



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

AMENDED – 11 b)

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – April 13, 2011
9. PRESENTATIONS

CITY CLERK'S OFFICE

DATE 4-25-11 TIME 10:35 am

SERVED BY _____

RECEIVED BY Tina Dominguez

- a) 30 Day Report – Interim Police Chief Ray Rael. (5 minutes)
- b) Proclamation – “Arlene Sisneros Day” – April 29, 2011. (5 minutes)
- c) Santa Fe Cares About Kids! Book – Documents the Work of the Children and Youth Commission. (Lynn Hathaway and Children and Youth Commission.) (5 minutes)
- d) Muchas Gracias - City of Santa Fe and Selected City Employees for the Wonderful Job Done by the City in Facilitating the Early Head Start Expansion. (Larry A. Martinez, Director, North Central Region Presbyterian Medical Services) (5 minutes)
- e) Muchas Gracias – Lillian Montoya-Rael, Member, Chair of Economic Development Review Sub-Committee and City Business and Quality of Life Committee. (5 minutes)
- f) Muchas Gracias – Dorothy Massey, Member of City Business and Quality of Life Committee. (5 minutes)
- f) Proclamation – “St. Vincent Hospital Auxiliary 60th Anniversary.” (Councilor Chavez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

10. CONSENT CALENDAR

- a) Request for Approval of Professional Services Agreement – National Environmental Policy Act of 1969 (NEPA) Services for Municipal Watershed Management Project (RFP #11/5/P) for Water Division; Tierra Right of Way Services, Ltd. (Dale Lyons)
- b) Request for Approval of Water Rights Purchase Agreement – Water Rights Purchase Within the Middle Rio Grande Conservancy District; Vanetta R. Perry. (Dale Lyons)
- c) Request for Approval of Affordable Housing Funds Grant – Low Income Housing Tax Credit for Property Located at 5999 Airport Road (a.k.a. Country Club Apartments); Supportive Housing Coalition of New Mexico. (Melisa Dailey)
- d) Request for Approval of Change Order No. 1 – Surge Tank Repainting for Water Division; Norvell Construction LLC. (Robert Jorgensen)
- e) Request for Approval to Rename the Solid Waste Division to the Environmental Services Division as of FY 2011/2012. (Regina Wheeler)
- f) Request for Approval to Proceed with Implementation and Public Outreach of a Comprehensive Green Waste Recycling Program for Solid Waste Division. (Regina Wheeler)
- g) Request for Approval of Procurement Under State Price Agreement – Automated Meter Reading Devices for Utility Billing Division; Baker Utility Supply. (Peter Ortega)
- h) Request for Approval of Amendment No. 2 to Lease Agreement – Other Improvements and Deferred Maintenance Schedule (Exhibits G-1 and G-2 of the Original Lease) at Santa Fe University of Art and Design LLC; Santa Fe Higher Education LLC. (Sean Moody)
- i) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Dominguez)
A Resolution Directing Staff to Apply to the New Mexico Department of Transportation (NMDOT) Access Control Committee for an Access Break Along the I-25 West Frontage Road to Allow for a Future City Road as Shown on the Metropolitan Planning Organization 2010-2035 Future Regional Roadway Network Map. (Isaac Pino)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

- j) Request for Approval to Publish Notice of Public Hearing on May 25, 2011:
- 1) Bill No. 2011-11: An Ordinance Amending Section 27-2.16 SFCC 1987 Regarding the Communication Franchise Advisory Committee in Order to Rename the Committee as the Telecommunications Advisory Committee and to Revise its Duties. (Councilor Bushee) (Juan Torres)
 - a) A Resolution Amending Resolution No. 2010-56 in Order to Rename the Communication Franchise Advisory Committee as the Telecommunications Advisory Committee and to Revise its Duties. (Councilor Bushee) (Juan Torres)
 - 2) Bill No. 2011-12: An Ordinance Amending Section 23-1.4 SFCC 1987 Regarding Obstruction Permit Fees; Amending Section 23-2.10 SFCC 1987 Regarding Street Cut Permit Fees and Restoration Penalties; and Amending Section 23-3-10 SFCC 1987 Regarding Curb Cut Fees. (Councilor Dominguez) (David Catanach and John Romero)
 - 3) Telecommunications – Land Use Requirements (Councilor Calvert) (Kelley Brennan)
 - a) Bill No. 2011-13: An Ordinance Repealing Section 14-6.2(E) SFCC 1987 and Creating a New Section 14-6.2(E) SFCC 1987 Regarding Telecommunications Facilities Outside Public Rights-of-Way and Making Such Other Necessary Changes.
 - b) A Resolution Adopting Application Fees for the Review of Telecommunications Facilities in Accordance with Chapter 14 SFCC 1987.
 - 4) Bill No. 2011-14: An Ordinance Amending Rule No. 10 of Exhibit A of Chapter 25 SFCC 1987 Regarding Responsibility for Water Service Equipment. (Councilors Bushee and Calvert) (Brian Snyder)
 - 5) Bill No. 2011-15: An Ordinance Amending Section 14-8.11(F) SFCC 1987 to Temporarily Reduce the Percentage Requirements of the Santa Fe Homes Program (SFHP); and Amending Section 26-1.15 SFCC 1987 to Temporarily Reduce the Percentage of the Required Number of for Sale SFHP Homes in a Development. (Councilor Wurzbarger, Councilor Ortiz, Councilor Trujillo and Councilor Dominguez) (Melisa Dailey)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

- b) Resolution Amending the Administrative Procedures for the Santa Fe Homes Program (SFHP) to Temporarily Reduce the Percentage Requirements of the Santa Fe Homes Program.
- 6) Bill No. 2011-16: An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Educational Facilities Revenue Bonds (St John's College Project), Series 2011 in an Aggregate Principal Amount Not to Exceed \$10,000,000, for the Purposes of Financing Educational Facilities; Authorizing the Execution and Delivery of an Installment Sale Agreement Between the City and St. John's College, an Indenture of Trust Securing Said Bonds, a Bond Purchase Agreement, Closing Documents and Such Bonds in Connection Therewith; Providing for the Terms of the 2011 Bonds and Making Determinations as to the Sufficiency of the Installment Purchase Payments and Other Matters Related to the Project; Authorizing the Sale of Said Bonds and any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds. (Mayor Coss, Councilor Wurzburger and Councilor Romero) (Robert Romero and Judy Amer)
- k) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss, Councilor Trujillo and Councilor Romero)
A Resolution Authorizing the City of Santa Fe to Support a Living Santa Fe River by Allowing Water to Bypass McClure and Nichols Reservoirs in 2011. (Brian Drypolcher)
- l) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Wurzburger)
A Resolution Suspending the Enforcement of those Sections of Chapter 14 SFCC 1987 Setting Forth the Expiration of Development Approvals Due to Severe Economic Conditions. (Matthew O'Reilly)
- m) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- n) Request for Approval of Amendment No. 1 to Agreement – Delivery of Treated Effluent to Pueblo of Pojoaque Development Corporation; Pueblo of Pojoaque Development Corporation. (Bryan Romero and Marcos Martinez)
- o) Request for Approval of Amendment No. 2 to Recreational Access Agreement – Utilize Racetrack Infield of The Downs at Santa Fe For City's Parks and Recreation Program; Pueblo of Pojoaque Development Corporation. (Bryan Romero and Marcos Martinez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

11. Request for Approval to Publish Notice of Public Hearing on May 25, 2011:
 - a) Bill No. 2011-17: An Ordinance Amending Ordinance No. 2009-15 That Authorized the Sale of Real Property Located Adjacent to 312 Catron Street in Order to Amend the Terms of the Sale Specific to the Time and Manner of Payment. (Councilor Romero) (Edward Vigil)
 - b) Bill NO. 2011-18: An Ordinance Amending Section 11-12.1 SFCC 1987 to Authorize, on an Annual Basis, the Transfer of Enterprise Funds to the General Fund, in an Amount Not to Exceed Four Million Dollars (\$4,000,000). (Councilor Calvert, Mayor Coss, Councilor Dominguez, Councilor Trujillo and Councilor Romero) (Brian Snyder)
12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard, with Railyard Company LLC., Pursuant to §10-15-1(H)(8) NMSA 1978, and Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant Involving Railyard Company, LLC in Accordance with §10-15-1(H)(7) NMSA 1978.
 - b) Discussion on Granting an Easement to PNM for the Purpose of an Electrical Substation on MRC Land, in Accordance with §10-15-1(H)(8), NMSA 1978.
 - c) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in which the City of Santa Fe Is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978.
14. Action Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC. (Geno Zamora)
 15. Request for Approval of Office Space Lease Agreement – 500 Market Street, Suite 200 at the Railyard; Railyard Company, LLC. (Robert Romero and Geno Zamora)
 16. Action on Granting an Easement to PNM for the Purpose of an Electrical Substation on MRC Land. (Marcos Martinez)
 17. MATTERS FROM THE CITY CLERK



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from SF Wine & Spirits, Inc., 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 Susan's Fine Wine and Spirits, 1005 S. St. Francis Street, Suite 101 Which is Within 300 Feet of the Santa Fe School for the Deaf, 1060 Cerrillos Road. (Yolanda Y. Vigil)
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from SF Wine & Spirits, Inc., dba/ Susan's Fine Wine and Spirits, for a Transfer of Location of Dispenser License #156, from 1005 S. St. Francis Street, Suite 105, to 1005 S. St. Francis Street, Suite 101. (Yolanda Y. Vigil)
 - 2) Request from Constellation Home Electronics, for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/ Consumption of Alcoholic Beverages (Wine and Spirits) at Constellation Home Electronics, 215 North Guadalupe Street, which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for the Release of the Latest Issue of TREND Magazine to be held on Thursday, April 28, 2011 from 5:00 p.m. – 7:00 p.m. (Yolanda Y. Vigil)
 - 3) Request from Balconies, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at the Ore House, 50 Lincoln Avenue. (Yolanda Y. Vigil) (Postponed at April 13, 2011 City Council Meeting) (**Postponed to May 11, 2011 City Council Meeting**)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

- 4) CONSIDERATION OF BILL NO. 2010-10: ADOPTION OF ORDINANCE NO 2011-_____.
Case #2010-139. 517 St. Francis Rezoning and Variance. Darren Branch, Agent for Annette Garcia, Requests Rezoning of 0.10± Acres of Land from R-8 (Residential, 8 Dwelling Units Per Acre) to C-4 (Limited Office and Retail District). The Application also Includes a Site Plan and a Variance Request from Section 14-7.4(D)(4)(e), Landscape Buffer Requirements for Non-Residential Uses Abutting Developed Residential Uses. (Donna Wynant) **(Withdrawn by Applicant)**

I. ADJOURN

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

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

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



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – April 13, 2011
9. PRESENTATIONS

CITY CLERK'S OFFICE

DATE 4-22-11 TIME 11:39 am

SERVED BY

RECEIVED BY Tina Dominguez

- a) 30 Day Report – Interim Police Chief Ray Rael. (5 minutes)
- b) Proclamation – “Arlene Sisneros Day” – April 29, 2011. (5 minutes)
- c) Santa Fe Cares About Kids! Book – Documents the Work of the Children and Youth Commission. (Lynn Hathaway and Children and Youth Commission.) (5 minutes)
- d) Muchas Gracias - City of Santa Fe and Selected City Employees for the Wonderful Job Done by the City in Facilitating the Early Head Start Expansion. (Larry A. Martinez, Director, North Central Region Presbyterian Medical Services) (5 minutes)
- e) Muchas Gracias – Lillian Montoya-Rael, Member, Chair of Economic Development Review Sub-Committee and City Business and Quality of Life Committee. (5 minutes)
- f) Muchas Gracias – Dorothy Massey, Member of City Business and Quality of Life Committee. (5 minutes)
- f) Proclamation – “St. Vincent Hospital Auxiliary 60th Anniversary.” (Councilor Chavez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

10. CONSENT CALENDAR

- a) Request for Approval of Professional Services Agreement – National Environmental Policy Act of 1969 (NEPA) Services for Municipal Watershed Management Project (RFP #11/5/P) for Water Division; Tierra Right of Way Services, Ltd. (Dale Lyons)
- b) Request for Approval of Water Rights Purchase Agreement – Water Rights Purchase Within the Middle Rio Grande Conservancy District; Vanetta R. Perry. (Dale Lyons)
- c) Request for Approval of Affordable Housing Funds Grant – Low Income Housing Tax Credit for Property Located at 5999 Airport Road (a.k.a. Country Club Apartments); Supportive Housing Coalition of New Mexico. (Melisa Dailey)
- d) Request for Approval of Change Order No. 1 – Surge Tank Repainting for Water Division; Norvell Construction LLC. (Robert Jorgensen)
- e) Request for Approval to Rename the Solid Waste Division to the Environmental Services Division as of FY 2011/2012. (Regina Wheeler)
- f) Request for Approval to Proceed with Implementation and Public Outreach of a Comprehensive Green Waste Recycling Program for Solid Waste Division. (Regina Wheeler)
- g) Request for Approval of Procurement Under State Price Agreement – Automated Meter Reading Devices for Utility Billing Division; Baker Utility Supply. (Peter Ortega)
- h) Request for Approval of Amendment No. 2 to Lease Agreement – Other Improvements and Deferred Maintenance Schedule (Exhibits G-1 and G-2 of the Original Lease) at Santa Fe University of Art and Design LLC; Santa Fe Higher Education LLC. (Sean Moody)
- i) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Dominguez)
A Resolution Directing Staff to Apply to the New Mexico Department of Transportation (NMDOT) Access Control Committee for an Access Break Along the I-25 West Frontage Road to Allow for a Future City Road as Shown on the Metropolitan Planning Organization 2010-2035 Future Regional Roadway Network Map. (Isaac Pino)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

- j) Request for Approval to Publish Notice of Public Hearing on May 25, 2011:
- 1) Bill No. 2011-11: An Ordinance Amending Section 27-2.16 SFCC 1987 Regarding the Communication Franchise Advisory Committee in Order to Rename the Committee as the Telecommunications Advisory Committee and to Revise its Duties. (Councilor Bushee) (Juan Torres)
 - a) A Resolution Amending Resolution No. 2010-56 in Order to Rename the Communication Franchise Advisory Committee as the Telecommunications Advisory Committee and to Revise its Duties. (Councilor Bushee) (Juan Torres)
 - 2) Bill No. 2011-12: An Ordinance Amending Section 23-1.4 SFCC 1987 Regarding Obstruction Permit Fees; Amending Section 23-2.10 SFCC 1987 Regarding Street Cut Permit Fees and Restoration Penalties; and Amending Section 23-3-10 SFCC 1987 Regarding Curb Cut Fees. (Councilor Dominguez) (David Catanach and John Romero)
 - 3) Telecommunications – Land Use Requirements (Councilor Calvert) (Kelley Brennan)
 - a) Bill No. 2011-13: An Ordinance Repealing Section 14-6.2(E) SFCC 1987 and Creating a New Section 14-6.2(E) SFCC 1987 Regarding Telecommunications Facilities Outside Public Rights-of-Way and Making Such Other Necessary Changes.
 - b) A Resolution Adopting Application Fees for the Review of Telecommunications Facilities in Accordance with Chapter 14 SFCC 1987.
 - 4) Bill No. 2011-14: An Ordinance Amending Rule No. 10 of Exhibit A of Chapter 25 SFCC 1987 Regarding Responsibility for Water Service Equipment. (Councilors Bushee and Calvert) (Brian Snyder)
 - 5) Bill No. 2011-15: An Ordinance Amending Section 14-8.11(F) SFCC 1987 to Temporarily Reduce the Percentage Requirements of the Santa Fe Homes Program (SFHP); and Amending Section 26-1.15 SFCC 1987 to Temporarily Reduce the Percentage of the Required Number of for Sale SFHP Homes in a Development. (Councilor Wurzbarger, Councilor Ortiz, Councilor Trujillo and Councilor Dominguez) (Melisa Dailey)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

- b) Resolution Amending the Administrative Procedures for the Santa Fe Homes Program (SFHP) to Temporarily Reduce the Percentage Requirements of the Santa Fe Homes Program.
- 6) Bill No. 2011-16: An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Educational Facilities Revenue Bonds (St John's College Project), Series 2011 in an Aggregate Principal Amount Not to Exceed \$10,000,000, for the Purposes of Financing Educational Facilities; Authorizing the Execution and Delivery of an Installment Sale Agreement Between the City and St. John's College, an Indenture of Trust Securing Said Bonds, a Bond Purchase Agreement, Closing Documents and Such Bonds in Connection Therewith; Providing for the Terms of the 2011 Bonds and Making Determinations as to the Sufficiency of the Installment Purchase Payments and Other Matters Related to the Project; Authorizing the Sale of Said Bonds and any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds. (Mayor Coss, Councilor Wurzburger and Councilor Romero) (Robert Romero and Judy Amer)
- k) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss, Councilor Trujillo and Councilor Romero)
A Resolution Authorizing the City of Santa Fe to Support a Living Santa Fe River by Allowing Water to Bypass McClure and Nichols Reservoirs in 2011. (Brian Drypolcher)
- l) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Wurzburger)
A Resolution Suspending the Enforcement of those Sections of Chapter 14 SFCC 1987 Setting Forth the Expiration of Development Approvals Due to Severe Economic Conditions. (Matthew O'Reilly)
- m) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- n) Request for Approval of Amendment No. 1 to Agreement – Delivery of Treated Effluent to Pueblo of Pojoaque Development Corporation; Pueblo of Pojoaque Development Corporation. (Bryan Romero and Marcos Martinez)
- o) Request for Approval of Amendment No. 2 to Recreational Access Agreement – Utilize Racetrack Infield of The Downs at Santa Fe For City's Parks and Recreation Program; Pueblo of Pojoaque Development Corporation. (Bryan Romero and Marcos Martinez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

11. Request for Approval to Publish Notice of Public Hearing on May 25, 2011:

Bill No. 2011-17: An Ordinance Amending Ordinance No. 2009-15 That Authorized the Sale of Real Property Located Adjacent to 312 Catron Street in Order to Amend the Terms of the Sale Specific to the Time and Manner of Payment. (Councilor Romero) (Edward Vigil)

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard, with Railyard Company LLC., Pursuant to §10-15-1(H)(8) NMSA 1978, and Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant Involving Railyard Company, LLC in Accordance with §10-15-1(H)(7) NMSA 1978.
 - b) Discussion on Granting an Easement to PNM for the Purpose of an Electrical Substation on MRC Land, in Accordance with §10-15-1(H)(8), NMSA 1978.
 - c) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in which the City of Santa Fe Is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978.
14. Action Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC. (Geno Zamora)
15. Request for Approval of Office Space Lease Agreement – 500 Market Street, Suite 200 at the Railyard; Railyard Company, LLC. (Robert Romero and Geno Zamora)
16. Action on Granting an Easement to PNM for the Purpose of an Electrical Substation on MRC Land. (Marcos Martinez)
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from SF Wine & Spirits, Inc., 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 Susan's Fine Wine and Spirits, 1005 S. St. Francis Street, Suite 101 Which is Within 300 Feet of the Santa Fe School for the Deaf, 1060 Cerrillos Road. (Yolanda Y. Vigil)
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from SF Wine & Spirits, Inc., dba/ Susan's Fine Wine and Spirits, for a Transfer of Location of Dispenser License #156, from 1005 S. St. Francis Street, Suite 105, to 1005 S. St. Francis Street, Suite 101. (Yolanda Y. Vigil)
 - 2) Request from Constellation Home Electronics, for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/ Consumption of Alcoholic Beverages (Wine and Spirits) at Constellation Home Electronics, 215 North Guadalupe Street, which is Within 300 Feet of Carlos Gilbert Elementary School, 300 Griffin Street. The Request is for the Release of the Latest Issue of TREND Magazine to be held on Thursday, April 28, 2011 from 5:00 p.m. – 7:00 p.m. (Yolanda Y. Vigil)
 - 3) Request from Balconies, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at the Ore House, 50 Lincoln Avenue. (Yolanda Y. Vigil) (Postponed at April 13, 2011 City Council Meeting) **(Postponed to May 11, 2011 City Council Meeting)**



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
APRIL 27, 2011
CITY COUNCIL CHAMBERS

- 4) CONSIDERATION OF BILL NO. 2010-10: ADOPTION OF ORDINANCE NO 2011-_____.

Case #2010-139. 517 St. Francis Rezoning and Variance. Darren Branch, Agent for Annette Garcia, Requests Rezoning of 0.10± Acres of Land from R-8 (Residential, 8 Dwelling Units Per Acre) to C-4 (Limited Office and Retail District). The Application also Includes a Site Plan and a Variance Request from Section 14-7.4(D)(4)(e), Landscape Buffer Requirements for Non-Residential Uses Abutting Developed Residential Uses. (Donna Wynant) **(Withdrawn by Applicant)**

I. ADJOURN

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

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

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

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
April 27, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 13, 2011	Approved	5
<u>PRESENTATIONS</u>		
30 DAY REPORT (INTERIM POLICE CHIEF RAY RAE)		5-9
PROCLAMATION – “ARLENE SISNEROS DAY” – APRIL 29, 2011		9
MUCHAS GRACIAS – LILLIAN MONTOYA-RAEL, MEMBER, CHAIR OF ECONOMIC DEVELOPMENT REVIEW SUBCOMMITTEE AND CITY BUSINESS AND QUALITY OF LIFE COMMITTEE		10
MUCHAS GRACIAS – DOROTHY MASSEY, MEMBER, CITY BUSINESS AND QUALITY OF LIFE COMMITTEE		10
<u>SANTA FE CARES ABOUT KIDS!</u> BOOK – DOCUMENTS THE WORK OF THE CHILDREN AND YOUTH COMMISSION		10-11
MUCHAS GRACIAS – CITY OF SANTA FE AND SELECTED CITY EMPLOYEES FOR THE WONDERFUL JOB DONE BY THE CITY IN FACILITATING THE EARLY HEAD START EXPANSION		11-12
PROCLAMATION – “ST. VINCENT HOSPITAL AUXILIARY 60 TH ANNIVERSARY”		12

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL TO RENAME THE SOLID WASTE DIVISION TO THE ENVIRONMENTAL SERVICES DIVISION AS OF FY 2011/2012	Approved	12
REQUEST FOR APPROVAL TO PROCEED WITH IMPLEMENTATION AND PUBLIC OUTREACH OF A COMPREHENSIVE GREEN WASTE RECYCLING PROGRAM FOR SOLID WASTE DIVISION	Approved	12-15
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 25, 2011:		
BILL NO. 2011-16: AN ORDINANCE OF THE CITY OF SANTA FE, NEW MEXICO AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (ST. JOHN'S COLLEGE PROJECT), SERIES 2011 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000, FOR THE PURPOSES OF FINANCING EDUCATIONAL FACILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY AND ST. JOHN'S COLLEGE, AN INDENTURE OF TRUST SECURING SAID BONDS, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; PROVIDING FOR THE TERMS OF THE 2011 BONDS AND MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF THE INSTALLMENT PURCHASE PAYMENTS AND OTHER MATTERS RELATED TO THE PROJECT; AUTHORIZING THE SALE OF SAID BONDS AND ANY ANCILLARY AGREEMENTS IN CONNECTION THEREWITH; AND AUTHORIZING OTHER MATTERS PERTAINING TO THE ISSUANCE OF SAID BONDS	Approved [condition]	16-17
CONSIDERATION OF RESOLUTION NO. 2011-___ A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUPPORT A LIVING SANTA FE RIVER BY ALLOWING WATER TO BYPASS McCLURE AND NICHOLS RESERVOIRS IN 2011	Postponed to 05/11/2011	17-20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT – DELIVERY OF TREATED EFFLUENT TO PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION; PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION	Approved	21
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO RECREATIONAL ACCESS AGREEMENT – UTILIZE RACETRACK INFIELD OF THE DOWNS AT SANTA FE FOR CITY'S PARKS AND RECREATION PROGRAM; PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION	Approved	21-22
***** END OF CONSENT CALENDAR DISCUSSION *****		
<u>REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 25, 2011:</u>		
BILL NO. 2011-17: AN ORDINANCE AMENDING ORDINANCE NO. 2009-15 THAT AUTHORIZED THE SALE OF REAL PROPERTY LOCATED ADJACENT TO 312 CATRON STREET IN ORDER TO AMEND THE TERMS OF THE SALE SPECIFIC TO THE TIME AND MANNER OF PAYMENT	Postponed to 05/11/2011	22
BILL NO. 2011-18; AN ORDINANCE AMENDING SECTION 11-12.1 SFCC 1987, TO AUTHORIZE, ON AN ANNUAL BASIS, THE TRANSFER OF ENTERPRISE FUNDS TO THE GENERAL FUND, IN AN AMOUNT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000)	Approved a/a	22-23
MATTERS FROM THE CITY MANAGER.	None	23
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	24
PETITIONS FROM THE FLOOR		24
<u>APPOINTMENTS</u> Planning Commission	Approved	24-25

ITEM**ACTION****PAGE #****PUBLIC HEARINGS**

REQUEST FROM SF WINE & SPIRITS, INC.,
FOR THE FOLLOWING:

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
SUSAN'S FINE WINE AND SPIRITS, 1005
S. ST. FRANCIS STREET, SUITE 101, WHICH
IS WITHIN 300 FEET OF THE SANTA FE SCHOOL
FOR THE DEAF, 1060 CERRILLOS ROAD

Approved

25-26

IF THE WAIVER OF THE 300 FOOT RESTRICTION
IS GRANTED, A REQUEST FROM SF WINE &
SPIRITS, INC., D/B/A SUSAN'S FINE WINE AND
SPIRITS, FOR A TRANSFER OF LOCATION OF
DISPENSER LICENSE #156, FROM 1005 S. ST.
FRANCIS STREET, SUITE 105, TO 1005 S. ST.
FRANCIS STREET, SUITE 101

Approved

25-26

REQUEST FRO CONSTELLATION HOME ELECTRONICS,
FOR A WAIVER OF THE 300 FOOT LOCATION
RESTRICTION TO ALLOW THE DISPENSING/
CONSUMPTION OF ALCOHOLIC BEVERAGES (WINE
AND SPIRITS) AT CONSTELLATION HOME
ELECTRONICS, 215 NORTH GUADALUPE STREET,
WHICH IS WITHIN 300 FEET OF CARLOS GILBERT
ELEMENTARY SCHOOL, 300 GRIFFIN STREET. THE
REQUEST IS FOR THE RELEASE OF THE LATEST
ISSUE OF TREND MAGAZINE TO BE HELD ON
THURSDAY, APRIL 28, 2011, FROM 5:00 P.M.
TO 7:00 P.M.

Approved

26-27

REQUEST FROM BALCONIES, INC., FOR
A RESTAURANT LIQUOR LICENSE (BEER AND
WINE ON-PREMISES CONSUMPTION ONLY)
TO BE LOCATED AT THE ORE HOUSE, 50
LINCOLN AVENUE

Postponed to 05/11/2011

27

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2010-10; ADOPTION OF ORDINANCE NO. 2011- ____. <u>CASE #2010-139. 517 ST. FRANCIS REZONING AND VARIANCE. DARREN BRANCH, AGENT FOR ANNETTE GARCIA, REQUESTS REZONING OF 0.10± ACRES OF LAND FROM R-8 (RESIDENTIAL, 8 DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE AND RETAIL DISTRICT). THE APPLICATION ALSO INCLUDES A SITE PLAN AND A VARIANCE REQUEST FROM SECTION 14-7.4(D)(4)(e), LANDSCAPING BUFFER REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING DEVELOPED RESIDENTIAL USES</u>	Withdrawn	27
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	28-29
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	29
ACTION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC.	Approved	29-30
REQUEST FOR APPROVAL OF OFFICE SPACE LEASE AGREEMENT – 500 MARKET STREET, SUITE 200 AT THE RAILYARD; RAILYARD COMPANY, LLC.	Approved [amended]	30-31
ACTION ON GRANTING AN EASEMENT TO PNM FOR THE PURPOSE OF AN ELECTRICAL SUBSTATION ON MRC LAND	Approved	31
MATTERS FROM THE CITY CLERK	None	31
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	31-34
ADJOURN		34

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 27, 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 April 27, 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 Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Ronald S. Trujillo

Members Absent

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

Mr. Romero said there is a request to remove Item 11(a) from the Agenda and postpone it to the next meeting.

Councilor Bushee asked the reason for the postponement.

Mr. Romero said the applicant isn't here, and the sponsor has request that it be postponed.

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

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

Mayor Coss said information came to his office that there was going to be a discussion this evening on the property tax, and this isn't going to happen because it's not on the agenda, and it isn't scheduled for a future agenda at this time. He said there will be public meetings on the budget tomorrow at the Finance Committee Study Session, and on Monday at 5:00 p.m.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Calvert 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 Calvert, Councilor Chavez, Councilor Dominguez, Councilor Trujillo and Councilor Wurzburger.

Against: None.

Absent: Councilor Ortiz.

A copy of proposed Amendment(s) to Bill No. 2011 (Enterprise Fund Transfer) submitted by Councilor Chavez, with attachments, regarding Item 11(b) is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) SERVICES FOR MUNICIPAL WATERSHED MANAGEMENT PROJECT (RFP #11/5/P) FOR WATER DIVISION; TIERRA RIGHT OF WAY SERVICES, LTD.**
- b) **REQUEST FOR APPROVAL OF WATER RIGHTS PURCHASE AGREEMENT – WATER RIGHTS PURCHASE WITHIN THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT; VANETTA R. PERRY. (DALE LYONS)**
- c) **REQUEST FOR APPROVAL OF AFFORDABLE HOUSING FUNDS GRANT – LOW INCOME HOUSING TAX CREDIT FOR PROPERTY LOCATED AT 5999 AIRPORT ROAD (A/K/A COUNTRY CLUB APARTMENTS); SUPPORTIVE HOUSING COALITION OF NEW MEXICO. (MELISA DAILEY)**

- d) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – SURGE TANK REPAINTING FOR WATER DIVISION; NORVELL CONSTRUCTION LLC. (ROBERT JORGENSEN)**
- e) *[Removed for discussion by Councilor Chavez]*
- f) *[Removed for discussion by Councilor Chavez]*
- g) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – AUTOMATED METER READING DEVICES FOR UTILITY BILLING DIVISION; BAKER UTILITY SUPPLY. (PETER ORTEGA)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEASE AGREEMENT – OTHER IMPROVEMENTS AND DEFERRED MAINTENANCE SCHEDULE (EXHIBITS G-1 AND G-2 OF THE ORIGINAL LEASE) AT SANTA FE UNIVERSITY OF ART AND DESIGN, LLC; SANTA FE HIGHER EDUCATION, LLC. (SEAN MOODY)**
- i) **CONSIDERATION OF RESOLUTION NO. 2011-25 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO APPLY TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) ACCESS CONTROL COMMITTEE FOR AN ACCESS BREAK ALONG THE I-25 WEST FRONTAGE ROAD TO ALLOW FOR A FUTURE CITY ROAD AS SHOWN ON THE METROPOLITAN PLANNING ORGANIZATION 2010-2035 FUTURE ROADWAY NETWORK MAP. (ISAAC PINO)**
- j) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 25, 2011:**
 - 1) **BILL NO. 2011-11: AN ORDINANCE AMENDING SECTION 27-2.16 SFCC 1987, REGARDING THE COMMUNICATION FRANCHISE ADVISORY COMMITTEE IN ORDER TO RENAME THE COMMITTEE AS THE TELECOMMUNICATIONS ADVISORY COMMITTEE AND TO REVISE ITS DUTIES (COUNCILOR BUSHEE). (JUAN TORRES)**
 - a) **A RESOLUTION AMENDING RESOLUTION NO. 2010-56 IN ORDER TO RENAME THE COMMUNICATION FRANCHISE ADVISORY COMMITTEE AS THE TELECOMMUNICATION ADVISORY COMMITTEE AND TO REVISE ITS DUTIES (COUNCILOR BUSHEE). (JUAN TORRES)**
 - 2) **BILL NO. 2011-12: AN ORDINANCE AMENDING SECTION 23-1.4 SFCC 1987 REGARDING OBSTRUCTION PERMIT FEES; AMENDING SECTION 23-2.10 SFCC 1987, REGARDING STREET CUT PERMIT FEES AND RESTORATION PENALTIES; AND AMENDING SECTION 23-3-10 SFCC 1987, REGARDING CURB CUT FEES (COUNCILOR DOMINGUEZ). (DAVID CATANACH AND JOHN ROMERO)**

- 3) TELECOMMUNICATIONS – LAND USE REQUIREMENTS (COUNCILOR CALVERT). (KELLEY BRENNAN)
 - a) BILL NO. 2011-13; AN ORDINANCE REPEALING SECTION 14-6.2(E) SFCC 1987, AND CREATING A NEW SECTION 14-6.2(E) SFCC 1987, REGARDING TELECOMMUNICATIONS FACILITIES OUTSIDE PUBLIC RIGHTS-OF-WAY AND MAKING SUCH OTHER NECESSARY CHANGES.
 - b) A RESOLUTION ADOPTING APPLICATION FEES FOR THE REVIEW OF TELECOMMUNICATIONS FACILITIES IN ACCORDANCE WITH CHAPTER 14 SFCC 1987.
- 4) BILL NO. 2011-14: AN ORDINANCE AMENDING RULE NO. 20 OF EXHIBIT A OF CHAPTER 25 SFCC 1987 REGARDING RESPONSIBILITY FOR WATER SERVICE EQUIPMENT (COUNCILORS BUSHEE AND CALVERT). (BRIAN SNYDER)
- 5) BILL NO. 2011-15: AN ORDINANCE AMENDING SECTION 14-8.11(F) SFCC 1987, TO TEMPORARILY REDUCE THE PERCENTAGE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM (SFHP); AND AMENDING SECTION 26-1.15 SFCC 1987 TO TEMPORARILY REDUCE THE PERCENTAGE OF THE REQUIRED NUMBER OF FOR-SALE SFHP HOMES IN A DEVELOPMENT (COUNCILOR WURZBURGER, COUNCILOR ORTIZ, COUNCILOR TRUJILLO AND COUNCILOR DOMINGUEZ). (MELISA DAILEY)
 - b) RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM (SFHP) TO TEMPORARILY REDUCE THE PERCENTAGE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM.
- 6) *[Removed for discussion by Councilor Bushee]*
- k) *[Removed for discussion by Councilor Wurzburger and Councilor Chavez]*
- l) CONSIDERATION OF RESOLUTION NO. 2011-26 (COUNCILOR WURZBURGER). A RESOLUTION SUSPENDING THE ENFORCEMENT OF THOSE SECTIONS OF CHAPTER 14 SFCC 1987 SETTING FORTH THE EXPIRATION OF DEVELOPMENT APPROVALS DUE TO SEVERE ECONOMIC CONDITIONS. (MATTHEW O'REILLY)
- m) REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)
- n) *[Removed for discussion by Councilor Calvert]*
- o) *[Removed for discussion by Councilor Calvert]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – APRIL 13, 2011.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of April 13, 2011, as presented.

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

9. PRESENTATIONS

a) 30 DAY REPORT (INTERIM POLICE CHIEF RAY RAE)

Councilor Ortiz arrived at the meeting

A copy of "Santa Fe Police Department Operational Status Report" dated April 27, 2010, is incorporated herewith to these minutes as Exhibit "2."

Chief Rael reviewed the *Santa Fe Police Department Operational Status Report* dated April 27, 2010. Please see Exhibit "2" for specifics of this presentation.

The Governing Body commented, made suggestions and asked questions as follows:

- Councilor Bushee said she has been advocating for proactivity from our Police Department. She said, "I am going to be someone who is not going to accept the status quo in any way, shape or form of the results that we've had from our Police Department over the last so many years. And so, I'm going to hope that we actually have a full special session of the Council, and I am going to suggest it for a month, since you've said in two weeks you're going to have a lot of these things moving along, so that we can have a report to see where we're at. But, what I would suggest to you is that the best public relations that you're going to get are when your property crimes numbers come down, just like Albuquerque has just now brought their property crimes down by 19% and that's certainly made it to the papers.

Councilor Bushee continued, "The concern I have is over the years of sort of trying to be there as an advocate and see resources allocated to our P.D., including a property tax increase of the past, and then to see some of the, if not the highest, crime rates we've had in this City as the result. So, I am going to be a constant, I guess, watch dog of what comes out of your Department. So I would ask a couple of things. In that meeting I hope we can have, and I didn't formally bring a resolution, and if I need to, I will. Councilor Wurzbarger and I talked about having a special Council meeting on it, but I would ask that through the budget process we look at the organization and structure. You just outlined quite a few things. If Animal Services is no longer going to be licensing animals, then perhaps we don't need to fill the three vacant positions."

Councilor Bushee continued, "I would like to examine... we were supposed to have some time back, a kind of a look at the organization and structure, so I am presuming that we will do that through the budget process. The same for... I'm really concerned to see that, you know, we're having a record personnel shortage. If we do not meet the reporting for the federal grants, and we lose that money, that would be really.... so I'm wondering... I guess I'll address this to the City Manager, if there's anybody else in Finance or anyone else that can help take up the slack on that one."

Mr. Romero said he has identified 2 employees from every department to help with the records, noting Celeste will be there tomorrow for a few hours. He said we are helping the Chief to get this records issue under control.

- Councilor Bushee said, "With regard to your new hires and filling these positions, again, I thought we, at one point through Finance, we were going to have a reorg, but at this point if you're going to fill new hires, a considerable amount of new hires, 20 positions, I think we need to look at the vehicle take home policy for new hires in advance of filling them. So, again, what we've gotten back from previous leaders in your Department is, well, we don't want to touch that, and so, Robert, I'm going to put out there again that by the next time, you know, that we meet, that we could have some kind of policy about future hires, new hires. Because, the origination of that policy was to have the vehicles in the driveways in this community, and we understand that's changed, you know, they're mostly residing in Rio Rancho. And I understand the existing benefit to officers and not wanting to lose any more patrol officers, but I think we have to look at it for new hires."

Councilor Bushee continued, "And then, when it came to the DWI Forfeiture program, I am bringing changes forward, updates, but a lot of the concern I have there is we have one Captain in charge of pretty much everything. He's the guy with the key to the lot. You know, we don't have any admin. procedures, we're not tracking the data. We have a grant that the DWI Council helped to secure and to make this program self sustaining, so again, if we don't.... there's a lot of things that need to be changed, but I'm not... I know you're the interim Chief, you're new to this role, but what I will say, I... given the fact we've really tried to focus resources and not cut any positions in our P.D., I have to make an observation that perhaps, what we've had is a deficit in leadership in that Department, not necessarily a revenue shortage, nor actually staffing shortages. In the past, we've been up to par. So, I'm just going to ask that we turn things around and quickly, so I would like, you know, and I don't know if other Councilors are interested, but I am interested in a special Council meeting and will ask for that."

Councilor Wurzbarger thanked Chief Rael for the report. She said she has one concern to share. She said in the past two weeks she has received two letters from the Business Association Downtown on the Plaza, expressing concern about the Plaza and the impact it's having on locals and visitors, and said she will share those letters with him.

Councilor Wurzbarger said about a month ago a constituent called her, but did not leave his name, and was very angry. She said he said he has lived here forever, and said he had been downtown

on the Plaza with his 10-year old daughter and she was chased by one of the people who hangs around the Plaza. She said he understands this man may have a mental problem and said, "I feel as though I am never able to bring my daughter back to the Plaza again." She said this isn't a good situation, and she would like to have some response to that in the future.

Chief Rael said he is aware of one letter, and currently is in the process of responding to that. He said, to address her concern, he has increased patrols in the Plaza area and is asking the officers to be there in as much time as we have allocated at this point. He said they do have to be pulled from the Plaza to respond to calls in some cases, but he is taking steps to address that.

Chief Rael said additionally, he spoke briefly with Councilor Trujillo about issues with the Ordinance, and unfortunately he has been unable to follow-through. However, he does plan to bring changes to the Ordinance through the Public Safety Committee to get some of these issues addressed.

- Councilor Chavez welcomed Chief Rael. He said, regarding the nuisance ordinance, there will be a focus on situations where there is disorderly conduct. However, there are other situations which may fall under Land Use, where there is, for example, an abandoned house which is derelict and has been for years. It is causing a blight on the neighborhood and it is become unsafe, attracting vagrants and not good for the neighborhood. In the past, we have been able to use the Nuisance Ordinance in such cases. However, there is a problem in the tracking system, to which the Chief refers, for those that are under the disorderly division. He asked what can be done to track the other nuisances which fall outside of that category.

Chief Rael said they can use the same coding, but with a different report, and a nuisance should be classified as a nuisance, no matter how they receive it. He believes they can differentiate in the reporting process. He said the case number would indicate if it were a public affray or drinking or whatever, and the other they could indicate derelict property and refer it to Code Enforcement or Zoning Enforcement.

- Councilor Chavez said the worst case is a domestic disturbance where you are responding time after time, and it's a very uncomfortable situation for the neighbors, but we don't have that tracking system.

Chief Rael said, "We have the ability to code on more than one, a code for a domestic and as a nuisance, but when we run our queries, we want to be able to pull up all of the nuisance calls with whatever else is attached, but the primary purpose, the reason the officers were called, will be the initial, and secondary coding will be the 23-N, which allows us to go back and identify some of these problem properties.

- Councilor Chavez said it is frustrating for the neighborhood dealing with these things. He said there is a neighborhood watch and they are keeping a log, but it still seems to slip through the cracks. He suggested that the Department work with records, the City Attorney's Office, the RECC, and the Planning and Land Use Department.

Chief Rael said he already is working with many of these agencies, and he can include the Planning Department.

- Councilor Chavez would like to make that connection stronger. He said the Chief touched on residential, auto robberies. He asked if the Citizens on Patrol program is included, or if that is in the future.

Chief Rael said he hasn't had a chance to look at that Program, so he can't answer at this point or give him any information.

- Councilor Chavez said the program has been suggested in the past, but is unsure if it is still functioning.
- Councilor Bushee said it never functioned.
- Councilor Chavez said he can still hold onto that concept as part of his job, and having citizens to help him with his job along with Neighborhood Watch.
- Councilor Chavez said one thing that "jumped out at him," was a shift staff study which estimated an analysis of going from a 10 to an 8 hour shift would increase available manpower by 25% per shift per day, and "consequently the Department should experience a corresponding decrease of 50% in overtime due to this staffing change." He said this has been a point of contention, but believes it is in the best interest of the community to make some of these changes.
- Councilor Calvert said he would echo Councilor Wurzbarger's comments about the two letters, one from the Santa Fe Gallery Association and one from the Downtown Merchants Association, and provided those letters to Chief Rael.

Chief Rael said, "It will be taken care of."

- Councilor Trujillo asked Chief Rael to present this report at the next Public Safety Committee. He said we are using only one component of the photo-enforcement program, which are the speed vans. He gave direction to the Deputy Chief at the Public Works Committee meeting on Monday, that he would like to meet with the new Governor to see about her stance on the red light program. He would like to see this program used to its fullest.
- Councilor Dominguez thanked Chief Rael for the report and for taking on this tough position with a lot of responsibility, noting the citizens really depend on the Police to provide safety. He said, regarding the photo enforcement program and the other programs identified in the Memo, some of this will have to be data driven, as was articulated at the Public Works Committee meeting on Monday. He is hoping the Chief will set up the necessary systems so the data is available, and readily available to the Governing Body, so we can start to measure the success of these programs, and help you to deliver that message to the community – our community is safer and we're being pro-active in that regard.

- Councilor Dominguez said Chief Rael has looked at a pro-active approach to crime prevention, and in the past we have increased the number of police officers on the streets, but a certain amount of crime continues to happen. He is interested in the relationships the Department is building with other parts of the community, particularly the youth – making sure you have an established relationship with the youth so we can address that in a better manner early on, instead of later. So, he will be interested in what the Chief has to say about that later on.
- Councilor Bushee said, "I just want you to understand, my impatience is not directed to you, you're obviously just on this job, but I have constituents, some have been broken into twice in one week. One gentleman was broken into in his home six times in one month, and I've not seen these statistics turn around in all this time. But I wanted to add, you know the County has shifted down into 8 hour shifts, I guest about 9 months ago, something like that. So, if it's possible between you and the City Manager to track if there actually were overtime savings from that shift. Because, you know, anecdotally here that perhaps hasn't been necessarily the case. So, please also get back to us on that."
- Mayor Coss thanked the Chief for a good first report, and all of the officers for their great work as well. He said the one number that "sticks out at me to share Councilor Bushee's concern," you did have a reduction this year, so far of 17% in burglaries, and that's the kinds of numbers we want to see go across the whole year."

Chief Rael thanked the Council for its time.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert to reconsider the previous approval of the Agenda as amended, to hear Items 9(e) and 9(f) after Item 9(b), and to approve the agenda as amended.

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.

b) PROCLAMATION – "ARLENE SISNEROS DAY" – APRIL 29, 2011.

Mayor Coss read a proclamation into the record declaring April 29, 2011, as *Arlene Sisneros Day* in Santa Fe.

Ms. Sisneros said she appreciates working at the Municipal Court and with the very professional staff. She said she worked 26 years for the State, and will give the City 25 years as well. She said she will have her 70th birthday on Friday. She dedicated this honor to her husband Orlando and her son Patrick, both of whom are deceased.

e) **MUCHAS GRACIAS – LILLIAN MONTOYA-RAEL, MEMBER, CHAIR OF ECONOMIC DEVELOPMENT REVIEW SUBCOMMITTEE AND CITY BUSINESS AND QUALITY OF LIFE COMMITTEE.**

Mayor Coss, assisted by Councilor Wurzburger, presented a Muchas Gracias to Lillian Montoya-Rael, thanking her for her service as a member and Chair of the City Business and Quality of Life Committee.

Councilor Wurzburger said she has known Lillian Montoya-Rael in this capacity for 10 years since they met at the Regional Economic Development Committee. She appreciates the contributions Ms. Montoya-Rael has made and will continue to make to the City and our economic development effort.

f) **MUCHAS GRACIAS – DOROTHY MASSEY, MEMBER, CITY BUSINESS AND QUALITY OF LIFE COMMITTEE**

Councilor Wurzburger, assisted by Mayor Coss, presented a Muchas Gracias to Dorothy Massey, thanking her for her service as a member of the City Business and Quality of Life Committee.

Mayor Coss thanked Ms. Massey for her work and service on the Committee.

c) **SANTA FE CARES ABOUT KIDS! BOOK – DOCUMENTS THE WORK OF THE CHILDREN AND YOUTH COMMISSION. (LYNN HATHAWAY AND CHILDREN AND YOUTH COMMISSION)**

A copy of *Santa Fe Cares About Kids!* is incorporated herewith to these minutes as Exhibit "3."

Ms. Hathaway distributed copies of *Santa Fe Cares About Kids!* to the Governing Body, and said the book was created to highlight the work of the Children and Youth Commission over the past 21 years. She introduced the members of the Committee in attendance, and asked past members of the Committee to stand. She thanked Don Usner the photographer and Janice St. Marie who did the graphics design. She welcomed all the people who represent the programs featured in the book, and former members of the Commission, and thanked them for all of their work. She said the message of the book is that children are good, good for our community and as a community we can provide opportunities for children to thrive.

Don Usner, photographer, thanked the Governing Body for remembering kids through its ongoing support of the Children and Youth Commission. He said his work in photographing these children is a window on positive things which are happening that we don't often see. He was privileged to get a cross-section throughout the City of the work of the Commission, which is a profound and important investment in the children of our community.

Responding to Councilor Bushee, Ms. Hathaway said additional copies of the books are in boxes in the back of the Chamber. She said there are copies in her office, as well as in all libraries, noting they would be happy to go to organizations and present the books and talk about the Children and Youth Commission.

Dr. Suzanne Gebhardt, Commission member, thanked the Council for its ongoing support which has allowed the Children and Youth Commission to provide these programs, noting 21 years is a long time for a Commission. She said it has been a pleasure to serve on the Commission, and recognized Bill Carson, a Past Chair of the Commission, and thanked him for his work. Dr. Gebhardt said our children represent our most vulnerable citizens, as well as our most precious assets. She said the Governing Body has done a wonderful thing in supporting the Commission and they appreciate it very much.

Mayor Coss said this is a great testament to the Council for its work over the 21 years. He thanked the Commission members for attending this evening.

d) MUCHAS GRACIAS – CITY OF SANTA FE AND SELECTED CITY EMPLOYEES FOR THE WONDERFUL JOB DONE BY THE CITY IN FACILITATING THE EARLY HEAD START EXPANSION. (LARRY A. MARTINEZ, DIRECTOR, NORTH CENTRAL REGION PRESBYTERIAN MEDICAL SERVICES)

Larry Martinez thanked the Governing Body for this opportunity. He said Lynn Hathaway has been a steadfast supporter of the Head Start Program, and has worked tirelessly in ensuring that we have the La Comunidad de los Ninos Head Start Site, and spoke of her support of many of their programs through her years. He presented her with thanks and flowers for her many years of service.

Mr. Martinez Introduced Steve Hanson, CEO & President, Michelle Quintana, Childrens Services Manager, of Presbyterian Medical Services, and Lucia Trujillo, Administrator, Comunidad de los Ninos Head Start Program.

Mr. Martinez said we don't say thanks as often as we should, and commented on the long and good relationship between the City and Presbyterian Medical Services. He said PMS went for many years without being able to create new Head Start slots. He said they received additional slots through ARRA, and they began deploying those slots throughout the community. Subsequently, he was informed that the State of Texas didn't use all of it's slots and we could deploy those as well. He said he explained the limited window of opportunity to get these slots, and asked Mayor Coss for help. He said the City met that challenge, and the Mayor and selected City employees went above and beyond the call to help them. This effort resulted in obtaining an additional 131 slots and \$1.3 million, with \$420,000 going for the renovation, which created 53 construction jobs and 48 jobs in the head start program. He presented Muchas Gracias, in recognition of their contributions which made the additional slots and funds available, to the following:

Mayor Coss
Richard Valdez, Traffic Technician
Angelo Ortega, Fire Marshal's Office

Mike Purdy, Director Inspections Division
John Romero, Engineering Division
Lawrence Catanach, Building & Permits
Matthew O'Riley, Director of Land Use Department

Mayor Coss thanked the staff for the help in this matter, and thanked Mr. Martinez and PMS for recognizing the staffs' efforts.

**g) PROCLAMATION – “ST. VINCENT HOSPITAL AUXILIARY 60TH ANNIVERSARY.”
(COUNCILOR CHAVEZ)**

Mayor Coss, assisted by Councilor Chavez, read a proclamation into the record declaring April 27, 2001, as *St. Vincent Hospital Auxiliary 60th Anniversary Day* in Santa Fe.

Councilor Chavez said he is glad to have been a small part of the effort, noting that he attended the luncheon and read the proclamation there. He said his wife works for the hospital, noting that this organization has never asked the City for funding. He said the organization raises its own funds and awarded scholarships of \$6,000 just for this year.

Councilor Bushee asked the number of hours contributed by those attending, saying Barbara has been doing this for 23 years, and the response ranged from 23 years to 100 hours.

CONSENT CALENDAR DISCUSSION

10 (e) REQUEST FOR APPROVAL TO RENAME THE SOLID WASTE DIVISION TO THE ENVIRONMENTAL SERVICES DIVISION AS OF FY 2011/2012. (REGINA WHEELER)

Councilor Chavez said there was no FIR for this request, asking if the change would require changing letterhead and such.

Ms. Wheeler said there are no plans to do sweeping changing, and as, for example, new trucks are purchased, they will put the new name on it. She said they will be transitioning on the website, and for the most part they use electronic letterhead so they saw no significant fiscal impact.

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

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

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

Against: None.

10 (f) REQUEST FOR APPROVAL TO PROCEED WITH IMPLEMENTATION AND PUBLIC OUTREACH OF A COMPREHENSIVE GREEN WASTE RECYCLING PROGRAM FOR SOLID WASTE DIVISION. (REGINA WHEELER)

Councilor Chavez noted there is no FIR in the packet. He said this indicates the pilot program will start by assessing, on a volunteer basis, those who would be willing to pay \$4 per month, and asked if this is practical right now. He asked if we can start the pilot project with our existing carts and vehicles, so we don't have to hit the ratepayer for this pilot project.

Ms. Wheeler said they are planning to start the pilot project using the existing equipment. She said using the same color carts has some challenges, noting that green indicates it a green waste pickup and not a garbage pickup. She said there is also a challenge for the employees to keep everything straight.

Councilor Chavez asked if the green waste pickup would be on the same day as the regular pickup.

Ms. Wheeler said she doesn't think so, but they haven't mapped out the routes. She said people need to keep garbage in the garbage can and a different color will help to prevent contamination. She said the carts aren't a huge expense, but the overall cost is based on the operations, equipment, staff, carts and the truck.

Councilor Chavez said then you will be using the existing vehicle, but you will have to buy new carts, even for the pilot program.

Ms. Wheeler said yes, and they can buy what they need, noting they need 600 households to start the service to make one day of route for green waste collection.

Councilor Chavez asked the cost of the 600 carts.

Ms. Wheeler said they are \$50 apiece which would be \$30,000. She said the recommendation that we have every resident sign up for at least one year which would allow us to recoup the cost of the carts.

Councilor Chavez said the information in the packet says, "The \$4 per month fee for the service would recover the cart cost, the vehicle cost in 7 years and cover additional operating cost." He asked the cost for the vehicle.

Ms. Wheeler said it would be about \$200,000, so the service will have to pay the cost of replacement of the vehicle, as well as "we also projected cost based on enough participation in the City, up to 30% which would be one additional vehicle." She apologized for not providing more cost detail, and she can provide that information following this meeting.

Councilor Chavez said the problem is that the information is after the fact. He doesn't know whether he can support this request at this time, without knowing what the fiscal impacts of that decision would be.

Councilor Bushee said she expressed her concerns to the Director and the Committee. She said she started this conversation because she had read something about Albuquerque doing this for free twice a year. She said these kinds of pickups can be labor intensive and chaotic. She was trying to provide added value to the ratepayer in the services we deliver, rather than start a whole new program. She asked if Ms. Wheeler will purchase carts or vehicles until 600 people are signed up, and Ms. Wheeler said this is correct.

Councilor Bushee doesn't like this proposal as presented because she believes it's not necessarily bound for success, and would like to see if we can come up with the project she anticipated at the start. She said she will continue to vote against this. She asked if Albuquerque still has its program, and Ms. Wheeler said yes.

Councilor Bushee said she would hope we would go back to the drawing board and come up with a way for people, in the Spring, to dispose of their green waste at no charge.

Councilor Calvert would like the ratepayers to have the opportunity to use this program.

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

DISCUSSION: Councilor Trujillo said people will be charged year-round for this service even in the winter. He is concerned about charging in the winter when no waste is being produced, and spending money on additional vehicles, especially in view of the increasing cost of fuel. He wants to see a prediction of exactly how much this will cost.

Ms. Wheeler said the reason for the year-round cost is that we are making an investment in the service which doesn't work if there are months no one is paying for the service. She said this is a standard way of providing green waste collection around the country. It is common for people to have a blue automated bin for recycling, a green automated bin for trash, and a brown automated bin for green waste. She said in many places this is the standard fare, and everybody pays one fee monthly for all of these services and they use them to the extent they want to. She said, for example, everybody pays for recycling which is built into the basic fee and they use it or not to the extent they want. She said people also pay for things, such as the household hazardous waste collection, and use it to the extent they want to. She said they thought it best to go on a subscription basis to begin with, because they didn't want people abusing the service to get rid of extra trash. They wanted people to be dedicated to recycling green waste just as the Council and they are. They want to divert just as much material as they do with curbside recycle, which also is typical around the country.

Ms. Wheeler said there are alternative services for people. They can haul their waste to BuRRT and have it recycled there, for a minimum fee of \$5 to \$10 per truckload. We can pick it up curbside for \$27.55 which can be a very large pile, which doesn't cover our costs, noting that same service in Albuquerque is

\$60. She said people can get pickup once a year if they want, or subscribe to the curbside pickup in the cart. She said people can do backyard composting, which they are planning to promote and support. She said they are trying to provide a wide range of services, and this is an opportunity to try something to see if it works in the community, and perhaps build it into the program over-all.

Councilor Trujillo reiterated his concern about paying in the winter, saying there won't be a pickup if there's a storm like we had a few years ago, because nobody will be doing any yard work in that kind of weather. He also is concerned about the cost of the vehicle.

Ms. Wheeler said when we get enough people to sign up, we would have to buy an additional vehicle, but they have an existing loader they will use for this. She said the vehicle is 5 years old, so it has 3 more years on it. However, if there is a lot of participation we would need another vehicle, noting that is in the financial analysis.

Councilor Bushee asked how many people call for green waste pickup.

Ms. Wheeler said it is scheduled once a week in the winter, noting they pick up 6 loads every Thursday, and about half of that is green waste, so it will be about 3 per week, or about 150 households ordering the large item pickup of green waste in a year. The number of people using the large item pickup is approximately the same.

Responding to Councilor Bushee, Ms. Wheeler said Albuquerque uses plastic garbage bags and they hire temporary workers to un-bag and sort the material at their compost facility.

Councilor Bushee said Ms. Wheeler expressed a concern about not getting garbage in the green waste. She asked what do you do when that happens.

Ms. Wheeler said that's the purpose of the rear loaders, and they open the bags and slowly empty it into the truck so they can observe the contents, and they leave the bag behind.

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

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

Against: Councilor Chavez, Councilor Trujillo and Councilor Bushee.

10 (j) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 25, 2011:

- 6) BILL NO. 2011-16: AN ORDINANCE OF THE CITY OF SANTA FE, NEW MEXICO AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (ST. JOHN'S COLLEGE PROJECT), SERIES 2011 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000, FOR THE PURPOSES OF FINANCING EDUCATIONAL FACILITIES; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY AND ST. JOHN'S COLLEGE, AN INDENTURE OF TRUST SECURING SAID BONDS, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; PROVIDING FOR THE TERMS OF THE 2011 BONDS AND MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF THE INSTALLMENT PURCHASE PAYMENTS AND OTHER MATTERS RELATED TO THE PROJECT; AUTHORIZING THE SALE OF SAID BONDS AND ANY ANCILLARY AGREEMENTS IN CONNECTION THEREWITH; AND AUTHORIZING OTHER MATTERS PERTAINING TO THE ISSUANCE OF SAID BONDS (MAYOR COSS, COUNCILOR WURZBURGER AND COUNCILOR ROMERO). (ROBERT ROMERO AND JUDY AMER)**

Councilor Bushee asked why this request didn't go to the Finance Committee before coming here, and asked that this go to Finance before publication.

Mayor Coss said we are trying to get this done for the project which is already starting. He said it shouldn't have been listed on consent. However, he would like to publish it and it can then go to the Finance Committee for review because there is no fiscal impact to the City.

MOTION: Councilor Bushee moved, seconded by Councilor Ortiz, to send this request to the Finance Committee before approving the request to publish.

DISCUSSION: Councilor Ortiz said his experience with these kinds of things is that there is a resolution, and if there is an expedited request it will go through the Chair, and he doesn't remember being contacted about this, and asked the details.

Councilor Bushee said this hasn't been introduced, and Councilor Ortiz agreed, saying he doesn't remember it being introduced.

Judy Amer, Assistant City Attorney, said, "The reason we are requesting publication before going to Finance, is that there is a certain sense of urgency in trying to get the bonds sold at the lowest possible price. So, the only way the public hearing can be held on May 24th is if the request to publish gets passed at this point. It can still go to finance for discussion, and you can decide whether you want to proceed because it won't be published at that point. If we don't have the request to publish approved at this point, then we can't have the public hearing at the end of May, and that will push it back another two weeks."

Councilor Bushee said she will vote against this, because "it was the same for Thornburg or any other entity. We have a process by which we introduce a resolution, we took it to committee and I'm going to ask that you continue to do that process."

WITHDRAWAL OF SECOND: Councilor Ortiz said he will withdraw his second to the motion, because this is just a request to publish, noting he has concerns because this hasn't been vetted. He said tougher questions will be asked about this at Finance.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve this request, with the condition that it goes to the Finance Committee on May 2, 2011.

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

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

Against: Councilor Ortiz and Councilor Bushee.

Mayor Coss said it is his fault this item didn't get introduced at the last Council meeting.

10 (k) CONSIDERATION OF RESOLUTION NO. 2011-___ (MAYOR COSS, COUNCILOR TRUJILLO AND COUNCILOR ROMERO). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TO SUPPORT A LIVING SANTA FE RIVER BY ALLOWING WATER TO BYPASS McCLURE AND NICHOLS RESERVOIRS IN 2011. (BRIAN DRYPOLCHER)

Councilor Ortiz said he thought there were conditions of approval coming out of the Finance Committee on the Resolution, but the action sheet only indicates adding Councilor Romero as a sponsor. He said there was discussion about language which needed to be added to the Resolution, and asked if he is mistaken.

Mr. Drypolcher said he is unclear about the question.

Councilor Ortiz said there was conditional language or direction for this Resolution which doesn't show up on the action item sheet.

Mr. Drypolcher said he doesn't recall the conditions that were added.

Councilor Wurzbarger she thought there was a condition with respect to the concern that was raised regarding Mr. Drypolcher's comment that the backup would be the City wells and using the Buckman wells. Her recollection is that it was moved forward for approval with clarification that wasn't what was going to happen. She has additional questions for Marcos Martinez.

Councilor Chavez said he pulled this item so we could have discussion on this. He asked the percentage of the reservoir at this point.

Mr. Drypolcher said it is at 45% capacity.

Councilor Chavez said then we're down from 47%. He said a resolution will be introduced later declaring extreme drought conditions and restricting the sale or use of fireworks. He said we are facing a severe drought, and he has concerns about releasing the water. He asked if it wouldn't be best to leave it as is for this year.

Councilor Wurzbarger said she has a similar concern. She said those of us who attended the Senate hearing today on global warming and the impact of dryness on our state heard this is the second lowest level of precipitation since records were taken in 1872. She said the projection is that it will be impacting the southern part of the state more than us, which causes her additional concern. She asked Mr. Martinez to clarify the language around the 1,000 afy, when we use it and when we don't, because she remains concerned about the idea that she thinks she heard at Finance which was, "if there was a problem we would simply use the Buckman well system," to which she is totally opposed. She asked Mr. Martinez to explain to others the language he pointed out to her.

Mr. Marcus said, "Included in the resolution is a Summary Report of Recommendations that has adjustments for dry years, and under Article D, Extremely Dry Years, defined by watershed yield of less than 30%, flows would be reduced according to a hydrograph that is also included in that Summary Recommendation. And the amount the City would attempt to release would be 300 afy."

Councilor Wurzbarger noted this isn't in the packet and is something she asked him to bring forward today after this meeting, so there isn't anything in the packet.

Mr. Martinez said, "So we are presently under the condition that that adjustment for a dry year would apply. That 300 afy would be the goal that the City would seek to release. We are less than 30% of watershed yield. And there is another protection built into this Summary Report of Recommendations for the City, and that is in an emergency situation the City would be able to suspend the flows altogether. And that would be to prevent interruption in water service, and to protect the public health safety and welfare."

Mr. Martinez continued, "And there is a third protection built into this Summary Report of Recommendations which is the City could not, under this scheme, release more water than is coming into the reservoirs. So that if only 4 cfs were coming into the reservoirs, 4 cfs or less would come out of the reservoirs. We would not pull water out of storage."

Councilor Trujillo asked if you are saying that when the Reservoir has 30%, that is the mechanism that kicks in.

Mr. Martinez said it is 30% of watershed yield, so there is a projection of how much water we would get out of the watershed, which right now is at 25%. He said our storage in the reservoir is at 45%. He said we look at how much water we think will be coming off the watershed.

Councilor Trujillo said he is a cosponsor of the Resolution, but if we're going to have a drought like we did a few years back, he is not for taking water away from the people. He said we may have to cut the fishing derby, but we can have it again in the future when we have more precipitation. He doesn't know what was discussed at finance, but he believes there has to be a mechanism for dry years. He said he really wants to see a living river, and asked if it is feasible to put that water in. He asked why even do it if the water isn't getting all the way down the river.

Mr. Martinez said he can't speak to how far down 300 cfs would get, but he knows the structural safety is the limitation of how much water is coming into the reservoir. He said, to reiterate, we would not release more water than is coming into the reservoir.

Councilor Trujillo asked what was discussed at the Finance Committee.

Mayor Coss said he will let Councilor Bushee ask her question before talking about what was discussed at Finance.

Councilor Bushee said for clarification, she isn't introducing the resolution on fireworks because the Fire Marshal asked her to pull it. She said she was at Finance, and what Councilor Wurzbarger said is that it is the second driest start to an irrigation season since 1895 throughout the state. She said Albuquerque and Roswell Airports, as of April 24th said it's the driest start to any season. Councilor Bushee said she has questions about the fiscal impact of \$70,000 and asked for an explanation. She doesn't know what the other operating costs are, and asked if that is pumping, the Fishing Derby or what.

Mr. Drypolcher said someone from the Water Division should respond to the question about the fiscal impact. He apologized, saying he didn't pick up on the request for follow-through. He said there should be a copy of the Summary Report of Recommendations in the packet, noting he submitted it for the packet and is sorry it isn't included.

Brian Snyder said with Buckman Direct Diversion coming on line, we have 4 sources of water, and they tried to estimate costs associated with this. He said the costs associated with the water are personnel, chemicals and the cost of pumping.

Councilor Bushee said she has attended the meetings and supports a living River. Her concern is that if we have to go into drought restrictions and people are not allowed to water outdoors, and then they see water running down the river. She is concerned about quantification of the costs. She asked how far water would come down the River with 30% watershed yield. She said this is a Resolution just for this year and it is not the ordinance.

Mr. Snyder said it is difficult to predict how far the water will go because the bed of the river is not wet at this time. The other factor is that we have to measure the inflow to the reservoir with the outflow. He said in the example given by Marcos of 4cfs, the water would be expected to reach downtown.

Councilor Bushee said she did predict we might be at this situation. She said state-wide it is far worse in the south, but no one can predict the monsoon seasons and what they will yield. She is tempted to say we should postpone this.

Mayor Coss he said we did need the Summary Report of Recommendations for the Councilor to read. He said he would point out that it was a very careful process about how we would use the water. He said originally, the Resolution called for 1,000 afy, and now we're down to 300 afy. He attended the workshop today and we are potentially going into a longer drought. However, the droughts before global warming were so intense and long it is hard to model that. He said one of the things they say is we need to be building resilience in the eco-system and the landscapes, because it could get worse before it gets better. He said they are very careful that this won't impact the City's delivery of water. He said we just finished a \$200 million project to deliver water, or we would be in drought stage right now. He said it is a question of whether we're going to move forward with a living river. He said in 2002 when we didn't have the emergency wells, or the BDD, we let our parks die. He is concerned that if we don't do this now, all of the plantings that have been done along the river will die. He doesn't want to make that mistake again and lose the investment we have made.

MOTION: Councilor Wurzbarger moved, seconded by Bushee, to postpone this item to the next Council meeting, with direction to staff to provide the Summary Report of Recommendations and provide a clarification and justification of the 300 afy.

DISCUSSION: Councilor Chavez said the City did experience a drought in 2002, and we stopped irrigating. He said introducing water into the river channel needs to be carefully thought out, and said people shouldn't over-plant, and the plantings should make sense in this climate. He said we do have the diversion project, but we are depending on imported water, and we do not have the luxury to do what we couldn't do before. He said the surface water is going to depend on the snow pack, noting 70% of the water comes from snow pack, and if there is no snow pack, we don't get the water. He said the BDD tells him we have over-stripped our domestic supply, and if we have to cut back this year and perhaps release more next year, then we will do that. However, we need to proceed with caution.

Councilor Bushee said one of the reasons for the Resolution is that we were including the river in the equation, and she supports this. She thinks everyone needs to read the Summary Report of Recommendations before voting. She asked if the 30% watershed yield considers the soil moisture level content being so low. She said she believes the projections of how far the water will run is probably optimistic.

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.

10 (n) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT – DELIVERY OF TREATED EFFLUENT TO PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION; PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION. (BRYAN ROMERO AND MARCOS MARTINEZ)

A copy of "First Amendment to Agreement for the Delivery of Treated Effluent by the City of Santa Fe to the Pueblo of Pojoaque Development Corporation," is incorporated herewith to these minutes as Exhibit "4."

Councilor Calvert said he wants to verify with Marcos Martinez that we were able to negotiate one-year increments of the contract with the Pueblo.

Mr. Martinez said yes, they got a one-year term for the agreement with possibility of renewal, and month to month continuing if neither party either terminates the agreement or actively renews it.

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

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

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

Against: None.

Absent for the vote: Councilor Bushee and Councilor Dominguez.

10 (o) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO RECREATIONAL ACCESS AGREEMENT – UTILIZE RACETRACK INFIELD OF THE DOWNS AT SANTA FE FOR CITY'S PARKS AND RECREATION PROGRAM; PUEBLO OF POJOAQUE DEVELOPMENT CORPORATION. (BRYAN ROMERO AND MARCOS MARTINEZ)

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

DISCUSSION: Councilor Chavez asked the time frame of the agreement, and if it coincides with the effluent agreement.

Mr. Martinez said it coincides with the effluent agreement.

Councilor Chavez asked if at some point, this will go away completely, and we will bring all of this back to our parks and facilities, or will this be long term.

Councilor Calvert said we are looking at a comprehensive long-term study of the use of the effluent, so we don't want to commit too far into the future.

Councilor Chavez asked if we are looking at both how we water the parks and how we use our effluent, with the idea to cease this at some point, and use the effluent where we want, and Councilor Calvert said yes.

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

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

Against: None.

Absent for the vote: Councilor Dominguez.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MAY 25, 2011:

- a) **BILL NO. 2011-17: AN ORDINANCE AMENDING ORDINANCE NO. 2009-15 THAT AUTHORIZED THE SALE OF REAL PROPERTY LOCATED ADJACENT TO 312 CATRON STREET IN ORDER TO AMEND THE TERMS OF THE SALE SPECIFIC TO THE TIME AND MANNER OF PAYMENT (COUNCILOR ROMERO). (EDWARD VIGIL)**

This item was removed from the agenda

- b) **BILL NO. 2011-18; AN ORDINANCE AMENDING SECTION 11-12.1 SFCC 1987, TO AUTHORIZE, ON AN ANNUAL BASIS, THE TRANSFER OF ENTERPRISE FUNDS TO THE GENERAL FUND, IN AN AMOUNT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000) (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO AND COUNCILOR ROMERO). (BRIAN SNYDER)**

Councilor Calvert said this is just a request to publish, and notice of a public hearing. This is not an approval of the Ordinance, it just provides this option if we choose to exercise it during the time frame of the budget process.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve this request with the amendment.

DISCUSSION: Councilor Chavez asked if this includes his amendment, and Councilor Calvert said yes.

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

For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Ortiz and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Dominguez and Councilor Wurzburger.

12. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

Mayor Coss said he would like to postpone Items #13 through #18 to the end of the Evening Agenda, and the Council was in agreement

END OF AFTERNOON SESSION AT 7:00 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 Absent

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

Carol Raymond, 4 La Tusa Street, said her last night to serve on the Transit Advisory Board was last night. She said it has been a pleasure to serve Mayor Coss and Mayor Delgado in this capacity. She said she still will be working on transit issues. She is proud of the work done by the Board, and of the work she did, and what she learned about herself during her 8 plus years on this Board, and "more to come."

G. APPOINTMENTS

Planning Commission

Mayor Coss made the following appointment to the Planning Commission:

Lisa T. Bemis – to fill unexpired term ending 06/2012.

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

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

H. PUBLIC HEARINGS

1) REQUEST FROM SF WINE & SPIRITS, INC., 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 SUSAN'S FINE WINE AND SPIRITS, 1005 S. ST. FRANCIS STREET, SUITE 101, WHICH IS WITHIN 300 FEET OF THE SANTA FE SCHOOL FOR THE DEAF, 1060 CERRILLOS ROAD. (YOLANDA VIGIL)**
- a) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM SF WINE & SPIRITS, INC., D/B/A SUSAN'S FINE WINE AND SPIRITS, FOR A TRANSFER OF LOCATION OF DISPENSER LICENSE #156, FROM 1005 S. ST. FRANCIS STREET, SUITE 105, TO 1005 S. ST. FRANCIS STREET, SUITE 101. (YOLANDA Y VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk. She noted this is on the same property and is transferring from Suite 5 at 1005 S. St. Francis to Suite 101 at 1005 S. St. Francis. She said there is a letter in the Council packet from the Superintendent for the School for the Deaf, Mr. Stern, saying they don't oppose this request. There are staff reports in the packet regarding litter and noise, and staff recommends the business be required to comply with all these ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to grant the request for the waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Susan's Fine Wine and Spirits, 1005 S. St. Francis Street, Suite 101.

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

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

Against: Councilor Trujillo.

Explaining his vote. Councilor Trujillo said we had this discussion last week with the schools, and even though the School for the Deaf doesn't have a problem with it, he still feels it is within the realm of the school, and voted no.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve the request from SF Wine & Spirits, Inc., d/b/a Susan's Fine Wine and Spirits, for a transfer of location of Dispenser License #156, from 1005 S. St. Francis Street, Suite 105 to 1005 S. St. Francis Street, Suite 101.

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

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

Against: Councilor Dominguez and Councilor Trujillo.

- 2) **REQUEST FROM CONSTELLATION HOME ELECTRONICS, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES (WINE AND SPIRITS) AT CONSTELLATION HOME ELECTRONICS, 215 NORTH GUADALUPE STREET, WHICH IS WITHIN 300 FEET OF CARLOS GILBERT ELEMENTARY SCHOOL, 300 GRIFFIN STREET. THE REQUEST IS FOR THE RELEASE OF THE LATEST ISSUE OF TREND MAGAZINE TO BE HELD ON THURSDAY, APRIL 28, 2011, FROM 5:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL).**

The staff report was presented by Yolanda Y. Vigil, City Clerk, saying the business is within 300 feet of Carlos Gilbert Elementary. She said there is a letter in the packet from Superintendent Bobbie Gutierrez, saying the schools do not oppose this request, but they must meet all security requirements. She said there is a letter in the packet saying they have security with a licensed security company, which is American Security & Patrol Services.

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 Dominguez, to approve the waiver of the 300 foot location to allow the dispensing/consumption of alcoholic beverages (wine and spirits) at Constellation Home Electronics, 215 North Guadalupe Street for the release of the latest issue of *TREND Magazine* to be held on Thursday, April 28, 2011 from 5:00 p.m. to 7:00 p.m., with the comment that it seems rather ridiculous that we're looking at something for tomorrow.

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 BALCONIES, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISES CONSUMPTION ONLY) TO BE LOCATED AT THE ORE HOUSE, 50 LINCOLN AVENUE. (YOLANDA Y. VIGIL, CITY CLERK) (Postponed at April 13, 2011 City Council Meeting) (Postponed to May 11, 2011 City Council Meeting)**

This item is postponed to the Council meeting of May 11, 2011.

- 4) **CONSIDERATION OF BILL NO. 2010-10; ADOPTION OF ORDINANCE NO. 2011- _____. CASE #2010-139. 517 ST. FRANCIS REZONING AND VARIANCE. DARREN BRANCH, AGENT FOR ANNETTE GARCIA, REQUESTS REZONING OF 0.10± ACRES OF LAND FROM R-8 (RESIDENTIAL, 8 DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE AND RETAIL DISTRICT). THE APPLICATION ALSO INCLUDES A SITE PLAN AND A VARIANCE REQUEST FROM SECTION 14-7.4(D)(4)(e), LANDSCAPING BUFFER REQUIREMENTS FOR NON-RESIDENTIAL USES ABUTTING DEVELOPED RESIDENTIAL USES. (DONNA WYNANT) (Withdrawn by Applicant)**

This item was withdrawn by the Applicant.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY BY THE CITY OF SANTA FE, OFFICE SPACE LEASE AGREEMENT, 500 MARKET STREET, SUITE 200 AT THE RAILYARD, WITH RAILYARD COMPANY, LLC, PURSUANT TO §10-15-1(H)(8) NMSA 1978, AND DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC, IN ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.**
- b) **DISCUSSION OF GRANTING AN EASEMENT TO PNM FOR THE PURPOSE OF AN ELECTRICAL SUBSTATION ON MRC LAND, IN ACCORDANCE WITH §10-15-1(H)(8) NMSA 1978.**
- c) **PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24, DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT IN ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.**

Councilor Bushee would like to separate Item 13(a) from the Executive Session and hold that discussion publicly. She said there are public policy issues around the master plan for the railyard and other related issues. She doesn't feel this is a serious threat of litigation.

MOTION: Councilor Bushee moved, seconded by Councilor Chavez, to hear item 13(a) publicly, and not hear that item in executive session.

DISCUSSION: Councilor Calvert asked if another reason this is suggested for an executive session is because it is for the negotiation of a lease.

Mr. Zamora said, "Item (a) as a whole relates to discussion about pending litigation and also a discussion of the lease agreement, both of which are permitted to go into executive session under the Open Meetings Act. Furthermore, both of these discussions require significant attorney/client privileged communications from the City Attorney's Office to the Governing Body."

Councilor Chavez said it involves litigation which may or not be filed, and we're talking about a public asset that has a master plan, which we are in effect changing by doing this without any public consideration or comment, noting this is the reason he was willing to second the motion.

Mr. Zamora said there is an action item on this, and action items are required to be done in public session. He said Item #14 would be for discussion and action in public session, and Items #15 and #16 are for action and discussion which may take place in public after the executive session.

WITHDRAWAL OF SECOND: Councilor Chavez withdrew his second to the motion, and would save further comment under Items #14, #15 and #16.

THE MOTION FAILED FOR LACK OF A SECOND.

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, that the Council go into Executive Session for the purpose of discussion of the office space lease with the Railyard Company, LLC, pursuant to 10-15-1(H)(8), threatened or pending litigation in which the City is or may become a participant involving Railyard company, LLC, pursuant to §10-15-1(H)(7), granting an easement to PNM for the purpose of an electrical substation on MRC land, pursuant to §10-15-1(H)(8) and threatened or pending litigation in which the City of Santa Fe is or may become a participant, in accordance with §10-15-1(H)(7) and pursuant to Santa Fe Resolution No. 2010-24.

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

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

Against: Councilor Bushee.

The Council went into Executive Session at 7:15 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:50 p.m., Councilor Trujillo moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

14. ACTION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC. (GENO ZAMORA)

A copy of "Railyard Settlement and Lease," containing documents which were discussed in Executive Session, was incorporated herewith to these minutes as Exhibit "5."

A copy of a letter from Leonard S. Katz, Esq., Rubin Katz Law Firm, with Attachments A through E, to Geno Zamora, City Attorney, dated April 29, 2010, is incorporated herewith to these minutes as Exhibit "6."

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to approve the Settlement Agreement that we discussed in Executive Session and that we allow the waiver of the attorney-client privilege, so this packet of information becomes available to the public, and to approve the Settlement Agreement as presented in this packet [Exhibit "5"]

DISCUSSION: Councilor Bushee said she had similar concerns at Finance about the accelerator clause. She understands the Railyard may need a jump-start at this time, and believes we can discuss the options. She is grateful that there is a requirement to "get a move on" with regard to the roll-out of the theater, so there are some parts of the agreement with which she feels more comfortable after the last executive session, but overall she remains concerned about the accelerator clause which jumps up the cost of this lease by 20% for the last 5 years, and 10% for the previous 5 before that, out of the 15 year lease. She said we really shouldn't be expanding into the Railyard or the arts and cultural district. We turned down options to have a convention center and a courthouse at the Railyard. She hopes, in the long run, it will be a cultural hub or an arts and cultural district, so she will vote no on the motion.

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 Bushee and Councilor Chavez.

Explaining her vote: Councilor Bushee said she votes no "for all the reasons I just explained."

Explaining his vote: Councilor Calvert said, "There are parts that I'm not keen on too, but I have to look at the whole package, and on balance I think it's a good deal, so I'll vote yes."

Explaining his vote: Councilor Ortiz said, "I also want to say, as part of the release, the document, the threatened litigation letter from Lenny Katz, I think Councilor Bushee was the last one to have that, and so I would ask that be released as well, and I vote yes."

15. REQUEST FOR APPROVAL OF OFFICE SPACE LEASE AGREEMENT – 500 MARKET STREET, SUITE 200 AT THE RAILYARD; RAILYARD COMPANY, LLC. (ROBERT ROMERO AND GENO ZAMORA)

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, consistent with Item #14, to approve this lease with the conditions contained in the packet as discussed at the City Finance Committee as well as in executive session.

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 Bushee and Councilor Chavez.

Explaining her vote: Councilor Bushee said, "Again, similar reasons, particularly the accelerator clause. I think the City shouldn't engage in such a long term lease. I understand the reasons the landlord would want that long term lease for lending purposes, but I don't think it fits the City financially. No."

Explaining his vote: Councilor Chavez said, "I really don't see the cost savings in this, and if that's the reason we are doing it, that doesn't seem to be materializing. The other reasons we're doing it, you know, we're doing it under the threat or pending litigation. I don't think that's the best way to do things, and I'm not comfortable with it, so I'm going to vote no as well."

16. ACTION ON GRANTING AN EASEMENT TO PNM FOR THE PURPOSE OF AN ELECTRICAL SUBSTATION ON MRC LAND. (MARCOS MARTINEZ)

MOTION: Councilor Ortiz moved, seconded by Councilor Wurzbarger, to approve the direction to grant the easement and to vacate the previous easement.

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.

17. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

18. 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 , is incorporated herewith to these minutes as Exhibit "7."

Mayor Coss said he would like to acknowledge and say hello to former City Manager Galen Buller.

Councilor Dominguez

Councilor Dominguez had no communications.

Councilor Calvert

Councilor Calvert had no communications.

Councilor Trujillo

Councilor Trujillo said the Santa Fe Amateur Baseball Congress will be holding its opening ceremonies on Saturday at Ragle Park, and they would like all of the Councilors to attend. He said it also will be the grand opening of the park as well, and there will be refreshments for everyone.

Councilor Wurzbarger

Councilor Wurzbarger introduced an Ordinance authorizing the execution and delivery of a Water Project Fund Loan/Grant Agreement by and between the New Mexico Water Trust Board and the New Mexico Finance Authority and the City in the aggregate amount of \$1,500,000, for the purpose of financing the costs of the planning, design and construction of improvements to the Borrower/Grantee's McClure and Nichols Reservoirs that feed the Canyon Road Water Treatment Plant. She said this will go to Public Utilities, Finance, Council for a Request to Publish, with hopefully a hearing in June. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "8."

Councilor Wurzbarger said she is introducing an Ordinance change which will be ready tomorrow, with respect to the 3 projected increases in the Wastewater. She said an analysis was done today with the consultant, and it is clear that the increases won't be necessary. A copy of the proposed Ordinance is incorporated herewith to these minutes as Exhibit "9."

Councilor Bushee

Councilor Bushee introduced a Resolution directing staff to initiate negotiations with Santa Fe County for the purpose of amending that certain Settlement Agreement between the City and County to amend the phasing of certain City and County Services. Councilor Calvert and Councilor Wurzbarger said they would like to cosponsor the Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10"

Councilor Bushee said she is not introducing the Resolution proclaiming severe or extreme drought conditions, because the Fire Marshal "tracked me down and said that when we first made a blanket restriction on all fireworks, people brought in more illegal fireworks. She said she wanted more awareness about the fire conditions and fire hazards.

Councilor Bushee would like staff to get a handle on the big fat purple graffiti which is showing-up on the west side – St. Frances on the curb by Agua Fria, on City facilities and elsewhere.

Councilor Ortiz

Councilor Ortiz said he has a packet of information he was unable to put in Resolution form. He said it is a Resolution cosponsored by Councilor Chavez and Councilor Trujillo, supporting the Friends of the Historical Parks for a request for a commemorative stamp from the U.S. Postal Service to celebrate the 150th commemoration of the Civil War Battle of Glorieta which happened here March 26 through 28, 1862, and asking the City Historian to document the efforts of Native New Mexicans in that battle, which was a pivotal battle in the Civil War out west. He will give the information to the City Manager to ask Melissa to draft a Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Ortiz said, in light of the prairie dog problems we are experiencing at Herb Martinez Park, it appears that the prairie dog population is actually on Kearney Elementary School property and bleeding into the City Park. He said the City can't remove those because of the ordinance, and asked the City Manager to contact the schools for permission to do the relocation of the prairie dogs. He said if we need an amendment to the Prairie Dog Ordinance for an exception to the gestation period, he thinks we should relocate them due to the health, welfare and safety of the school children. He said he is willing to carry an Ordinance amendment if necessary.

Councilor Ortiz said we start the budget process tomorrow morning at 9:00 a.m., at a Special Study Session of the Finance Committee, so the whole Council is invited. He commented he understands there are new figures than what were previously discussed. He said Mr. Romero will present first, and the Committee will then go through the proposals, and then move forward with the Department reviews.

Councilor Chavez

Councilor Chavez said he would like to recognize Cornerstones and the work they are doing on the restoration of the San Miguel Mission. He said an article in the June 2011 issue of *Preservation Magazine*, featured the San Miguel Mission as a preservation project. He said more than 100 volunteers participated in the first phase of the project dealing with the front façade of the Mission. He said the second phase will deal with the side and back elevations, and will start in the next month or two. He said on May 7, 2011, Cornerstones is hosting a dedication for the opening of the Oldest House, and the Governing Body is invited to attend that as well.

Mayor Coss

Mayor Coss had no communications.

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 8:15 p.m.

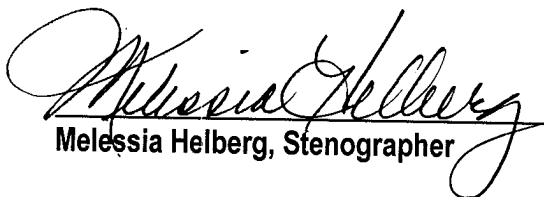
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer