolution No. 2010-1 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. 11/21/B – Water Utility Energy Efficiency Project and Agreement Between Owner and Contractor for Water Division; IC Tech, Inc. (Dale Lyons)
  - c) Bid No. 11/23/B – One (1) Commercial Rear-Loading Collection Unit for Solid Waste Division; Clark Truck Equipment Co., Inc. (Lawrence Garcia)
  - d) Request for Approval of Services Agreement – Enhancement to Software Program for Defendants to Pay Fines through the Internet for Municipal Court; CitePayUSA, LLC. (Judge Ann Yalman)



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- e) Request for Approval of Service Agreement – City's Land Mobile Radio System; Motorola. (Thomas Williams)
- f) Request for Approval of Change Order No. 2 – Lighting Retrofit Project for City Facilities; Omega Contractors, Inc. (Nick Schiavo)
- g) Request for Approval of Professional Services Agreements – Department of Housing and Urban Development Grant Agreements for Fiscal Year 2010/2011. (Melisa Dailey)
  - 1) The Life Link/La Luz (NM0048C6B010900)
  - 2) The Life Link/La Luz (NM0049C6B010900)
- h) Request for Approval of Legal Services Agreement – Qwest Corporation v. City of Santa Fe; Cuddy & McCarthy, LLP. (Kelley Brennen)
  - 1) Request for Approval of Budget Increase – General Liability Claims Fund.
- i) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Romero and Councilor Bushee)  
A Resolution Supporting State of New Mexico Legislation Increasing the Procurement Preference for the New Mexico Agriculture Sector for New Mexico Fresh Produce and Processed Products Purchased by Government and Other Public and Private Entities. (Katherine Mortimer)
- j) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Wurzbarger and Mayor Coss)  
A Resolution Assessing an Additional One Dollar (\$1.00) Parking Fee at the Sandoval Parking Garage on All Users After 6:00 P.M. on those Evenings when the Lensic Performing Arts Center has Events; and Dedicating the Additional Funds for the Support of Educating Local Youth about the Performing Arts. (Sevastian Gurule)
- k) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)



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- l) Request for Approval to Publish Notice of Public Hearing on February 9, 2011:
  - 1) Bill No. 2011-1: An Ordinance Amending Article 10-9 SFCC 1987, the City of Santa Fe's Nuisance Abatement Ordinance, to Include Loud or Unruly Gatherings as a Public Nuisance; and to Authorize the City to Collect for the Costs of Responding to a Public Nuisance; and to Make Such Other Changes as are Necessary. (Councilor Dominguez) (Deputy Chief Abram Anaya)
- m) Request for Approval of Amendment to Settlement Agreement – Additional 150 Acre-Feet Per Year (AFY) of Treated Effluent; Club at Las Campanas. (Brian Snyder and Marcos Martinez) (Postponed at December 8, 2010 City Council Meeting) **(Withdrawn by Applicant)**
- 11. State of the Municipal Court Report. (Judge Yalman)
- 12. Request for Approval of FY 2010-2011 Budget Gap Measures and Furlough Implementation. (Robert Romero)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
- 15. MATTERS FROM THE CITY CLERK
- 16. COMMUNICATIONS FROM THE GOVERNING BODY

## EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG



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THE GOVERNING BODY  
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D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Little Tony's Pizzeria, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Little Tony's, 945 West Alameda. (Yolanda Y. Vigil)
- 2) Request from Café Castro Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Café Castro, 2811 Cerrillos Road. (Yolanda Y. Vigil)
- 3) Request from the Inn of the Five Graces for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at 1001 Nights, Inc., 152 East DeVargas Street. (Yolanda Y. Vigil)
- 4) Request from Outback Steakhouse of Florida, LLC for a Transfer of Ownership (Partial Liquidation from Limited Partnership to General Partner) of Dispenser License #2776 from Outback/Phoenix II, Limited Partnership, to Outback Steakhouse of Florida, LLC. The License will Remain at Outback Steakhouse #5113, 2574 Camino Entrada. (Yolanda Y. Vigil)
- 5) Request from WHCSF Services, LLC for the following: (Yolanda Y. Vigil)
  - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at Whole Hog Cafe, 320 South Guadalupe Which is Within 300 Feet of Shrine of Our Lady of Guadalupe Church (Santuario), 417 Agua Fria;
  - b) If the Waiver of the 300 Foot Restriction is Granted, a Request From WHCSF Services, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Whole Hog Cafe, 320 South Guadalupe, Santa Fe.



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THE GOVERNING BODY  
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- 6) CONSIDERATION OF BILL NO. 2010-40: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Councilor Wurzburger and Mayor Coss)  
An Ordinance Approving a Lease Between the City of Santa Fe and the Monte Sol Group, Ltd for Approximately 1.57 Acres of City Owned Land Located at the Santa Fe Municipal Airport in Order for the Lessee to Use and Occupy the Premises to Hangar Aircraft for the Lessee's Private Use and Other Related Purposes. (Jim Montman)
  - a) Request for Approval of a Lease Agreement Between the City of Santa Fe and the Monte Sol Group, Ltd. for the Purpose of Using and Occupying the Premises to Hangar Aircraft for its Own Private Use at the Santa Fe Municipal Airport. (Jim Montman)
- 7) CONSIDERATION OF BILL NO. 2010-32: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Councilor Ortiz and Councilor Trujillo)  
An Ordinance Amending Various Sections of Chapter 14 SFCC 1987 Land Development Code Related to Appeals. (Matthew O'Reilly) (Postponed at December 8, 2010 City Council Meeting) **(Postponed to January 26, 2011 City Council Meeting)**
  - a) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_.  
(Councilor Ortiz and Councilor Trujillo)  
A Resolution Adopting Administrative Procedures Related to Appeals of Land Use Decisions. (Matthew O'Reilly) (Postponed at December 8, 2010 City Council Meeting) **(Postponed to January 26, 2011 City Council Meeting)**

## 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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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
January 12, 2011**

**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 12, 2011, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor David Coss  
Councilor Rebecca Wurzburger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Miguel Chavez  
Councilor Carmichael A. Dominguez  
Councilor Matthew E. Ortiz  
Councilor Ronald S. Trujillo

**Members Excused**

Councilor Rosemary Romero

**Others Attending**

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

**6. APPROVAL OF AGENDA**

Mayor Coss said he would like to add two presentations: 9(B) Proclamation for Canuto Delgado, and 9(C) a presentation from Councilor Wurzburger regarding her trip to China.

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

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



- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT AGREEMENTS FOR FISCAL YEAR 2010/2011. (MELISA DAILEY)**
  - 1) **THE LIFE LINK/LA LUZ (NM0048C6B010900)**
  - 2) **THE LIFE LINK/LA LUZ (NM0049C6B010900)**
- h) **REQUEST FOR APPROVAL OF LEGAL SERVICES AGREEMENT – QWEST V. CITY OF SANTA FE; CUDDY & McCARTHY, LLP. (KELLEY BRENNAN)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GENERAL LIABILITY CLAIMS FUND.**
- i) **CONSIDERATION OF RESOLUTION NO. 2011-2 (COUNCILOR ROMERO AND COUNCILOR BUSHEE). A RESOLUTION SUPPORTING STATE OF NEW MEXICO LEGISLATION INCREASING THE PROCUREMENT PREFERENCE FOR THE NEW MEXICO AGRICULTURE SECTOR FOR NEW MEXICO FRESH PRODUCE AND PROCESSED PRODUCTS PURCHASED BY GOVERNMENT AND OTHER PUBLIC AND PRIVATE ENTITIES. (KATHERINE MORTIMER)**
- j) ***[Removed for discussion by Councilor Chavez]***
- k) **REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)**
- l) ***[Removed for discussion by Councilor Dominguez]***
- m) **REQUEST FOR APPROVAL OF AMENDMENT TO SETTLEMENT AGREEMENT – ADDITIONAL 150 ACRE FEET PER YEAR (AFY) OF TREATED EFFLUENT; CLUB AT LAS CAMPANAS. (BRIAN SNYDER AND MARCOS MARTINEZ). (Postponed at December 8, 2010 City Council Meeting) (*Withdrawn by Applicant*)**

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of December 8, 2010, 2010, as presented.

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

## 9. PRESENTATIONS

### a) **EMPLOYEE OF THE MONTH FOR JANUARY 2011 – ERICA MARTINEZ, ACCOUNTING SUPERVISOR; FINANCE DEPARTMENT/UTILITY CUSTOMER SERVICE.**

Mayor Coss read the letter of nomination into the record, and presented Ms. Martinez with a plaque and a check for \$100 from the Employee Benefit Committee. He thanked Ms. Martinez for her dedicated service to the City.

Ms. Martinez thanked the Governing Body and her fellow co-workers for this honor. She said she believes it is important for us to show support for our fellow employees in time of need.

### b) **PROCLAMATION**

Mayor Coss read a proclamation into the record, declaring today, January 12, 2011, as Canuto "Kenny" Delgado day in Santa Fe, noting Councilor Chavez assisted him in this effort.

Councilor Chavez thanked the Mayor for his part in getting this done. He said Mr. Delgado's heart condition wouldn't allow him to be here this evening.

*Councilor Bushee arrived at the meeting.*

### c) **REPORT ON VISIT TO CHINA (COUNCILOR WURZBURGER)**

A copy of Councilor Wurzburger's statement for the record, with attachments, *Report to the City Council and Santa Fe Community Global Opportunities from the Shenzhen UNESCO Meetings, Mayor Pro-Tem Rebecca Wurzburger, dated January 12, 2011*, submitted for the record by Councilor Wurzburger, is incorporated herewith to these minutes as Exhibit "2."

A copy of "*Parallel Studies OCAT Shenzhen, China*," submitted for the record by Councilor Wurzburger, is incorporated herewith to these minutes as Exhibit "3."

Councilor Wurzburger presented her report for the record regarding her recent visit to Shenzhen, China. Please see Exhibit "2" for specifics of this presentation. Councilor Wurzburger was named the honorary Vice-Chair of the Shenzhen UNESCO Conference, which was modeled on the City of Santa Fe's Conference on Creative Tourism. She highlighted the activities, including her meeting with cities with whom we share the folk art designation, which included agreements to participate in one another's Artist in Residence Programs and to produce an annual newsletter summarizing the folk art activities in the respective cities. Melbourne will be hosting the 2011 Conference in conjunction with the 5<sup>th</sup> World Summit on Arts and Culture.

Ray Rodano, Co-Executive Director of Parallel Studios, which is beginning to develop an international New Media Arts Festival in Santa Fe, said last year the Festival was held at El Museo, and will be held again this year at El Museo in June 2011. He said it will be a mostly City-wide event this year. Mr. Rodano spoke about his attendance at the recent Conference in Shenzhen and the feeling of global community and the wonderful opportunity to be with people from across the world. He said it is important to Santa Fe to make these connections and contacts. He met with the director of OCAT and was asked to send a proposal for an exhibition at the 2013 Conference. He said it is important to establish a global network for the new media arts, and a global fostering of the arts because he believes it is important economically to a City such as Santa Fe which is dependent on the arts as a resource.

Councilor Wurzbarger issued an invitation to the Shenzhen Tourism Director and his Deputy to visit Santa Fe with a delegation of tour operators and travel writers for a FAM tour. She looks forward to working with the other members of the Governing Body and members of the Santa Fe Community who have expressed their keen interest in further capitalizing upon the economic opportunity that exponentially growing China's tourism market presents for Santa Fe.

### **CONSENT CALENDAR DISCUSSION**

- 10 (j) CONSIDERATION OF RESOLUTION NO. 2011- 3 (COUNCILOR WURZBURGER AND MAYOR COSS). A RESOLUTION ASSESSING AN ADDITIONAL ONE DOLLAR (\$1.00) PARKING FEE AT THE SANDOVAL PARKING GARAGE ON ALL USERS AFTER 6:00 P.M., ON THOSE EVENINGS WHEN THE LENSIC PERFORMING ARTS CENTER HAS EVENTS; AND DEDICATING THE ADDITIONAL FUNDS FOR THE SUPPORT OF EDUCATING LOCAL YOUTH ABOUT THE PERFORMING ARTS. (SEVASTIAN GURULE)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 10, 2011, is incorporated herewith to these minutes as Exhibit "4."

Councilor Chavez said he has clarification questions, and would like the public to understand what we're doing with this Resolution.

Councilor Chavez said the proposal is to increase the parking fee by \$1 at one of our structures within the Parking Division, and Mr. Gurule said this is correct.

Councilor Chavez said the Parking Division generates its own revenues, and Mr. Gurule said this is correct.

Councilor Chavez asked if the Parking Division is an enterprise fund, a special revenue fund or what.

Mr. Gurule said it is an enterprise fund.

Councilor Chavez asked if any General Fund monies ever go into an enterprise fund.

Mr. Gurule said no, noting the Parking Enterprise Fund is supported by the revenues from parking fees.

Councilor Chavez asked if any Parking Division funds ever go into the General Fund.

Mr. Gurule said no funds go from Parking into the General Fund.

Councilor Chavez said then it sounds as if it is a "closed loop system," and the intention is to keep the funds generated by the Parking Division in the Division.

Mr. Gurule said the revenue is used to support the Parking Division.

Councilor Chavez said, in this case, we're deviating from what we've done in the past. He asked Mr. Gurule if he has ever entertained a request such as this one from a non-profit requesting an allocation of revenue from the Parking Division.

Mr. Gurule said this is the first such request he's had since he assumed responsibility for the Parking Division in August 2010.

Councilor Chavez said the City did transfer funds from the Water Division into the General Fund with the understanding it would be repaid, which is different from this request.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Resolution No. 2011-03.

**DISCUSSION:** Mayor Coss welcomed former Mayor Delgado.

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

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

**Against:** Councilor Chavez and Councilor Bushee

**Explaining his vote:** Councilor Chavez voted no, and said he is going to explain his vote. He said it doesn't seem right that we're doing this now. We are increasing the fees for parking and allocating those fees to a non-profit, although it is a worthwhile non-profit, and at the same time we are cutting the budget and are not able to provide the services that we are expected to provide. He said we eliminated training seminars for staff, out-of-state travel for staff and Councilors, reduced youth services, and we are closing one of the Summer Youth Programs. He said, "We're not able to provide the services we are expected to provide. If we are going to increase fees, I think, not to be selfish, we're responsible for providing those services. Again, it doesn't make any sense to be doing this at this time and I vote no."



**Explaining his vote:** Councilor Dominguez said there is more way than one to “skin a cat,” and when it comes to hard economic times, it is the poor, the elderly and the youth that sometimes take the hit. He is isn’t looking at the “bugs in the plant,” but rather the flowers, and trying to “make lemonade out of lemons.” He said this is but one of the ways to “skin the cat.” He said when it comes to providing services for youth, which this is intended to do, and it’s clearly spelled out, “it’s no wonder our children and our educational systems are suffering, because we tend to politicize things too much sometimes, and so I vote yes.”

**Explaining his vote:** Councilor Ortiz said he was against the Resolution when it was first introduced, but because of the work of the Public Works Committee, particularly Councilor Dominguez, to make it more specific to events and to direct some of the funds to the youth, his opinion was changed as well as his vote, so he is voting yes.

**Explaining his vote:** Councilor Trujillo said he will be voting yes. He spoke with Mayor Delgado who said the Lensic is willing to show where these funds are being used and to provide those records to the Governing Body and the public, so he will know where these funds are going, and he votes yes.

**Explaining her vote:** Councilor Bushee said she is concerned about this as a policy “for this one specific Parking Division, and I have expressed this throughout the committee level. But the other concern I have really that if this were just going directly to the Lensic, it’s not a lot of money that’s being generated and they just could have raised the fee. I’m just concerned that we will have this throughout the City now and each non-profit that is struggling to survive in this time will be coming to us to do that and I don’t think that’s a good way to make policy, so I will vote no.”

**10 (I) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON  
~~FEBRUARY 9, 2011~~ FEBRUARY 23, 2011:**

- 1) BILL NO. 2011-01: AN ORDINANCE AMENDING ARTICLE 10-9 SFCC 1987, THE CITY OF SANTA FE’S NUISANCE ABATEMENT ORDINANCE, TO INCLUDE LOUD OR UNRULY GATHERINGS AS A PUBLIC NUISANCE; AND TO AUTHORIZE THE CITY TO COLLECT FOR THE COSTS OF RESPONDING TO A PUBLIC NUISANCE; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR DOMINGUEZ). (DEPUTY CHIEF ABRAM ANAYA)**

Councilor Dominguez said he wants to change the Public Hearing on this item to February 23, 2011, because he won’t be in attendance on February 9<sup>th</sup>.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the request for approval to publish notice of Public Hearing, changing the date of the Public Hearing to February 23, 2011.

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

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**END OF CONSENT CALENDAR DISCUSSION**

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**11. STATE OF THE MUNICIPAL COURT REPORT. (JUDGE YALMAN)**

A copy of a Memorandum dated January 3, 2011, with attachments, to the Mayor and City Councilors, from Judge Ann Yalman, regarding the State of the Municipal Court, is incorporated herewith to these minutes as Exhibit "5."

Judge Yalman presented the State of the Municipal Court Report. Please see Exhibit "5" for specifics of this presentation. She said the Court has been working closely with the jails on "frequent flyers or revolving door people," who get arrested over and over again. She has worked to try to get them straight to in-patient treatment from the jail, noting one person successfully completed 90 days. She said they are finding that when people are released they manage to get picked up by people who are drinking, or they run into people who are drinking when they leave the jail. She said the jail is helping us with this and in transporting people from jail to in-patient treatment.

Councilor Calvert thanked Judge Yalman for her work at the Municipal Court, and getting things in much better shape than they were when she became Municipal Judge. He said on Page 1 of the statistics, January through December, there are revenues of \$18,000 for traffic arraignment, which seems high, especially compared with the previous year.

Judge Yalman said she noticed that herself, and she re-ran the numbers. She said there were fewer new traffic tickets this year and fewer new cases, but employers are requiring people to have clean driving records, so she believes these numbers are the result of people paying the old traffic tickets, some dating back to the 1990s.

Councilor Calvert asked Judge Yalman, on the fines & fees report, if she would subtotal the numbers in the future.

Judge Yalman said she would be happy to do that.

Councilor Bushee thanked Judge Yalman for her report. She said she will be bringing forward the changes they spoke about on the DWI forfeiture bill, and she will bring those changes to the Judge for her final input and suggestions.

Judge Yalman said Jeanne Price is including her in the emails, so she is keeping her eye on this.

Mayor Coss said he is interested in the DWI monitoring using the GPS technology.

Judge Yalman said Municipal Court doesn't have the GPS, noting that the District Court is doing that, which keeps track of their location at all times. She said Municipal Court tracks whether they are at home or not home or whether or not they have used alcohol.

Mayor Coss said he is interested because of the problem with property crimes, and he does like to see how these things work using current technology to help reduce jail costs and improve behavior. He appreciates her initiative in this regard.

**12. REQUEST FOR APPROVAL OF FY 2010-2011 BUDGET GAP MEASURES AND FURLOUGH IMPLEMENTATION. (ROBERT ROMERO)**

Robert Romero noted that page 4 of the packet shows the 2010-2011 budget gap, noting this information was presented to the Finance Committee 2-3 times. He said the projected budget gap for the current fiscal year is \$2.8 million, and with the two furlough days that were approved in the budget, it is \$3.2 million. He said each year for several years a 4% vacancy savings has been budgeted, but people aren't leaving their jobs this year, so the full vacancy savings won't be realized, and the budgeted vacancy savings will be short about \$1 million. He said when they calculated the cost to move the Senior Centers to the County, it was estimated \$370,000 would be saved, but it is only \$170,000. He said he was working with the schools to sweep the schools' parking lots and do some work and the schools would pay the City, but that didn't come to fruition, so the City didn't earn the projected \$100,000.

Mr. Romero said over the past two years, the City has been using the ½% CIP GRTs to fund operating expenses, at facilities such as the Southside Library, the MRC, the GCC, and there is a shortfall in that fund of approximately \$1.5 million.

Mr. Romero said his suggested remedies to address the shortfall are listed on page 5 of the packet, and detailed those as follows. He said \$1.5 million was generated through bond refinancing. He said PNM has evaluated what it has been paying the City and found it didn't have the correct City Limits, so we will earn about \$300,000 in additional franchise fees and GRTs. He said Nick Schiavo and staff has been looking at what the City is paying PNM and the Gas Company, and were able to earn about \$200,000 there. He said it is believed the City can earn about \$500,000 total from PNM franchise fees and savings on what we've been paying PNM.

Mr. Romero said staff recently learned that only 1 lifeguard is needed for every 40 swimmers, versus 1 for 25, and he believes we can save \$30,000 on lifeguards for the rest of the fiscal year. He said one facility is going to be closed for the summer program, stressing that staff believes the City can continue to extend the program to everyone who would like to participate, noting that will save \$70,000.

Mr. Romero said there was almost \$2 million in the Police Department budget for vehicles and equipment, and he is proposing to delay purchases in the amount of \$500,000.

Mr. Romero said these monies total \$2.5 million. He said to cover the remaining gap of \$300,000, he is looking at all of the revenues and expenditures in the General Fund and will be reporting to the

Finance Committee at each meeting to close the \$300,000 gap by the end of the fiscal year.

Mr. Romero said there is a letter in the packet regarding the furloughs. He said at the time the budget was approved, it was his understanding that if the City didn't fund holidays we could do a furlough unilaterally. However, the holidays were already negotiated by the time the City decided to do furloughs on holidays. He understands at this point if the City were to do furloughs on holidays that the City would be in a breach of the union contracts. He said the furloughs could be moved to later in the year, possibly on Good Friday and the Friday before the Memorial Day weekend. He has been meeting with the unions weekly, noting one day in a pay period is a pretty big hit, and the Unions have suggested perhaps doing 4 hours in the last 4 pay periods to minimize the impact on employees. Mr. Romero said he understands it is necessary to give 28 days notice to AFSCME, which would mean a final decision on furloughs would have to be made by the March 9, 2011 Council meeting.

Mr. Romero said the lion's share of the General Fund comes from GRT revenue. He said currently, the GRTs are being received as budgeted, and the City will have received two more checks by that date, which could be more or less than the budgeted amount.

Mayor Coss asked Mr. Romero if he is seeking approval of this item this evening, or if this is an informational item.

Mr. Romero said he would like an approval on the proposed \$2.5 million to meet the budget, and he is requesting direction on furloughs.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert to approve the City Manager's proposed \$2.5 million to meet the budget gap.

**DISCUSSION:** Councilor Chavez asked Mr. Romero to explain the reduction in Youth Services of \$130,000, and what specific services will be reduced.

Mr. Romero, referring to packet page 4, said Column 1 is a list of \$61 million which could be considered to balance the budget. He said Column 2 is what the Council chose to balance the budget last year. So these were things which were done to balance the budget last year, and those have been done already.

Councilor Chavez said if you read further down under Revenue, it says Summer Fees/Programs Increase is proposed for a potential of \$86,000 in Revenue.

Mr. Romero reiterated that those changes were made for the 2009/2010 budget. He said he has identified another \$70,000 for this year's budget. He said there is now a sliding scale. Additionally, there will be only 8 sites, but staff believes we can accommodate all of the youth that we have in the past.

Councilor Bushee said she asked Mr. Romero at the Finance Committee meeting to follow-up in changing the ratio on the lifeguards for the Bicentennial Pool. Her concern is specifically at Bicentennial where there are a lot of tots.

Mr. Romero said he believes we can appropriately cover Bicentennial with existing lifeguards. He said there are some areas where more than 1 lifeguard per 40 people is needed, for example at the children's pool at the GCCC.

Councilor Bushee asked that Mr. Romero apply the same standard to the Bicentennial Pool as is used at the children's pool at the GCCC.

Mr. Romero said he will work with Recreation in this regard.

Councilor Bushee said this is a small amount, and she would hate to vote for this reduction and then have a tragedy occur, particularly at the tot pool.

Councilor Bushee said, with regard to the furloughs, the City Council voted on the furlough "the last go round," and asked if that is not an adequate time or notice to the unions.

Mr. Romero said that isn't the issue. The issue is that the City had already negotiated the holidays when the 2010/2011 budget was approved.

Councilor Bushee said she understood that Mr. Romero was concerned about the timing of the furloughs.

Mr. Romero said what he understood, until he looked into the matter further, was that if we didn't budget for those holidays we could implement the furloughs any time. However, because we already had negotiated the holidays, the City would be in breach for furloughs on holidays. However, he said the furloughs can be implemented on any day that isn't a holiday.

Councilor Bushee asked if it would be better to do a few hours every week as suggested by Mr. Romero.

Mr. Romero said we can look at doing that, but he would have to ensure the payroll software could monitor that, noting it becomes an administrative issue when we are tracking every single employee being furloughed the required 16 hours. He said the unions have discussed doing it this way and he certainly is willing to work with payroll to see if that is a possibility.

Councilor Trujillo asked which site will be closed for the summer program.

Mr. Isaac Pino said the site will be decided on February 1, 2011, after the meeting with the School Administration on that item, noting the one that looks like a candidate might be Ramirez Thomas. He said the entire program never sells completely out, so we will be able to cover all of the kids from last year as well.

Councilor Trujillo asked for clarification of the PNM payment.

Mr. Romero said PNM was reconciling its books, and as the City has annexed different areas of town, PNM's records weren't changed and were incorrect. PNM reconciled all of the areas within the City limits using the GPS, and found it had underpaid the franchise fees to the City, and this is over several years.

He said it will be a one-time payment of \$200,000, but eventually will be \$30,000 to \$40,000 annually moving forward.

Councilor Trujillo asked about the furloughs, and Mr. Romero reiterated information about the furloughs.

Councilor Trujillo said this Council has talked many times about out-of-state travel, and he wants to be clear. He said as a State employee he has seen the abuse that happens at the State level where upper management takes trips, which in his opinion are not necessary. He said he sees this at the City as well and asked the reason "we are going on so many of these trips that I believe are irrelevant when I'm having to tell these employees you have to take a furlough. You can't go to training, but yet, be it the Council or upper level management can go on these trips, when training is very vital to me. I just wanted to be more clear here at the Council. I've been on this Council now for 5 years and I haven't taken a trip. I feel like my business is here in Santa Fe and with my constituents, and I think this needs to come to a halt right now guys. No more trips. If you have to make a trip to Washington, I understand that you have to lead a delegation from Santa Fe. I understand that. But we as Councilors have to set the example, you know. We can't be doing this no more and, so I just wanted to say this is my feeling. I'm not speaking for another Councilor here, I'm just telling you this is my opinion."

Councilor Trujillo said, "Another question that I want to ask, and I'm going to ask it right now too. I've heard that some Councilors... do we have credit cards. And I want to know that, Robert. Do some of us who are City Councilors here have credit cards that they use. This is a question I want to know because, where is the savings there."

Mr. Romero said, "I'll speak to both issues. One, the way the budget was approved was there would be no out-of-state travel in the General Fund and nobody has gone out of State with General fund monies. None. Nobody has gone out-of-state with General Fund money. The only travel we are approving is if somebody has to go to a conference to keep their license. Again, that is approved, but it is only in-state. And we're limiting right now... there was a conference this week and we didn't let anybody... they had to drive back and forth to Albuquerque, and this was approved in the budget by the Council. We only use money for training in-State for people need to keep their licenses to do work for the City."

Mr. Romero continued, "With regard to credit cards, the only credit cards I'm aware of are for people who are on approved travel. There has been travel out-of-state, but it was approved that it would be funded through either the CVB, Lodger's Tax or through Enterprise Funds. And again, we really minimized any kind of travel."

Councilor Trujillo said when he travels it comes "out of my pocket," saying that's how it's always been and how I think it should be for us Councilors here.

Mr. Romero said he understands, reiterating that the only travel which was approved this year was travel which was budgeted, noting it was budgeted in very few areas – in the enterprises and in CVB.

Councilor Trujillo asked, "Is CVB taking care of this."

Mr. Romero said yes, either Lodger's Tax or CVB, and this is how the budget was approved. He said we can look at that more closely as we look at the budget for 2011-2012.

Councilor Dominguez said the last sentence in Mr. Romero's Memorandum says, "The Fire and Police Department are directed to recommend equivalent cuts to their respective budgets," and asked if that goes into the \$300,000, or is the \$300,000 from elsewhere.

Mr. Romero said we will be calculating how much of the \$500,000 is the Police and Fire share from the General Fund, and ask them for ways, over time, on equipment and expenses to find their share.

Councilor Dominguez asked if it is a possibility that the amount set aside for furloughs be cut a little, depending on what you recommend.

Mr. Romero said there are several ways we can look at that again if the GRTs were to increase. He said he has looked at all General Fund revenues, noting the revenues from Land Use Permits and Fees are up about \$200,000. However, he wants to be sure other fees are on target, so they are analyzing all fees. He said \$600,000 was budgeted for furniture and equipment in this fiscal year, and we've only spent \$200,000. He will be looking at whether the balance has to be spent this year.

Councilor Dominguez said then the need is \$800,000, and said Mr. Romero is doing further analysis to see if we can reduce that amount.

Mr. Romero said it is a little too early to know whether we can do that or not. He said fortunately the GRTs are coming in as projected.

Responding to Councilor Dominguez, Mr. Romero said the Governing Body will have to decide on furloughs by the Council meeting of March 9, 2010, if you decide to furlough on Good Friday, April 22, 2011, to be able to give the unions the required notice. Mr. Romero said the GRT revenue this fiscal year is flat.

Councilor Dominguez thanked the staff for making sure that we are as efficient and prudent as we can be on the budget. He said he believes it is premature to be talking about furloughs, because there is a little more work that can be done, so we can significantly reduce or eliminate the impact on the employees. He supports the motion as stated without the furloughs.

Councilor Calvert suggested Mr. Romero speak with the unions about the possibility of waiving the notice, because the more evidence we have and the more time you have to find money, there is more likelihood of us being able to eliminate some of the furloughs. And, if we choose options that furlough less hours per pay period, then we're going to have to make decisions sooner to realize the funds we need. He said if we can get the \$800,000 and can cover the budget for the year he would like to avoid furloughs.

Mr. Romero said a possibility would be to give notice of furloughs at the Council meeting on March 9<sup>th</sup>, with the caveat that if things change before that time, the City can cancel the furloughs.

Councilor Calvert said the March 9<sup>th</sup> date is for Good Friday, but if you want to do something which has less impact per pay period, we will need to make that decision sooner than March 9<sup>th</sup> to give notice. He reiterated he believes Mr. Romero needs to have this discussion with the unions.

Mr. Romero said they have been meeting every Friday and he will bring this up with the unions at the next meeting this Friday.

Councilor Ortiz said, "So this approach that we're going to be approving tonight is a patchwork approach. It's creative financing by the Finance Department and the City Manager to avoid making systemic changes. The fact that furloughs have been put back on the table is to, I think, offer false hope to the employees regarding where we're at. We've got this budget deficit and going into the next fiscal year, we are going to have to find another \$7.5 million. We're not going to be able to continue to look in all the different pots to be able to fund the operations at its current levels. We're receiving gross receipts revenues at the rate we were receiving 6-7 years ago. And we're spending as if our gross receipts tax revenues are continuing to increase."

Councilor Ortiz continued, "The City Manager mentioned that of this \$500,000 which were furloughs that we passed last year, that mainly result in General Fund revenues. We took no action regarding Public Safety and the hits that Public Safety has on our General Fund. Public Safety is 40% of the General Fund budget. If the City Manager is to be correct, then the Police and Fire Department are looking at either \$200,000 worth of cuts in their departments or \$320,000 worth of cuts if we're going to forego furloughs which were passed as part of our budget. That's just for this fiscal year. In the next fiscal year, we've got to shave another \$4.5 million, and where is that going to come from, and who is that going to come from. That's just in the General Fund."

Councilor Ortiz continued, "And if we don't make those cuts, the only prospect that's available is to do what the administration calls revenue enhancements. That's a tax increase. And while I'm not opposed philosophically to raising taxes to pay for government services, I'm not a Tea Party person or a Republican, but I do know that we have to have a plan for that. And, if we have a plan for that, that means we have to have a plan for cutting our services and if we are going to start that, we have stop this kind of nit-picky finding different sources of money from one-time uses to pay for what are multi-year operational expenses, which is what we've done this year... which is what we did last year, which is what we've done anytime the budget "goes south." We always find one time fixes to fix the patches of where we're at, from a budget standpoint."

Councilor Ortiz continued, "We can't continue to operate this way. And so for all of you who are sacrificing your evening tonight, making your dinner plans later, I thank you for coming out. Now, it's good to see a full audience full of green shirts. It's been a while. But, on the other hand, this show of support for what are really one-time pyrrhic victories are not going to do the City or you any benefit in the long term... because, if we don't come up with a systemic change to reduce our expenses... your salaries and benefits are 80% of the operational budget... if we don't look seriously at revising those figures, then the prospects are going to be grim, and some of the people that you have in the audience will not be here. We either have to reduce our pay operationally, or reduce positions."



Councilor Ortiz continued, "We are running as lean as we can be in terms of our vacancy savings. When the City Manager said that we have to come up with an additional million dollars because of vacancy savings credits, what he means is, we normally budget that there are a certain amount of vacant positions that we can count on as sort of a budget float. And what the City Manager is telling us is that we don't have that float anymore. People aren't leaving. We don't have vacant positions to cut anymore, so we have a fundamental change that needs to happen in this fiscal year and in the next fiscal year. And if we don't do it, then it's larger decisions and bigger consequences for all of you and certainly for the City Manager and the Finance Director and for all of us here on the City Council."

Councilor Ortiz continued, "I would encourage those of you who can, to sacrifice your nights to come to the Finance Committee meetings. You need to attend. That's where all those numbers get shaken down. That's where your supervisors, your department heads tell us where we can cut and where we can't cut. If you don't come to those Finance Committee meetings and educate yourself on the numbers we are facing, then you can't come to us at the last minute and expect us to have... to give our blessing to the kind of financial hoops that we have been asking the Finance Director and the City Manager to go through. Those are the problems that we're facing here. These are one-time solutions to what is a systemic problem, and we're not going to achieve any kind of relief today for you or your families by approving this. All we're doing is passing on the problem."

Councilor Ortiz continued, "By taking the advice of the City Manager and pushing off this decision about furloughs, which was a decision which was approved back in June, when the research could and should have been done, all we're doing is passing that decision farther down the line. That doesn't help any of us and it doesn't help you. We need to come up with systemic changes. We need to reduce our budget in the General Fund by about \$7.5 million. That work can come from you all, as much as it can come from the Finance Department. So these are the words of caution that I have put out there for everyone. This is not a solution. We're not even close to that yet, but that solution has to come, and it has to come in the next 3 months, whether or not you get a furlough, whether or not you get a one day pay reduction in order to keep your job, or keep your job for your colleagues. That's really what that's about. And, those changes have got to come, and we've all got to sacrifice or we've got to cut people. That's what we're facing."

Councilor Ortiz noted that the Finance Committee meeting next week will be on Tuesday because of the holiday.

Councilor Bushee said Mr. Romero mentioned that the ½% GRT was down by \$1.5 million, and asked if there is a requirement for us to replenish that fund by a certain time. She asked if this is the Quality of Life Fund.

Mr. Romero said no, it is not the Quality of Life Fund, it is the ½% GRT, and said that fund usually generates about \$15-\$16 million a year and it pays for all previous CIP bonds. He said it is now generating about \$14 million. He said right now that fund is overspent by \$1.5, which we need just to get that fund where it should be. He said the bond refinance will get the fund in the black.

Responding to Councilor Bushee, Mr. Romero said he will going into specifics of his recommendations on Tuesday night. He said the Police Department is looking at 12 hours shifts which staff feels will be

significant in providing more staff and being able to reduce overtime, as well as temporarily reducing the number of police officers we need. He said the vehicle take-home policy also will be discussed on Tuesday. He said Fire already has made changes to reduce overtime for the balance of the fiscal year, noting Battalion Chiefs will not be earning overtime as they did previously. This is a significant change. He said Fire has done a lot in the past few years to "tighten its belt," and he will be presenting what they have done and what else they might do at the meeting on Tuesday.

Councilor Bushee asked if staff has looked at the Comcast Franchise Agreement.

Mr. Romero said yes, noting PNM has indicated it is willing to increase its franchise fee, and he will be discussing that on Tuesday.

Councilor Bushee said there is a Special Council meeting on Ethics on February 1, 2011, and asked if Mr. Romero can report on the furloughs at that meeting. She said it is important to do the right things, and said perhaps the Council might consider meeting once a month, noting that really won't save much money. She wants to look at other possibilities.

Mr. Romero said he has been meeting weekly with the unions for a month, and he has been presenting ideas to the Finance Committee. He said we have started this year's budget process much earlier than usual. He said he is learning something every week, noting there could be savings from the changes in shifting in the Police Department in this fiscal year. He said staff is working hard, and will have more figures on Tuesday, and will continue to have updated figures through the end of the fiscal year and the balance of the budget process.

Councilor Bushee asked the impact on the furloughs with the vote this evening, noting she believes the impression has been given that we are punting on the issue of furloughs.

Mr. Romero said he will keep working and hopefully will have more answers on Tuesday, and which things can be implemented now to save money in this fiscal year. He has asked Robert Rodarte to look at every purchase, and he is asking division and department directors to be able to prove that they need to make any purchase right now. He is continuing to monitor everything and can report weekly, bi-weekly on the progress.

Responding to Councilor Dominguez, Councilor Wurzburger said the issue of furloughs is not a part of her motion.

Mayor Coss said the motion is to accept the budget gap recommendation.

Councilor Wurzburger said it is to approve the recommendations to address the budget gap of \$2.5 million, as recommended on packet page 5.

Mayor Coss said, "I don't think the Council needs to vote again on furloughs, they approved them in the budget, and they're there, so I don't think we need to ask the Council to vote on that again, the City Manager has that authority. I also want to welcome all of the union City workers here tonight. It is great to

see you, and the sea of green. I wish we were swimming in green, but we're not. But it's great to see you. You even got *The New Mexican* reporter to wear green tonight, and I'm going to pay for that in tomorrow's paper."

Mayor Coss continued, "What I want to say is that Robert and everyone is working as hard as they can to avoid furloughs this year, but furloughs are on the table. We haven't closed... we thought we just needed to close a half million dollars when we approved the budget, and now it's up to \$3 million which is what is causing the pain. I think Robert working with the unions... and I would like to give the unions, at least the Presidents the opportunity to address the Council on this. He's been working really hard on that. And, I'm hopeful that we can get there."

Mayor Coss continued, "I was surprised when we met with our Legislative delegation that they said State revenues are up. We're always on a two-month lag, so we haven't seen that, if that is indeed the case. Tomorrow we do a groundbreaking for Caterpillar and they're going to hire 50 more Santa Feans to work in Santa Fe. Our Airport had its highest year of enplanements last year since before 2001. Just little positive economic indicators. We're in the lawsuit with Qwest that looks like it will settle in our favor. If it does, we'll get a little bit more of right-of-way fees from Qwest. All things that can help."

Mayor Coss continued, "It's my goal, and I know it's the City Manager's goal, to avoid furloughs this year, we just haven't got there yet, so we can't take them off the table tonight. But I know that we're sweeping every corner, looking at every possible way. And, as Councilor Ortiz says, a lot of these are one-time things. These are not going to help us close... if we can avoid it this year, it's not going to help us close that \$7 million plus problem that we have going into the next fiscal year, and we are going to need a systemic type of solution to that. Because we've been doing this now for two budget years, and you know, we can't do it anymore. The funds just aren't there anymore. We've worked hard, as this City Council and administration to protect wages, benefits, health care, to avoid any lay-offs and to avoid furloughs, and we're going to continue to do that."

Mayor Coss continued, "I would just put out there, seconding Councilor Ortiz, that we're going to need your assistance and your thinking and your outreach to the community on this. You know... it's a rhetorical thing to say the Councilors shouldn't travel, or the Councilors shouldn't have a credit card, but that is not going to close a \$7 million budget shortfall. I was disappointed to see that the Legislature and the Governor came out for State employees, 'Well we'll just cut retirement for State employees and that'll balance our budget.' The City Council and the City of Santa Fe has not done that. But, as Councilor Ortiz rightly points out, 80% of our costs are in personnel.."

Mayor Coss continued, "And for everyone that can say, well the Councilors shouldn't travel or we should cut this or that, there's a whole public movement out there attacking public workers. I don't care if they're management, or public workers or union public workers, they're attacking public workers, their retirement benefits, their pay levels, and there's a big move to say, well we don't have to cut services at all, we'll just cut you guys. And that's what we're seeing in the Legislature and all over the country, and I think we would ask, or I would ask for AFSCME's help and POA and Firefighters' help to change the nature of that debate. Because you can kind of wing it up here \$2,000 at a time, but that doesn't make \$7 million, and we need a different formulation about how we're going to do it."

Mayor Coss continued, "So, I think all you Councilors that are saying we're kicking the can down the road, yes we are. We want to avoid furloughs. I don't think it helps the economy, it doesn't help the work force, it doesn't help services, it doesn't help.. And as we try to close that \$7 million gap for next year, we're going to need everybody's help, and we need this community's, public sector's and private sector's alike, best thinking on how to do that. I personally don't think we should do it by cutting your wages, cutting your health care, cutting your retirement. That's what's on the national agenda all over the Country. And if Santa Fe is going to go a different route, we're really going to have to work together on that, as Councilor Ortiz says, over the next several months."

Mayor Coss continued, "But, right now, it's a good thing you've got a union, or you might be looking at a furlough on Monday. That was the City Manager's intent, I know, to push this down, because he's finding savings, he's finding efficiencies, his managers are working well with him. We see a few hopeful signs in the economy. I'm really hopeful we can solve this year's problem, but we're going to need your help. And if we fall into divisiveness, and we don't talk to the rest of the community, the national effort, I'm telling you, is just cut the state workers, just cut the public workers and everything will be fine. And everything won't be fine and that is not the way to go, because public workers did not cause this recession and attacking public workers cannot bring us out of this recession. So, I appreciate Councilor Wurzburger making the motion to accept what the City Manager's found so far and give him more time to keep working on this problem. And, I think we can get there."

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

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

**Against:** None.

**Explaining her vote:** Councilor Wurzburger said, "Yes, let me just add one more comment and that is, if we don't focus on the income producing side, then we won't be able to reach this – whether it's \$7 million, or \$6 million or \$4 million. I personally contributed from my campaign, \$8,000 to the General Fund. That won't continue [inaudible]. But, I believe if we have .8001 percent of the most important tourist market of our City, if we get two Chinese to come to this town, we will have covered the money that was spent from the CVB, but that's not the issue. We have to pull together as a Council to look at other ways to create income, particularly from the perspective that we will not raise taxes and we will not reduce employment, but we have to find new ways, and that's what I'm committed to work on and that's what I've been doing."

Mayor Coss asked if Mr. Vigil, Mr. Lopez and Mr. Jenkins would like to speak to this issue on behalf of the unions.

**Lawrence Vigil, AFSCME**, said on behalf of AFSCME Local No. 3999, there are 832 members, and the members have done their part on work reduction. He said, "We haven't seen anything from the top, and it affects my members who make the least amount of money in the City, and it really bothers me that we have to go this route, but we're willing to work in any direction. I'd like to thank the City Manager

for working with and including us in the finances, because we're barely making it paycheck to paycheck. And I'd like to commend Councilor Trujillo for your words today as a state worker, and a fellow City employee. It really affects my membership. So, if there's other avenues, I'd like to see what we can consider, and I look forward to working with you guys."

**Alan Lopez, Police Officers Association**, said, "Mayor, Councilors, thank you for the hard work you're doing for the City, also the City Manager, City Attorney and City Clerk. It's a painful thing that we're going through, and I just want to say that we are willing to work with the City Manager, and I appreciate that he's allowing us to meet with him. And we're getting ideas. Everyone is giving different ideas and we're working on it. We do have our contracts that are binding, and not that we're not willing to bend. We are aware of the problems and we're looking at them. I have been meeting with the Chiefs and going down different areas of possibly changing different areas in the contract. It's just a lot of work and I appreciate what everybody's been doing and will continue."

**David Jenkins, Firefighters Association**, said, "I don't have a whole lot to add other than what has been said. I would echo many of the things that some of you have said and the other President has said. I do want to say, I think it's been a constructive process as far as us sitting down, meeting, talking about the budget. I think it's been educational for all of us, and constructive. I'm confident I think we can find a way and we can make this work if we keep talking and if we keep working at it we'll get there. So, I'd like to thank the City Manager for extending that invitation to us."

Mr. Jenkins continued, "I do think there are a couple of big issues that we do need to think about, and I think it would help us frankly in making our decisions. One, you guys mentioned a tax. You know, this is tough time and no one wants to hear about taxes, and I don't want to pay taxes either, but think how great it would have been way back when, if we had implemented it in a time of plenty and now we wouldn't have to worry about finding so much money for Public Safety... you know, it's all coming out of the same pot, so."

Mr. Jenkins continued, "The other big issue I'd like to bring up is one that would make our decision a little easier is knowing what is going to happen with annexation, and what the ultimate course the City is going to take on that. Speaking for Fire, specifically, that really does weigh very heavily on anything that we can and can't do."

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

There were no matters from the City Manager.

### **14. MATTERS FROM THE CITY ATTORNEY**

There were no matters from the City Attorney.

**15. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

***Mayor Coss moved Item #16 Communications from the Governing Body  
to the end of the Evening Agenda.***

**END OF AFTERNOON SESSION AT 6:50 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 Ronald S. Trujillo

#### **Members Excused**

Councilor Rosemary Romero

#### **Others Attending**

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

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

A copy of a petition containing 1987 signatures from the College of Santa Fe Alumni Association, submitted for the record by Clarence V. "Porky" Lithgow, is incorporated herewith to these minutes as Exhibit "6."

Mayor Coss gave each person two minutes to speak.

**Steven Fox** said he thinks the plan to draw tourism from China is "deluded and ludicrous." He has been in the art business for 32 years in Santa Fe and said he has sold one painting to one person from China. He said the people that keep Santa Fe going are from Dallas, Kansas City, Seattle, Los Angeles, New York and such. If you are going to "fly off someplace to woo them it should be people who actually come and support Santa Fe. The Chinese don't collect paintings, ethnographic goods or the kind of thing that makes Santa Fe prosper and thrive." He said we are starting to see evidence of the business failures in downtown Santa Fe which he believes "is derived from the fact that you have licensed and allowed the Plaza to be rented out to whoever comes here. They take huge amounts of sales and go back to

Minnesota or Arkansas, Kansas or Louisiana or wherever, and they stay in a cheap motel, they don't eat in our restaurants, and they don't collect gross receipts. They keep money that should be flowing into Santa Feans' pockets and helping people pay their rent... it goes somewhere else. And when you see this many vacancies on the Plaza, and business failures left and right..."

**Clarence V. "Porky" Lithgow, President of College of Santa Fe Alumni Association**, said he is here to present a petition to the Mayor and Council at the request of the people who play Bingo every Thursday night. He said these people are "your constituents for the most part." He was asked to do this on the spur of the moment one night. He said there were 187 adults present and playing bingo who signed this petition. Mr. Lithgow presented the petition for the record [Exhibit "6"]. The petition heading is as follows:

*PETITION TO THE MAYOR AND CITY COUNCIL OF SANTA FE:*

*It is our understanding from news articles and other sources that the new residents of the old College of Santa Fe campus have filed a lawsuit to get control of Alumni Hall and force the Alumni Association to leave the campus, therefore, ending the weekly bingo that has been going on for several decades and the renting of Alumni Hall for community functions. We, the undersigned residents of the City and County respectfully ask that you support the Alumni Association in their effort to keep these functions available to our community. The bingo is the longest running [bingo] in our community and provides entertainment to citizens of modest means. Over the years, we have become like family. Please do not let the FOR-PROFIT company from out-of-town kill these important functions!"*

Mr. Lithgow asked the Governing Body to please read the Petition and look the people who have signed it.

**Stefanie Beninato** said, "I'm here for two reasons. One, is that I understand that there's a huge number of cell phone tower applications coming into the City, in fact thousands and thousands of them. And I believe when that ordinance was adopted, one of the provisions was to have a plan as to where the City actually needed them. And, I can't imagine that we need dozens and dozens of cell phone towers in order to cover the area that hasn't been covered. And, I'm wondering what the status of the plan is and if these applications are being considered in light of the plan, so if maybe you could respond to that, or have the City Manager respond to that, I would appreciate that Mayor."

Ms. Beninato continued, "The other thing that I'm concerns about is the appeals process ordinance proposals, and how we can get some proposals in front of you, because it seems there's a certain stream, but that not everybody is included in the stream."

Ms. Beninato continued, "And then the other concern is when do we get to see that new ordinance to see if there have been revisions. And, is it going to be an open public hearing, because I have several concerns. I think the hearing officer ordinance is unconstitutional on its face since the hearing officer is limited to only one prong of the necessary five prongs for due process under administrative appeals. And,



so I'm going to make a proposal on that. I'm also going to make a proposal not to do away with mediation, but to change the process."

Ms. Beninato continued, "But I'm also concerned because I hear there are waivers. I hear that the City Council can, you know, decide to go one way or the other. I think that we need to have very clear standards if we're going to have decisions to be made about a process, so that the City doesn't continually get taken to Court because they've failed to articulate the standards. And, my experience is that you, unfortunately, do fail to articulate the standards and it is one of the probably largest reasons that the City gets taken to Court because they're not affording people due process."

**Arthur Firstenberg** said, "I'm here to make some comments about the proposed changes to the appeals ordinance which, once again, I haven't seen the latest draft which is not available. My main concern is the proposed shortening of the appeals time from 30 days to 15 days, and I suggest that that presents due process problems, because there are two classes of decisions that are appealable. One is the decisions of the Land Use Boards, and the others are decisions of the Land Use Director, in other words, administrative approval. Decisions of the Land Use Board are noted as public hearings and the public gets to know about them automatically. Administrative approvals are not advertised anywhere, and it's difficult to find out about them until you file a Public Records Act request. Even if you do find out about them, and you go to look at file at the Land Use Department, you want to see the file and they say you have to file a Public Records Act request. You go upstairs to the Clerk's Office and you file one, and you find out that the City has 15 days to respond to your request, so you cannot even get a look at the file in time to file an appeal if the appeals process is shortened to 15 days. There is another way that the public is supposed to find out about these land use approvals, that the applicant is supposed to post the property until the appeals period, which right now is a 30 day appeals period. I just encountered a situation with Cricket Communications that had an administrative approval of 20 additional antennas on a cell tower. They never posted the property. The only way I found out about it was through a Public Records Act Request which took 15 days, so there is definitely a due process problem if the appeals process was shortened to 15 days."

**Robert Hicks, 2086 Calle Sombra**, said, "Two things this evening. One, this morning I awoke to find someone had shot out the windows in my car on the street, and this is the second time in 4 months my house has been victimized by crime. And the first time, I was so outraged, I was unable to offer anything constructive. And, in this process, one thing I have learned is maybe the one part of the City powers which hasn't been used to help us out on the street from being victimized by crime, is pride that people don't do this to places they really like to live in. And, we all really like to live here and I don't know who would shoot out the windows of my car or rob my house that had a lot of pride in our City. So anything you can do to help us be proud about this City, I would appreciate it."

Mr. Hicks continued, "A second thing, about the situation with the cell phone towers, I would appreciate signage so that I know where cell phone towers are. Simple signage in whatever measures you take. Other than that, I do appreciate the responsiveness of the Police this morning. And, I'm proud of the City. I hope we can instill that in everybody."

Mayor Coss thanked Mr. Hicks for his input and said he is sorry to hear he has been a victim of crime.

## **G. APPOINTMENTS**

### **Archaeological Review Committee**

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

Gary Funkhouser – to fill unexpired term ending 06/2011.

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

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

### **Library Board**

Mayor Coss made the following appointments to the Library Board:

Jennifer Jaramillo – Reappointment – term ending 07/2013; and  
William W. Heimbach, Jr. – to fill unexpired term ending 07/2013.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Chavez, to approve these appointments.

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

### **Sustainable Santa Fe Commission**

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

Rosa Moreno – to fill unexpired term ending 05/2013;  
Camilla Bustamante – Reappointment – term ending 05/2013; and  
Louise Pape – Reappointment – term ending 05/2013.

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

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

### **Children and Youth Commission**

Mayor Coss made the following appointments to the Children & Youth Commission:

Dr. Suzanne Gebhart – Reappointment – term ending 01/2014; and  
Michael Multari – Reappointment – term ending 01/2014.

**MOTION:** Councilor Chavez moved, seconded by Councilor Wurzbarger, to approve these appointments.

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

### **Mayor's Committee on Disability**

Mayor Coss made the following appointments to the Mayor' Committee on Disability:

Lois A. Simms – Reappointment – term ending 01/2015;  
Dave McQuarie – Reappointment – term ending 01/2015;  
Mary McGinnis – Reappointment – term ending 01/2015;  
Nancy S. Pieters – term ending 01/2015; and  
Buddy Hayes – term ending 01/2015

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

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

**Parks and Open Space Advisory Commission:**

Mayor Coss made the following appointment to the Parks and Open Space Advisory Commission:

Martin A. Ortega – to fill unexpired term ending 06/2013.

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

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

**Regional Development Corporation:**

Mayor Coss made the following appointment to the Regional Development Corporation.

Jennifer Jenkins – term ending 01/2014.

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

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

**Public Utilities Committee**

Mayor Coss said he is resigning from the Public Utilities Committee, and made the following replacement appointment to the Public Utilities Committee:

Councilor Calvert – term ending 03/2012.

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

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

**H. PUBLIC HEARINGS**

The Governing Body discussed combining all of the public hearings for beer and wine licenses. Mr. Zamora said there could be combined public hearings because they are the same type and topic, but individual votes would be required to approve each license. However, after further discussion, it was the

consensus among the members of the Governing Body, that it is necessary to discuss and hold public hearings separately for beer and wine licenses.

**1) REQUEST FROM LITTLE TONY'S PIZZERIA, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT LITTLE TONY'S, 945 WEST ALAMEDA. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk. Ms. Vigil said this request was heard at the previous meeting. However, the publication requirement was not met, and the reason this is again before the Governing Body. So, on this item it is necessary to have two votes: one to rescind the action taken at the previous meeting, and then another motion to approve the license.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to rescind the action taken on this item at the Council meeting of December 8, 2010.

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

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

**Against:** None.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to approve the request from Little Tony's Pizzeria, LLC, for a Restaurant Liquor License (Beer and Wine on-premise consumption only), to be located at Little Tony's, 945 West Alameda.

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

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

**Against:** None.

**2) REQUEST FROM CAFÉ CASTRO, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISES CONSUMPTION ONLY) TO BE LOCATED AT CAFÉ CASTRO, 2811, CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting there is a license at the new location, but the owner incorporation, so a new license is required. She said the business is not within 300 feet of a church or school.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Chavez, to approve the request from Café Castro, Inc., for a Restaurant Liquor License (Beer & Wine on-premise consumption only), to be located at Café Castro, 2811 Cerrillos Road.

**DISCUSSION:** Mayor Coss noted this is one of the First Lady's favorite restaurants in Santa Fe.

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

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

**Against:** None.

**3) REQUEST FROM THE INN OF THE FIVE GRACES FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT 1001 NIGHTS, INC., 152 EAST DEVARGAS STREET. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is within 300 feet of the San Miguel Mission Church. However, a waiver is not required because the Church has been designated as a Historic Site by the Cultural Properties Review Committee, and also does not have a regular congregation.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Bushee moved, seconded by Councilor Chavez, to approve the request from the Inn of the Five Graces for a Restaurant Liquor License (Beer & Wine on-premise consumption only), to be located at 1001 Nights, Inc., 152 E. DeVargas Street.

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

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

**Against:** None.

- 4) **REQUEST FROM OUTBACK STEAKHOUSE OF FLORIDA, LLC, FOR A TRANSFER OF OWNERSHIP (PARTIAL LIQUIDATED FROM LIMITED PARTNERSHIP TO GENERAL PARTNER) OF DISPENSER LICENSE #2776 FROM OUTBACK/PHOENIX II, LIMITED PARTNERSHIP, TO OUTBACK STEAK HOUSE OF FLORIDA, LLC. THE LICENSE WILL REMAIN AT OUTBACK STEAKHOUSE #5113, 2574 CAMINO ENTRADA. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, noting that this is a request for a transfer of ownership because of a partial liquidation from a limited partnership to a general partner. The license will remain at the Outback Steakhouse, 2574 Camino Entrada.

#### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Ortiz moved, seconded by Councilor Bushee, to approve the request from Outback Steakhouse of Florida, LLC, for a transfer of ownership of Dispenser License #2776 from Outback/Phoenix, II, Limited Partnership, to Outback Steakhouse of Florida, LLC, with the license to remain at Outback Steakhouse #5113, 2574 Camino Entrada.

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

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

**Against:** None.

5) **REQUEST FROM WHCSF SERVICES, LLC, FOR THE FOLLOWING:**

- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT WHOLE HOG CAFÉ, 320 SOUTH GUADALUPE, WHICH IS WITHIN 300 FEET OF SHRINE OF OUR LADY OF GUADALUPE CHURCH (SANCTUARIO), 417 AGUA FRIA;**
- b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM WHCSF SERVICES, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT WHOLE HOG CAFÉ, 320 SOUTH GUADALUPE, SANTA FE.**

The staff report was given by Yolanda Vigil, City Clerk, noting that the business is within 300 feet of the Shrine of Our Lady of Guadalupe Church, the Sanctuario in front. There is a letter in the packet from Father Tien-Tri Nguyen, Pastor, and he states they have no objection to this request.

Councilor Bushee asked the location of the business.

Ms. Vigil said she believes it is across from the Cowgirl.

Bo Barnwell, owner, said this is correct, and it is located where Agua Fria abuts into Guadalupe.

**Public Hearing**

There was no one speaking for or against this request.

**The Public Hearing was closed**

**MOTION:** Councilor Calvert moved, seconded by Councilor Dominguez, to approve the request from WHCSF Services, LLC, for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Whole Hog Café, 320 South Guadalupe.

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

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

**Against:** None.



**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at Whole Hog Café, 320 South Guadalupe, Santa Fe.

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

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

**Against:** None.

- 6) **CONSIDERATION OF BILL NO. 2010-40; OPTION OF ORDINANCE NO. 2011-1, (COUNCILOR WURZBURGER AND MAYOR COSS). AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF SANTA FE AND THE MONTE DEL SOL GROUP, LTD., FOR APPROXIMATELY 1.57 ACRES OF CITY OWNED LAND LOCATED AT THE SANTA FE MUNICIPAL AIRPORT IN ORDER FOR THE LESSEE TO USE AND OCCUPY THE PREMISES TO HANGAR AIRCRAFT FOR THE LESSEE'S PRIVATE USE AND OTHER RELATED PURPOSES. (JIM MONTMAN)**
- a) **REQUEST FOR APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE MONTE SOL GROUP, LTD., FOR THE PURPOSE OF USING AND OCCUPYING THE PREMISES TO HANGAR AIRCRAFT FOR ITS OWN PRIVATE USE AT THE SANTA FE MUNICIPAL AIRPORT. (JIM MONTMAN)**

The staff report was presented by Jim Montman, noting this is a request for the existing lease agreement for the same term at a higher lease rate, and most of the terms were kept the same, but updated the language to reflect current leases. The Ordinance is required to ratify the lease because the leasehold property is valued at more than \$25,000.

### **Public Hearing**

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

There was no one speaking for or against this request.

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

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Bushee, to adopt Ordinance No. 2011-01.

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

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

**Against:** None.

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Bushee, to approve the proposed Lease Agreement.

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

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

**Against:** None.

Mayor Coss congratulated Mr. Montman on a record year for enplanements.

Mr. Montman thanked the Mayor, and said it was the best year in the history of the airport, and not just since 2001.

- 7) **CONSIDERATION OF BILL NO. 2010-32; ADOPTION OF ORDINANCE NO. 2011- \_\_\_\_ (COUNCILOR ORTIZ AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 SFCC 1987 LAND DEVELOPMENT CODE RELATED TO APPEALS. (MATTHEW O'REILLY) (Postponed at December 8, 2010**
- a) **CONSIDERATION OF RESOLUTION NO. 2011- \_\_\_\_\_. (COUNCILOR ORTIZ AND COUNCILOR TRUJILLO). A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES RELATED TO APPEALS OF LAND USE DECISIONS. (MATTHEW O'REILLY)(Postponed at December 8, 2010 City Council Meeting) (Postponed to January 26, 2011 City Council Meeting)**

This item is postponed to the Council meeting of January 26, 2011.

## **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 January 12, 2011, is incorporated herewith to these minutes as Exhibit "7."

### **Councilor Dominguez**

Councilor Dominguez wished everyone a Happy New Year. He wished a Happy Birthday to his youngest son who was 18 years old on Saturday.

### **Councilor Calvert**

Councilor Calvert introduced an Ordinance adopted as an urgent measure establishing a six-month moratorium on the approval of permits for the installation of towers and antennas subject to Chapter 14 of the City Code, located on private property or City property excluding public rights of way. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Calvert said the reason for the Ordinance is twofold. The Telecommunication Ordinance is still under scrutiny by the courts, and secondly, we were supposed to have Chapter 14 amended to agree with Chapter 27 which hasn't been done. The Ordinance is to allow time for those things to happen, and hopefully we will be working on the amendments while we have a moratorium, and not be approving permits under a law which may not be validated. He said it doesn't have to last 6 months, but it could if the time is needed.

Councilor Bushee said she would like to cosponsor the Ordinance, and asked if he withdrew or didn't move "the one forward you had for New York State."

Councilor Calvert said that was intended to be Chapter 14 amendments which would have some of those provisions in it. He isn't moving that forward right now, because of the litigation on Chapter 27, and we want these to be consistent and not contradictory which is what we have now, because we haven't been able to amend Chapter 14.

Councilor Bushee said, "When it says urgent measure, does that mean you're suspending going through the committee process, or what's the deal?"

Councilor Calvert said, "I'm not sure I can do that."

Ms. Vigil said it is scheduled to go to Public Works on 01/24/11, and to the Finance Committee.

Councilor Calvert noted the schedule was included by Ms. Price.

Councilor Calvert reminded the public that the City no longer picks up Christmas tree, and those have to be dropped-off. He said he observes daily numerous Christmas trees dumped on the sidewalks

which are blocking the sidewalk. He said the drop-off sites for Christmas trees are at Payne's Nursery on St. Michaels and Camino Alire, Newman's Nursery, Franklin Miles Park at Camino Carlos Rey and Siringo, and at BuRRT.

Councilor Calvert said, with regard to the issue of catalytic converter thefts, he would ask staff to work with other law enforcement agencies at the New Mexico/Texas borders and customs at the U.S. Border crossings, because he understands they are moving those south. He suggested we could ask our Legislative delegation to introduce legislation for state-wide cooperation of recycling centers on documenting the steps so we at least can control what goes on within the state.

Councilor Bushee said she was a victim of catalytic converter theft from her old work truck, noting there were several on Mesa Verde Street which were hit at the same time. She has been in contact with the Police Chief, and they are working with APD, and have posted some preventative and helpful tips on Nixle. She would like that to be incorporated into a press release to the public. She said the theft is happening and becoming widespread. She said she put her newer Toyota in the garage.

### **Councilor Trujillo**

Councilor Trujillo introduced the following:

1. A Resolution urging the New Mexico State Legislature to maintain the existing New Mexico driver's license laws as they relate to the issuance of driver's licenses, irrespective of immigration status. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilors Wurzbarger and Calvert asked to be added as cosponsors on this Resolution.

2. A Resolution amending Table 50, page 45, "Planned Fire/EMS Improvements 2007-2012," and Table 62, page 53, "Planned Police Protection Improvements 2007-2012," of the City of Santa Fe "Impact Fees Capital Improvements Plan and Land Use Assumptions, 2007-2012," to include the Naviline System as an eligible project to receive Impact Fee funds. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
3. An Ordinance amending Sections 24-4.4 and 24-4.5 SFCC 1987, regarding the Santa Fe Traffic Operations Program in order to make all fines one hundred dollars and to make clarifications and corrections. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
4. An Ordinance amending Section 1-3.2 SFCC 1987, regarding the distribution of Municipal Court Fees. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12"

Councilor Trujillo wished his daughter Christiana a Happy Birthday, noting she celebrated her 9<sup>th</sup> birthday last Thursday.

### **Councilor Wurzbarger**

Councilor Wurzbarger said she would like to announce and is very proud that the water started flowing from the BDD this week, and that they actually drank water from the BDD at the BDD Board meeting and it was quite good.

Councilors Wurzbarger said she, Mayor Coss and Councilor Romero are introducing a Resolution directing staff to negotiate a lease with the Santa Fe Railyard Community Corporation for the Santa Fe, Atchison and Topeka depot located on the Railyard to be used by the Convention and Visitors' Bureau as a Visitors' Center and to negotiate operating agreements with the Santa Fe Southern Railroad and the Department of Transportation for use of the Railroad Corridor. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

### **Councilor Bushee**

Councilor Bushee introduced the following:

1. An Ordinance amending sections of Chapter 5 SFCC 1987, "Animal Services," regarding the restraint of animals, licensing, feral cats, spaying or neutering, litter permits and other subjects related to animals. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "14"
2. A Resolution urging the New Mexico State Legislature to adopt an act relating to motor vehicles; providing that a motorist must pass a bicyclist with at least a five-foot distance; establishing a penalty assessment misdemeanor. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15"

Councilor Bushee said she has been working with Jeanne Price on the DWI/forfeiture update and potential revisions which she will be introducing in two weeks.

Councilor Bushee said she has been inquiring with Ms. Price with regard to an Inspector General position in the City, and would like to push things up somewhat. She is looking for an existing position that already is funded that could be shifted for that purpose. She said it would be similar to what they are doing in Albuquerque.

Councilor Wurzbarger asked about the Resolution on passing bicycles. She asked if this means, on the East Side, where many of our streets are very small, that motorists will have to cross the center line in order to pass a bicyclist.

Councilor Bushee said she is in support of Senator Wirth's legislation, but she is unsure how to answer that question.

Councilor Wurzbarger said there are many streets on the East Side which don't have bicycle lanes which are very narrow. She would like staff to provide clarification in this regard.

### **Councilor Ortiz**

Councilor Ortiz said on the new side of town there are mailbox hubs, cluster boxes, which are in the newer subdivisions. He said some residents have taken to parking and obstructing some of those mailboxes. He is unsure whether the City has the authority to red stripe or yellow stripe around these cluster boxes, or if that needs to go through the U.S. Postal Service, or if we need a Resolution or Ordinance. He would like someone from Streets to provide him some answers with regard to what the City can or cannot do or in striping to allow free accessibility to those mailboxes. He said there are some of these cluster boxes in his neighborhood.

Councilor Ortiz said the Finance Committee will be meeting next week on Tuesday, noting it is a Special Meeting, inviting all members of the Governing Body, like the one we had in December 2010.

### **Councilor Chavez**

Councilor Chavez said there will be a Fundraiser for Canuto Delgado, on Friday, January 14, 2011, 8:00 a.m. to 1:00 p.m., at Milagro downtown. He thanked staff for putting this information on Public Access television.

### **Mayor Coss**

Mayor Coss introduced a Resolution supporting the re-establishment of the Historic Southwest Region of the National Park Service and the preservation of the national significant regional office building in Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16"

Mayor Coss introduced a Resolution urging the New Mexico State Legislature to maintain the existing Film Tax Incentive, until such time as a complete and thorough economic impact study can be done; and supporting Senate Bill No. 2011-44 and opposing House Bill No. 2011-19. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17"

**I. ADJOURN**

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

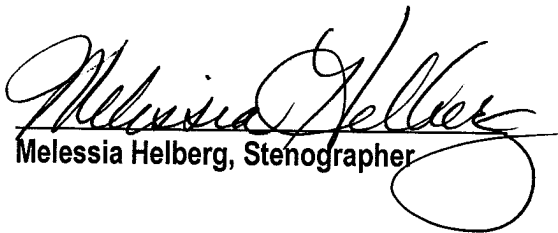
**Approved by:**

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

**ATTESTED TO:**

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

**Respectfully submitted:**

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