



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 9, 2011
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2-4-11 TIME 10:00am

SERVED BY Yolanda Y. Vigil

RECEIVED BY _____

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 – January 26, 2011
9. PRESENTATIONS
 - a) Employee's of the Month for February 2011 – Police Officer Paul Joye and Police Officer Mike McKluskey. (5 minutes)
 - b) Programs Funded by State of New Mexico Children Youth and Families Department. (Richard DeMella and Santa Fe Regional Juvenile Justice Board). (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 4 to Professional Services Agreement – Meter Testing Services for Water Division; Great Southwest Meters. (Michael Gonzales)
 - b) Request for Approval of Sole Source Procurement and Amendment No. 2 to Professional Services Agreement – Shelter Stray Animals Retrieved by City of Santa Fe Animal Services Division; Santa Fe Animal Shelter. (Police Chief Aric Wheeler)
 - c) Request for Approval of Change Order No. 1 – City Hall Roofing; Mike Lopez Roofing, LLC. (Chip Lilienthal)
 - d) Request for Approval of Budget Increase for Santa Fe Community Convention Center Project. (Martin Valdez)



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REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 9, 2011
CITY COUNCIL CHAMBERS

- e) Request for Approval to Publish Notice of Public Hearing on March 9, 2011:
 - 1) Bill No. 2011-3: 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. (Councilor Calvert and Councilor Bushee) (Marcos Martinez)
 - 2) Bill No. 2011-4: An Ordinance Amending Section 1-3-2 SFCC 1987 Regarding the Distribution of Municipal Court Fees. (Councilor Trujillo) (Judge Ann Yalman)
 - 3) Bill No. 2011-5: 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 Speeding Fines One Hundred Dollars and to Make Clarifications and Corrections. (Councilor Trujillo) (Captain Robbins and Adrian Terry)
 - 4) Bill No. 2011-6: An Ordinance Amending Article 11-4 SFCC 1987 to Authorize the Finance Director to Approve Budget Adjustments Up To and Including Five Thousand Dollars (\$5,000); the City Manager To Approve Budget Adjustments from Five Thousand Dollars and One Cent (\$5,000.01) Up To and including Fifty Thousand Dollars (\$50,000) and the Governing Body to Approve Budget Adjustments Over Fifty Thousand Dollars (\$50,000). (Councilor Ortiz) (Kathryn Raveling)
- f) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Trujillo)
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 a "Regional Mobile Mapping System" as an Eligible Project to Receive Impact Fee Funds. (Fire Chief Barbara Salas)
 - 1) Request for Approval of Budget Increase – Impact Fee Fund.
- g) Request for Approval of Professional Services Agreement – Pursuant to Resolution 2011-3: 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; Lensic Performing Arts Center. (Sebastian Gurule)



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CITY COUNCIL CHAMBERS

- h) Request for Concept Approval of Proposed Right-of-Way Dedication Plat for West Extension of Jaguar Road Within Santa Fe Airport Lands and Agreement to Construct and Dedicate Required Development Improvements; Commercial Center at 599, Inc. (Edward Vigil)
- i) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Wurzbarger, Mayor Coss, Councilor Calvert, Councilor Trujillo, Councilor Bushee, Councilor Dominguez and Councilor Romero)
A Resolution Urging the Community to Support the Santa Fe Veteran Community Center. (Jeanne Price)
- j) Request for Conceptual Approval of New PNM Caja del Rio Substation Site. (Rick Carpenter)
- 11. MATTERS FROM THE CITY MANAGER
- 12. MATTERS FROM THE CITY ATTORNEY
- 13. MATTERS FROM THE CITY CLERK
- 14. COMMUNICATIONS FROM THE GOVERNING BODY

SPECIAL EVENING SESSION: Immediately Following Afternoon Session.

A. PUBLIC HEARINGS:

- 1) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Consumption of Champagne at Goler Fine Imported Shoes, 125 West Palace Avenue, which is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place. The Request is for a Reception to be held on February 12, 2011 from 12:00 p.m. to 7:00 p.m. (Yolanda Y. Vigil)

B. ADJOURN

EVENING SESSION – 7:00 P.M.

7:00 P.M. EVENING SESSION WILL NOT BE HELD

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

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SANTA FE CITY COUNCIL MEETING
February 9, 2011

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 9, 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 February 9, 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 Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Rosemary Romero

Members Excused

Councilor Carmichael A. Dominguez
Councilor Ronald S. Trujillo
Councilor Matthew E. Ortiz

Others Attending

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

6. APPROVAL OF AGENDA

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

For: Councilor Bushee, Councilor Chavez, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Absent for the vote: Councilor Calvert.

A copy of an Action Sheet Item from the Public Works/CIP and Land Use Committee meeting of Monday, February 7, 2011, is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – METER TESTING SERVICES FOR WATER DIVISION; GREAT SOUTHWEST METERS. (MICHAEL GONZALES)**
- b) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO 2 TO PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS RETRIEVED BY CITY OF SANTA FE ANIMAL SERVICES DIVISION; SANTA FE ANIMAL SHELTER. (POLICE CHIEF ARIC WHEELER)**
- c) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – CITY HALL ROOFING; MIKE LOPEZ ROOFING, LLC. (CHIP LILIENTHAL)**
- d) **REQUEST FOR APPROVAL OF BUDGET INCREASE FOR SANTA FE COMMUNITY CONVENTION CENTER PROJECT. (MARTIN VALDEZ)**
- e) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 9, 2011:**
 - 1) **BILL NO. 2011-3: 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 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). (MARCOS MARTINEZ)**

- 2) BILL NO. 2011-4: AN ORDINANCE AMENDING SECTION 1-3-2 SFCC 1987, REGARDING THE DISTRIBUTION OF MUNICIPAL COURT FEES (COUNCILOR TRUJILLO). (JUDGE ANN YALMAN)
 - 3) BILL NO. 2011-5: 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 SPEEDING FINES ONE HUNDRED DOLLARS AND TO MAKE CLARIFICATIONS AND CORRECTIONS (COUNCILOR TRUJILLO). (CAPTAIN ROBBINS AND ADRIAN TERRY)
 - 4) BILL NO. 2011-6: AN ORDINANCE AMENDING ARTICLE 11-4 SFCC 1987, TO AUTHORIZE THE FINANCE DIRECTOR TO APPROVE BUDGET ADJUSTMENTS UP TO AND INCLUDING FIVE THOUSAND DOLLARS (\$5,000); THE CITY MANAGER TO APPROVE BUDGET ADJUSTMENTS FROM FIVE THOUSAND DOLLARS AND ONE CENT (\$5,000.01) UP TO AND INCLUDING FIFTY THOUSAND DOLLARS (\$50,000), AND THE GOVERNING BODY TO APPROVE BUDGET ADJUSTMENTS OVER FIFTY THOUSAND DOLLARS (\$50,000) (COUNCILOR ORTIZ). (KATHRYN RAVELING)
- f) CONSIDERATION OF RESOLUTION NO. 2011-9 (COUNCILOR TRUJILLO AND COUNCILOR BUSHEE). 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 A "REGIONAL MOBILE MAPPING SYSTEM" AS AN ELIGIBLE PROJECT TO RECEIVE IMPACT FEE FUNDS. (FIRE CHIEF BARBARA SALAS)
- g) *[Removed for discussion by Councilor Bushee]*
- h) REQUEST FOR CONCEPT APPROVAL OF PROPOSED RIGHT-OF-WAY DEDICATION PLAT FOR WEST EXTENSION OF JAGUAR ROAD WITHIN SANTA FE AIRPORT LANDS AND AGREEMENT TO CONSTRUCT AND DEDICATE REQUIRED DEVELOPMENT IMPROVEMENTS; COMMERCIAL CENTER AT 599, INC. (EDWARD VIGIL)
- 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – IMPACT FEE FUND.
- i) *[Removed for discussion by Councilor Bushee]*
- j) REQUEST FOR CONCEPT APPROVAL OF NEW PNM CAJA DEL RIO SUBSTATION SITE. (RICK CARPENTER)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 26, 2011

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to approve the minutes of the Regular City Council meeting of January 26, 2011, as presented.

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

9. PRESENTATIONS

a) EMPLOYEE OF THE MONTH FOR FEBRUARY 2011

Police Chief Wheeler, joined by Vanessa Carrillo, presented Officers Paul Joy and Michael McClusky, the employees of the month, for the valor, bravery and selflessness they exhibited while removing ambulance driver Vanessa Carrillo from the ambulance she was driving when she was hit by a wrong-way driver on I-25.

Councilor Bushee and Councilor Wurzburger presented the officers with Muchas Gracias plaques, and Councilor Romero presented each of them a check for \$50 from the Employee Benefits Committee.

Mayor Coss, Councilors Bushee, Wurzburger and Romero commended Officers Joy and McClusky for their above and beyond the call of duty assistance to Ms. Carrillo, and for their exceptional service to the City.

Officer Joy and Officer McClusky thanked the City for this honor.

b) PROGRAMS FUNDED BY STATE OF NEW MEXICO, CHILDREN, YOUTH AND FAMILIES DEPARTMENT. (RICHARD DeMELLA AND SANTA FE REGIONAL JUVENILE JUSTICE BOARD.

Deacon Anthony Trujillo, Vice-Chair of the Regional Juvenile Justice Board, thanked the Council for its support over the years to the Board. He said the support is very valuable, especially to the youth of the community. The Board was created in 2003 and involves people from the various agencies such as the Children's Court, DA's office, Police Department, School Board, Health Department, faith community, private sector, City Council, Juvenile Probation, Detention Center and a youth member. This group is interested in finding solutions, not pointing fingers, and through these various groups, the Board works together to make this a healthy community for our kids. He spoke about some of the Board initiated programs such as a Disparities Program, Family Youth & Resource Program, Day Reporting Program, Intensive Community Monitoring Program and the Cradle to Graduation pipeline model for at risk youth.

Tita Gervers, Director of Student Wellness, Santa Fe Public Schools, spoke about their work with and through the Board. She spoke about the Safe Schools Healthy Students Grant of \$5.6 million from the

OJJDP, SAMSA and Department of Education to work with youth in the schools. She said this Board monitors the program and assists them in sustaining programs developed through this grant. It is a four year grant – \$1.4 million annually with the option for a 5th year extension. She said they look forward to providing progress reports to the Council over the next few

Det. Sgt. Lewis Carlos, Santa Fe Police Department, a member of the Board, said they are trying to take a different approach in dealing with juvenile delinquency in the schools to curb the delinquency. He said they have had some great results and challenges in their efforts.

Mayor Coss thanked the Board for its work, and introduced the Board members in attendance – Judge Michael Vigil, Mary Ellen Gonzales, Sgt. Carlos, Tita Gervers and Deacon Trujillo, and Rich DeMella, the staff liaison. He thanked them for the update.

CONSENT CALENDAR DISCUSSION

10 (g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PURSUANT TO RESOLUTION 2011-3; 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; LENSIC PERFORMING ARTS CENTER. (SEVASTIAN GURULE)

Councilor Bushee said she pulled this item so she could be consistent with her vote in Committee.

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

DISCUSSION: Councilor Chavez said the PSA indicated a 5% GRT, which differs from the current rate, and asks how it is applied.

Mr. Gurule said he is unsure and can research this and provide that information to the Council.

Geno Zamora, City Attorney, said it is because the City is responsible for paying the GRTs and pays the State 5%, but doesn't pay itself the GRTs.

Councilor Chavez asked if this is the rate the City collects on all transactions at all parking structures.

Mr. Zamora said yes, although he hasn't looked into this, his assumption is that when the City is responsible for paying GRTs, it is only responsible for paying what is owed to the State which is approximately 5%.

Councilor Calvert arrived at the meeting

VOTE: The motion failed for lack of the 5 votes necessary to approve a Professional Services Agreement, [even if the Mayor had voted].

For: Councilor Calvert, Councilor Romero ~~and Councilor Wurzburger~~.

Against: Councilor Bushee and Councilor Chavez and Councilor Wurzburger.

Following the vote, Councilor Wurzburger changed her vote to no, so she can move to reconsider this item at the next meeting.

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to reconsider this item at the next meeting of the City Council.

VOTE: The motion was approved on a voice vote, with Councilors Calvert, Romero, Wurzburger and Chavez voting in favor of the motion and Councilor Bushee voting against.

10 (i) CONSIDERATION OF RESOLUTION NO. 2011-10 (COUNCILOR WURZBURGER, MAYOR COSS, COUNCILOR CALVERT, COUNCILOR TRUJILLO, COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ AND COUNCILOR ROMERO). A RESOLUTION URGING THE COMMUNITY TO SUPPORT THE SANTA FE VETERAN COMMUNITY CENTER. (JEANNE PRICE)

Councilor Bushee asked if there is a location selected for the Center, noting she asked in Committee, but nobody knew.

Councilor Wurzburger said she received a memo via email and thought Councilor Bushee had as well, noting it is on Rodeo Road, and Councilor Bushee said she did not receive an email.

Jeanne Price said she doesn't have an exact address, but it is off Rodeo Road in the area where the arroyo crosses the road.

Councilor Bushee asked if land has been purchased for the Center, or if this is just a proposal.

Mayor Coss said he believes no land has been purchased, but they have identified the land they would like to purchase.

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

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

For: Councilor Bushee, Councilor Calvert, Councilor Romero, Councilor Wurzburger and Mayor Coss.

Against: None.

Absent for the vote: Councilor Calvert.

END OF CONSENT CALENDAR DISCUSSION

11. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

12. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

13. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

14. 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 February 9, 2011, is incorporated herewith to these minutes as Exhibit "2."

Councilor Calvert

Councilor Calvert introducing the following:

1. A Resolution repealing Resolution No. 2000-32 that established the Ethics & Rules Committee for the purpose of eliminating the Ethics and Rules Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

2. A Resolution directing staff to study the RM-1 District located north of East Alameda Street between Armijo Street and Lorenzo Lane; to evaluate the RM-1 District zoning; and to make recommendations to the governing body as to the necessity or appropriateness of a City initiated downzoning. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Bushee

Councilor Bushee introduced the following:

1. A Resolution welcoming the Subaru Trail Crew to Santa Fe and directing staff to enter into an agreement with the Santa Fe Fat Tire Society and the Trails Alliance of Santa Fe to complete trail project 10, a quarter mile connecting trail in L Tierra. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
2. A Resolution repealing Resolution No. 2008-15 that recognized and awarded public service tenure by non-bargaining unit employees with 23 or more years of public safety service with the Santa Fe Police or Fire Department or non-bargaining unit employees with 27 or more years of service with other City of Santa Fe departments; and that provided for an accelerated retirement benefit for Public Safety non-bargaining unit employees that is comparable with Police and Fire collective bargaining agreements. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."
3. A Resolution directing staff to study the RM-1 District located east of Bishops Lodge Road and north of Paseo de Peralta; to evaluate the RM-1 District zoning; and to make recommendations to the Governing Body as to the necessity or appropriateness of a City initiated downzoning. Councilor Bushee said she had intended to join with Councilor Calvert's Resolution to include the Callecita Street area which is more of a priority in terms of the development that is happening out there. She has spoken with the residents and they are interested in working on that. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee said she would also like to initiate green waste pickup at the residential level, commenting she will introduce a Resolution if needed. She spoke with Regina Wheeler who said this could be done possibly in the spring and fall for free for residents so we are diverting green waste from the landfill – using tall paper bags.

Councilor Bushee has attended several events recently at the Convention Center, and she would like to see recycling at the bars, noting lots of bottles are being thrown out. She said we need to make some sort of arrangement to so this, perhaps an additional charge for bartending or catering.

Councilor Bushee said she asked Ms. Wheeler to contact the State, because there are a lot of small bottles of water being given by lobbyists, and people are just tossing those. However, it is the State's call, but she is encouraging the State to look at recycling those.

Councilor Bushee said she will speak to Mr. Romero after the meeting about some other things she would like to have done.

Councilor Wurzbarger

Councilor Wurzbarger introduced a Resolution, cosponsored with Councilor Romero, supporting the enactment of the New Mexico Municipal and County Affordable Housing Act, in order to implement affordable housing programs; and to provide authority to the municipality or county to submit to the local electors the question of whether a property tax should be imposed to fund local housing assistance grants. She said the proposal is supported by the Realtors and the Homebuilders. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8"

Councilor Chavez

Councilor Chavez had no communications.

Mayor Coss

Mayor Coss thanked Audubon and Clean Energy Economy for the workshop today with the Norwegian Ambassador. It was great. He welcomed the Mayor's Institute on City Design to Santa Fe, noting there 8 visiting Mayors who will be here the next two days attending this Institute.

Mayor Coss introduced the following on behalf of Councilor Ortiz:

1. A Resolution requiring re-districting of the City to comport with the 2010 census for the 2012 general municipal election.
2. A Resolution amending the City of Santa Fe Personnel Rules and Regulations, capping administrative, sick and personal leave balances.
3. An Ordinance declaring a financial emergency and requiring limits on General Fund personnel costs and/or calling for a special election to determine specific revenue enhancements.

4. A Resolution Amending Resolution No. 2010-79, to include that the County of Santa Fe will provide funding, alongside the City of Santa Fe and the State of New Mexico, for the Spanish State visit and the Mexican Presidential visit, events planned by Santa Fe 400th Anniversary, Inc., upon certain conditions. He noted this is for prospective events, if they happen. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9"

END OF AFTERNOON SESSION AT 5:40 P.M.

The Regular Evening Session was not held

SPECIAL EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Special Evening Session was called to order by Mayor David Coss, at approximately 5:40 p.m. There was a quorum present as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Rosemary Romero

Members Excused

Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo

Others Attending

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

A. PUBLIC HEARINGS:

- 1) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE CONSUMPTION OF CHAMPAGNE AT GOLER FINE IMPORTED SHOES, 125 WEST PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR A RECEPTION TO BE HELD ON FEBRUARY 12, 2011, FROM 12:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Vigil, City Clerk, noting the business is within 300 feet of the Cathedral Basilica. Ms. Vigil said there is a letter in the Council packet from the Cathedral stating that they have no opposition to this request.

Public Hearing

Stefanie Beninato asked if the Governing Body would be taking petitions from the floor since we are in the Evening Session, saying she doesn't mind waiting until after they vote on this, because she would like to say something from the floor.

Mayor Coss said Ms. Beninato can speak after the vote.

Geno Zamora, City Attorney, said Petitions from the Floor isn't advertised on the agenda, and although this is up to the Governing Body, the typical rule is since this item isn't on the published agenda, there is the question of whether there is a violation of the Open Meetings Act by adding items to the agenda that weren't advertised.

Mayor Coss apologized to Ms. Beninato, saying Mr. Zamora is correct.

Julie King, La Casa Sena, said Goler is their neighbor, sharing the same courtyard. She said La Casa Sena has done 3 events with Goler every year for the past 10 years. She hopes "we can work this out for our neighbor," Donald Pliner. She asked the Governing Body to approve this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the request for a waiver of the 300 foot location restriction, and to approve the request to allow the consumption of champagne at Goler Fine Imported Shoes, 125 West Palace Avenue, at a reception on February 12, 2011, 12:00 p.m. to 7:00 p.m.

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

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Romero and Councilor Wurzbarger.

Against: None.

Explanation of vote: Councilor Wurzbarger voted yes and asked to direct staff to "explore the option of doing multiple... as I've discussed with you Yolanda. I understand we may be able to do that."

Responding to Councilor Chavez, Mayor Coss said there will be no Petitions from the Floor this evening, because the City Attorney said we shouldn't do it because of the Open Meetings Act. He said there will be an Evening Session at the next meeting.

I. ADJOURN

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

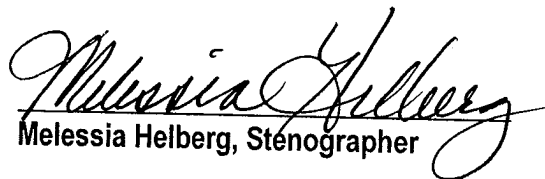
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer