



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MAY 25, 2011
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 5/20/11 TIME 2:50 pm

SERVED BY _____

RECEIVED BY Tina Y. Dominguez

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – May 11, 2011
9. PRESENTATIONS
 - a) Muchas Gracias – 400th Anniversary Committee. (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 3 to Professional Services Agreement – Security Services at Genoveva Chavez Community Center; Chavez Security, Inc. (Ivie Vigil)
 - b) Request for Approval of Grant Application and Award – Surface Sealing and Marking Runway 02/20 at Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
 - c) Request for Approval of Amended and Fully Restated Lease Agreement – Renewal Option at Santa Fe Municipal Airport; Santa Fe Air Center, LLC, Successor in Interest to Santa Fe Aviation Services, Ltd. Co. (Jim Montman)
 - d) Request for Approval of Procurement Under State Price Agreement – Genoveva Chavez Community Center Park Playground Equipment; Exerplay, Inc. (Ben Gurule)



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- e) Request for Approval of Procurement Under State Price Agreement – Materials for City-Wide Maintenance for Traffic Operations Section; 3M Company and J & H Supply. (Randy Blake)
- f) McClure and Nichols Reservoir Infrastructure Improvements – Phase I. (Robert Jorgensen)
 - 1) Request for Approval of Professional Services Agreement – Engineering Services for Reservoir Infrastructure Improvements, Phase I (RFP #11/15/P); Santa Fe Engineering Consultants, LLC.
 - a) Request for Approval of Budget Increase – Water Fund.
 - 2) Request for Approval of Professional Services Agreement – Construction Management Services for Reservoir Infrastructure Improvements, Phase I (RFP #11/16/P); Weaver General Construction Co.
- g) Request for Approval of Wastewater Management Division to Provide a Coupon “One (1) Free Load of Compost” in the City of Santa Fe Utility Bills as Part of Compost Marketing Effort. (Bryan Romero)
- h) Request for Approval of Amendment No. 1 to Professional Services Agreement – Security Services for City of Santa Fe Water Facilities for Water Division; Chavez Security, Inc. (Michael Gonzales)
- i) Request for Approval of Sole Source Procurement and Professional Services Agreement – Performance of a New Initial Distribution System Evaluation of Water Supplied by Buckman Regional Water Treatment Facility; Environment Engineering and Technology (EE&T). (Alex Puglisi)
- j) Request for Approval of Funding Recommendations for Fiscal Year 2011/2012 Human Services Providers; Eighteen (18) Various Vendors. (Isaac Pino)
- k) Request for Approval of Professional Services Agreements – Fiscal Year 2011/2012 Children and Youth Commission Grants and Funding Recommendations; Various Vendors. (Isaac Pino)



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- l) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Bushee)
A Resolution in Honor of Gail Ryba, Naming a Combination of Existing and Planned Trail Segments Following the Alignment of the Arroyo de Los Chamisos Eastward from the Santa Fe Rail Trail, Under St. Francis Drive, and Continuing to the Intersection of West Zia Road and Old Arroyo Chamisos Road. (Bob Siqueiros)
- m) Request for Approval of Sole Source Procurement and Professional Services Agreement – Water Meter Calibration for Water Division; Great Southwest Meters. (Michael Gonzales)
- n) Request for Approval of Professional Services Agreement – Claims Administration for Self-Insured Dental Insurance Program (RFP #11/03/P); United Concordia Dental Group. (Vicki Gage)
- o) Request for Approval of Third Party Administration City of Santa Fe Self-Funded Employee Health Insurance Program (RFP #11/18/P); United Healthcare. (Vicki Gage)
- p) Request for Approval of Findings of Fact and Conclusions of Law for Case #2011-15A. Appeal from Board of Adjustment Decision on Paseo de Vistas Base Station. (Kelley Brennan)
- q) Request for Approval of Findings of Fact and Conclusions of Law for Case #2011-15B. Appeal from Board of Adjustment Decision on Camino Carlos Rey Base Station. (Kelley Brennan)
- r) Request for Approval of Findings of Fact and Conclusions of Law for Case #2010-190. Appeal from Board of Adjustment Decision on St. John's Methodist Church Special Exception. (Kelley Brennan)
- s) Request for Approval of Findings of Fact and Conclusions of Law for Case #H-11-004A. Appeal from Historic Design Review Board Decision on St. John's Methodist Church Status Designation (HDRB). (Kelley Brennan)
- t) Request for Approval of Findings of Fact and Conclusions of Law for Case #H-11-004B. Appeal from Historic Design Review Board Decision on St. John's Methodist Church Design Review Approval. (HDRB). (Kelley Brennan)



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- u) Request for Approval to Publish Notice of Public Hearing on June 29, 2011:
 - 1) Bill No. 2011-25: An Ordinance Amending Section 11-2.2 SFCC 1987 and Creating New Section 11-2.6 SFCC 1987 Limiting General Fund Personnel Costs. (Councilor Ortiz) (Kathryn Raveling)
 - 2) Bill No. 2011-26: 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 (the "Lenders/Grantors") and the City of Santa Fe (the "Borrower/Grantee"), in the Aggregate Amount of One Million Five Hundred Thousand Dollars (\$1,500,000), Being a Loan in the Amount of Three Hundred Thousand Dollars (\$300,000) and a Grant in the Amount of One Million Two Hundred Thousand Dollars (\$1,200,000), Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely 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, and Solely in the Manner Described In the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection With the Execution and Delivery of the Loan/Grant Agreement (Councilor Wurzbarger) (Alan Hook)
 - a) Request for Approval of Water Project Fund Loan/Grant Agreement [No. 203-WTB]; New Mexico Water Trust Board and the New Mexico Finance Authority. (Alan Hook)
 - 1) Request for Approval of Budget Increase – Grant Fund.



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- v) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss, Councilor Ortiz, Councilor Wurzbarger, Councilor Bushee, Councilor Romero, Councilor Dominguez, Councilor Calvert and Councilor Trujillo)
A Resolution Directing Staff to Establish a Formalized Process and Criteria to Set Minimum Levels of Cash Reserves in Various Key Funds for Consideration by the Governing Body. (Kathryn Raveling)
- 11. Request for Approval of the City Manager's Recommended Operating Budget for Fiscal Year 2011/2012: (Robert Romero and Kathryn Raveling)
 - 1) 2011/2012 Budget Gap. (Robert Romero)
 - a) Request for Approval to Fill Vacant Positions for FY 2011/2012. (Robert Romero)
 - 2) Request for Approval of City of Santa Fe Organizational Chart. (Robert Romero)
 - 3) CONSIDERATION OF RESOLUTION NO. 2011-_____.
A Resolution Relating to the Adoption of the City of Santa Fe Fiscal Year 2011/2012 Annual Budget. (Kathryn Raveling)
- 12. Consideration of Redistricting Meeting Schedule. (Geno Zamora and Yolanda Vigil)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of the Donation of Land by the City of Santa Fe to the Department of Veterans Affairs for the Santa Fe National Cemetery, in Accordance with §10-15-1(H)(8) NMSA 1978.
- b) 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.



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15. Action Regarding the Donation of Land by the City of Santa Fe to the Department of Veterans Affairs for the Santa Fe National Cemetery. (Geno Zamora)
16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Izmi Sushi Bar Incorporated, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Izmi Sushi Restaurant, 105 East Marcy Street, Suite A. (Yolanda Y. Vigil)
 - 2) Request from Rivera/Pak, Inc., for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Kai Sushi & Dining, 720 St. Michael's Drive, Suite 2-M. (Yolanda Y. Vigil)
 - 3) Request from RAAGA Corporation, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at RAAGA, 544 Agua Fria Street, Unit B. (Yolanda Y. Vigil)



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- 4) Request from Santa Fe Balconies, LLC, for a Transfer of Ownership and Location of Dispenser License #28039 from S.L.Y, LLC, dba Risotto's Bistro, 510 S. Telshore Blvd., Las Cruces, NM, to Santa Fe Balconies, LLC, dba Que Viva, 50 Lincoln Avenue. (Yolanda Y. Vigil)
- 5) Request from Top Shelf Enterprises, LLC, for the following: (Yolanda Y. Vigil)
 - a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at Bistro 315, 315 Old Santa Fe Trail Which is Within 300 Feet of San Miguel Mission, 401 Old Santa Fe Trail;
 - b) If the Waiver of the 300 Foot Restriction is Granted, a Request from Top Shelf Enterprises, LLC, for a Transfer of Ownership and Location of Dispenser License #2675 from Solstice, Ltd. Company, LLC, dba The Railyard Restaurant and Saloon, 530 S. South Guadalupe Street, Santa Fe, to Top Shelf Enterprises, LLC, dba Bistro 315, 315 Old Santa Fe Trail
- 6) CONSIDERATION OF BILL NO. 2010-16: ADOPTION OF ORDINANCE NO 2011-_____. (Mayor Coss, Councilor Wurzburger and Councilor Romero)

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. (Robert Romero and Judith Amer)



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- 7) CONSIDERATION OF BILL NO. 2011-12: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Dominguez)
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. (David Catanach and John Romero)
- 8) CONSIDERATION OF BILL NO. 2011-14: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Bushee and Councilor Calvert)
An Ordinance Amending Rule No. 10 of Exhibit A of Chapter 25 SFCC 1987 Regarding Responsibility for Water Service Equipment. (Brian Snyder)
- 9) CONSIDERATION OF BILL NO. 2011-18: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Calvert, Mayor Coss, Councilor Dominguez, Councilor Trujillo, Councilor Romero, Councilor Bushee and Councilor Wurzbarger)
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)~~ One Million Seven Hundred Thousand Dollars (\$1,700,000.). (Brian Snyder)
- 10) CONSIDERATION OF BILL NO. 2011-11: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Bushee)
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. (Juan Torres)
 - a) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Bushee)
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. (Juan Torres)



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- 11) Telecommunications – Land Use Requirements: (Kelley Brennan)
 - a) CONSIDERATION OF BILL NO. 2010-13: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Calvert)
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) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Calvert)
A Resolution Adopting Application Fees for the Review of Telecommunications Facilities in Accordance with Chapter 14 SFCC 1987.
- 12) Request from Darnell Fine Art for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine at Darnell Fine Art, 640 Canyon Road, which is Within 300 Feet of the Santa Fe Friends (Quaker Church), 630 Canyon Road. The Request is for an Opening Reception for a Gallery Exhibition to be held on May 27, 2010 from 5:00 p.m. to 8:00 p.m. (Yolanda Y. Vigil)
- 13) CONSIDERATION OF BILL NO. 2010-15: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Wurzbarger, Councilor Ortiz, Councilor Trujillo and Councilor Dominguez)
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. (Melisa Dailey) **(Postponed to June 8, 2011 City Council Meeting)**
 - a) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Wurzbarger, Councilor Ortiz, Councilor Trujillo and Councilor Dominguez)
A Resolution Amending the Administrative Procedures for the Santa Fe Homes Program (SFHP) to Temporarily Reduce the Percentage Requirements of the Santa Fe Homes Program. **(Postponed to June 8, 2011 City Council Meeting)**



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- b) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Wurzbarger)
A Resolution Authorizing the Temporary Modification to the Requirements of the Santa Fe Homes Program ("SFHP"); and Authorizing a 70% Reduction in Fees Associated with Small Subdivisions With Two Through Ten Total Units. (Nick Schiavo and Melisa Dailey) **(Postponed to June 8, 2011 City Council Meeting)**

I. ADJOURN

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

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
May 25, 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
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-6
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 11, 2011	Approved	6
<u>PRESENTATIONS</u>		
MUCHAS GRACIAS – 400 TH ANNIVERSARY COMMITTEE		6-7
<u>REQUEST FOR APPROVAL OF THE CITY MANAGER'S RECOMMENDED OPERATING BUDGET FOR FISCAL YEAR 2011/2012</u>		
2011-2012 BUDGET GAP	Approved	7-16
REQUEST FOR APPROVAL TO FILL VACANT POSITIONS FOR FY 2011/2012	Approved [amended]	7-16
REQUEST FOR APPROVAL OF CITY OF SANTA FE ORGANIZATIONAL CHART	Approved	16-17
CONSIDERATION OF RESOLUTION NO. 2011-32. A RESOLUTION RELATING TO THE ADOPTION OF THE CITY OF SANTA FE FISCAL YEAR 2011/2012 ANNUAL BUDGET	Approved	17
CONSIDERATION OF REDISTRICTING MEETING SCHEDULE	Approved [amended]	17-24
MATTERS FROM THE CITY MANAGER	None	24
MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION	Approved	24-25

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	25
ACTION REGARDING THE DONATION OF LAND BY THE CITY OF SANTA FE TO THE DEPARTMENT OF VETERANS AFFAIRS FOR THE SANTA FE NATIONAL CEMETERY	Approved [amended]	25
MATTERS FROM THE CITY CLERK	None	26
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	27
PETITIONS FROM THE FLOOR	None	27
APPOINTMENTS	None	27
<u>PUBLIC HEARINGS</u>		
REQUEST FROM IZMI SUSHI BAR INCORPORATED FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT IZMI SUSHI RESTAURANT, 105 EAST MARCY STREET, SUITE A	Approved	27-28
REQUEST FROM RIVERA/PAK, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT KAI SUSHI & DINING, 720 ST. MICHAEL'S DRIVE, SUITE 2-M	Approved	28-29
REQUEST FROM RAAGA CORPORATION, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT RAAGA, 544 AGUA FRIA STREET, UNIT B	Approved w/condition	29
REQUEST FROM SANTA FE BALCONIES, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #28039 FROM S.L.Y., LLC, D/B/A RISOTTO'S BISTRO, 510 S. TELSHORE BLVD., LAS CRUCES, NM, TO SANTA FE BALCONIES, LLC, D/B/A QUE VIVA, 50 LINCOLN AVENUE	Approved w/condition	30

ITEM

ACTION

PAGE #

REQUEST FROM TOP SHELF ENTERPRISES, LLC,
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 BISTRO 315,
315 OLD SANTA FE TRAIL, WHICH IS WITHIN
300 FEET OF SAN MIGUEL MISSION, 401 OLD
SANTA FE TRAIL

Approved

30-31

IF THE WAIVER OF THE 300 FOOT RESTRICTION
IS GRANTED, A REQUEST FROM TOP SHELF
ENTERPRISES, LLC, FOR A TRANSFER OF
OWNERSHIP AND LOCATION OF DISPENSER
LICENSE #2675 FROM SOLSTICE, LTD. COMPANY,
LLC, D/B/A THE RAILYARD RESTAURANT AND
SALOON, 530 S. SOUTH GUADALUPE STREET,
SANTA FE, TO TOP SHELF ENTERPRISES, LLC,
D/B/A BISTRO 315, 315 OLD SANTA FE TRAIL
(YOLANDA Y. VIGIL)

Approved w/condition

31-32

CONSIDERATION OF BILL NO. 2011-16: ADOPTION OF
ORDINANCE NO. 2011-11. 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; ETC.

Approved

32-33

CONSIDERATION OF BILL NO. 2011-12: ADOPTION
OF ORDINANCE 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 12987, REGARDING CURB
CUT FEES

Approved

33-36

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2011-14: ADOPTION OF ORDINANCE NO. 2011-13. AN ORDINANCE AMENDING RULE NO. 10 OF EXHIBIT A OF CHAPTER 25 SFCC 1987, REGARDING RESPONSIBILITY FOR WATER SERVICE EQUIPMENT	Approved [amended]	36-37
CONSIDERATION OF BILL NO. 2011-18: ADOPTION OF ORDINANCE NO. 2011-14. 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) ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000)	Approved a/a	37-38
CONSIDERATION OF BILL NO. 2010-11: ADOPTION OF ORDINANCE NO. 2011- 15. 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	Approved	38-40
CONSIDERATION OF RESOLUTION NO. 2011- 33. 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	Approved	38-40

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>TELECOMMUNICATIONS – LAND USE REQUIREMENT:</u>		
CONSIDERATION OF BILL NO. 2011-13: ADOPTION OF ORDINANCE NO. 2011-16. 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	Approved [amended]	41-55
CONSIDERATION OF RESOLUTION NO. 2011-34. A RESOLUTION ADOPTING APPLICATION FEES FOR THE REVIEW OF TELECOMMUNICATIONS FACILITIES IN ACCORDANCE WITH CHAPTER 14 SFCC 1987	Approved [amended]	41-55
REQUEST FROM DARNELL FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT DARNELL FINE ART, 640 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE FRIENDS (QUAKER CHURCH), 630 CANYON ROAD. THE REQUEST IS FOR AN OPENING RECEPTION FOR A GALLERY EXHIBITION TO BE HELD ON MAY 27, 2010, FROM 5:00 P.M. TO 8:00 P.M.	Withdrawn	56

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2011-15: ADOPTION OF ORDINANCE NO. 2011- _____. 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	Postponed to 06/08/11	56
CONSIDERATION OF RESOLUTION NO. 2011- _____. A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM (SFHP) TO TEMPORARILY REDUCE THE PERCENTAGE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM)	Postponed to 06/08/11	56
CONSIDERATION OF RESOLUTION NO. 2011- _____. A RESOLUTION AUTHORIZING THE TEMPORARY MODIFICATION TO THE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM ("SFHP"); AND AUTHORIZING A 70% REDUCTION IN FEES ASSOCIATED WITH SMALL SUBDIVISIONS WITH TWO THROUGH TEN TOTAL UNITS	Postponed to 06/08/11	56
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	57-58
ADJOURN		58

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 25, 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 May 25, 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
Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

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

6. APPROVAL OF AGENDA

Mr. Romero said staff would like to remove Item 10(c) from the Consent Calendar and postpone it to the next meeting of the Council. He said Item H(12) on the evening agenda has been withdrawn.

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

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

7. APPROVAL OF CONSENT CALENDAR

Councilor Bushee and Councilor Wurzbarger asked that the vote on the Consent Calendar show that they abstained from voting on Items 10(p), (q), (r), (s) and (t), because they weren't in attendance at the meeting.

Councilor Calvert asked to be added as a cosponsor on Item 10(l).

Councilor Romero would like to remove Item 10(u)(1) and send it back to the Finance Committee for additional language on prioritization, noting the sponsor has agreed.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, 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 Dominguez, Councilor Ortiz, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Abstaining on Items 10(p), (q), (r), (s) and (t): Councilor Bushee and Councilor Wurzbarger abstained on these item, because they were absent for the public hearings on these items.

Absent for the vote: Councilor Chavez.

CONSENT CALENDAR:

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT GENOVEVA CHAVEZ COMMUNITY CENTER; CHAVEZ SECURITY, INC. (IVIE VIGIL)**
- b) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD – SURFACE SEALING AND MARKING RUNWAY 02/20 AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JIM MONTMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- c) **REQUEST FOR APPROVAL OF AMENDED AND FULLY RESTATED LEASE AGREEMENT – RENEWAL OPTION AT SANTA FE MUNICIPAL AIRPORT; SANTA FE AIR CENTER, LLC, SUCCESSOR IN INTEREST TO SANTA FE AVIATION SERVICES, LTD., CO. (JIM MONTMAN)**
This item was removed from the agenda and postponed to the Council meeting of June 8, 2011.

- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – GENOVEVA CHAVEZ COMMUNITY CENTER PARK PLAYGROUND EQUIPMENT; EXERPLAY, INC. (BEN GURULE)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – MATERIALS FOR CITY-WIDE MAINTENANCE FOR TRAFFIC OPERATIONS SECTION; 3M COMPANY AND J & H SUPPLY. (RANDY BLAKE)**
- f) **McCLURE AND NICHOLS RESERVOIR INFRASTRUCTURE IMPROVEMENTS – PHASE I. (ROBERT JORGENSEN)**
 - 1) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR RESERVOIR INFRASTRUCTURE IMPROVEMENTS, PHASE I (RFP #11/15/P); SANTA FE ENGINEERING CONSULTANTS, LLC.**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WATER FUND.**
 - 2) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION MANAGEMENT SERVICES FOR RESERVOIR INFRASTRUCTURE IMPROVEMENTS, PHASE I (RFP #11/16/P); WEAVER GENERAL CONSTRUCTION CO.**
- g) **REQUEST FOR APPROVAL OF WASTEWATER MANAGEMENT DIVISION TO PROVIDE A COUPON “ONE (1) FREE LOAD OF COMPOST,” IN THE CITY OF SANTA FE UTILITY BILLS AS PART OF COMPOST MARKETING EFFORT. (BRYAN ROMERO)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR CITY OF SANTA FE WATER FACILITIES FOR WATER DIVISION; CHAVEZ SECURITY, INC. (MICHAEL GONZALES)**
- i) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – PERFORMANCE OF A NEW INITIAL DISTRIBUTION SYSTEM EVALUATION OF WATER SUPPLIED BY BUCKMAN REGIONAL WATER TREATMENT FACILITY; ENVIRONMENT ENGINEERING AND TECHNOLOGY (EE&T). (ALEX PUGLISI)**
- j) **REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2011/2012 HUMAN SERVICES PROVIDERS; EIGHTEEN (18) VARIOUS VENDORS. (ISAAC PINO)**
- k) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FISCAL YEAR 2011/2012 CHILDREN AND YOUTH COMMISSION GRANTS AND FUNDING RECOMMENDATIONS; VARIOUS VENDORS. (ISAAC PINO)**

- l) **CONSIDERATION OF RESOLUTION NO. 2011-30 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION IN HONOR OF GAIL RYBA, NAMING A COMBINATION OF EXISTING AND PLANNED TRAIL SEGMENTS FOLLOWING THE ALIGNMENT OF THE ARROYO DE LOS CHAMISOS EASTWARD FROM THE SANTA FE RAIL TRAIL, UNDER ST. FRANCIS DRIVE, AND CONTINUING TO THE INTERSECTION OF WEST ZIA ROAD AND OLD ARROYO CHAMISOS ROAD. (BOB SIQUEIROS)**
- m) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – WATER METER CALIBRATION FOR WATER DIVISION; GREAT SOUTHWEST METERS. (MICHAEL GONZALES)**
- n) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CLAIMS ADMINISTRATION FOR SELF-INSURED DENTAL INSURANCE PROGRAM (RFP #11/03/P); UNITED CONCORDIA DENTAL GROUP. (VICKI GAGE)**
- o) **REQUEST FOR APPROVAL OF THIRD PARTY ADMINISTRATION, CITY OF SANTA FE SELF-FUNDED EMPLOYEE HEALTH INSURANCE PROGRAM (RFP #11/18/P); UNITED HEALTHCARE. (VICKI GAGE)**
- p) **REQUEST FOR APPROVAL OF FINDING OF FACT AND CONCLUSIONS OF LAW FOR CASE #2011-15A. APPEAL FROM BOARD OF ADJUSTMENT DECISION ON CAMINO CARLOS REY BASE STATION. (KELLEY BRENNAN)**
- q) **REQUEST FOR APPROVAL OF FINDING OF FACT AND CONCLUSIONS OF LAW FOR CASE #2011-15B. APPEAL FROM BOARD OF ADJUSTMENT DECISION ON CAMINO CARLOS REY BASE STATION. (KELLEY BRENNAN)**
- r) **REQUEST FOR APPROVAL OF FINDING OF FACT AND CONCLUSIONS OF LAW FOR CASE #2010-190. APPEAL FROM BOARD OF ADJUSTMENT DECISION ON ST. JOHN'S METHODIST CHURCH. (KELLEY BRENNAN)**
- s) **REQUEST FOR APPROVAL OF FINDING OF FACT AND CONCLUSIONS OF LAW FOR CASE #H-11-004A. APPEAL FROM HISTORIC DESIGN REVIEW BOARD DECISION ON ST. JOHN'S METHODIST CHURCH. (KELLEY BRENNAN)**
- t) **REQUEST FOR APPROVAL OF FINDING OF FACT AND CONCLUSIONS OF LAW FOR CASE #H-11-004B. APPEAL FROM HISTORIC DESIGN REVIEW BOARD DECISION ON ST. JOHN'S METHODIST CHURCH. (KELLEY BRENNAN)**

- u) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JUNE 29, 2011:**
- 1) **BILL NO. 2011-25; AN ORDINANCE AMENDING SECTION 11-2-1 SFCC 1987, AND CREATING A NEW SECTION 11-2.6 SFCC 1987, LIMITING GENERAL FUND PERSONNEL COSTS (COUNCILOR ORTIZ). (KATHRYN RAVELING)**
This item was removed from the agenda and sent back to the Finance Committee for additional language on prioritization.
 - 2) **BILL NO. 2011-25: 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 (THE "LENDERS/GRANTORS") AND THE CITY OF SANTA FE (THE "BORROWER/GRANTEE"), IN THE AGGREGATE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000), BEING A LOAN IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000), AND A GRANT IN THE AMOUNT OF ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY 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, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS, CONCERNING THE LOAN/GRANT AGREEMENT, RATIFYING ACTIONS HERETOFORE TAKEN; REPEATING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/ GRANT AGREEMENT.**
(ALAN HOOK)
 - A. **REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT (NO. 203-WTB); NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY.**
(ALAN HOOK)
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- v) **CONSIDERATION OF RESOLUTION NO. 2011-31 (MAYOR COSS, COUNCILOR ORTIZ, COUNCILOR WURZBURGER, COUNCILOR BUSHEE, COUNCILOR ROMERO, COUNCILOR DOMINGUEZ, COUNCILOR CALVERT AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO ESTABLISH A FORMALIZED PROCESS AND CRITERIA TO SET MINIMUM LEVEL OF CASH RESERVES IN VARIOUS KEY FUNDS FOR CONSIDERATION BY THE GOVERNING BODY. (KATHRYN RAVELING)**

END OF CONSENT CALENDAR

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 11, 2011

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of May 11, 2011, as presented.

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

9. PRESENTATIONS

a) MUCHAS GRACIAS – 400TH ANNIVERSARY COMMITTEE

Members of the 400th Anniversary Committee:

Maurice Bonal, President
Martin Aguilar
Adrian Bustamante
Mary Chavez
Pawan Dhindsa
Rudy Fernandez
Gerald Gonzalez
Gregory Heltman
Jeff Jinnett
Leslie Lujan
Paul Margetson
Albert "Gabby" Montoya
Andres Romero
Gilbert Romero
Connie Tsosie Gaussoin
Kurt Young
Patrick Varela

Mayor Coss asked the members of the 400th Anniversary Committee to come to the front of the room. He presented each member with a small memento of their service. He said everyone worked their "hearts off" on this wonderful commemoration.

Maurice Bonal, Chair, thanked the Governing Body, saying this truly has been a "labor of love," for each and every person, noting these people are very involved in the community. He said the members gave of their heart and their time. He said in the near future they will be bringing the time capsule and the final report of the work of the City of Santa Fe, as well as the final audit and everything which goes to the closing of a good Committee.

Mr. Bonal said the crown jewel of this whole effort was the History Task Force chaired by Adrian Bustamante, noting there were 19 historians/authors to vet these books to be sure they were correct.

Mayor Coss thanked them for the work on the 400th anniversary celebration, commenting that 1610 is our founding date and we are sticking to it.

Councilor Dominguez said it is also appropriate to thank the City staff for all of their hard work and providing support for the 400th Anniversary, from City Manager Robert Romero to Darlene Griego and all of the people who helped to set up and work the events.

Councilor Chavez arrived at the meeting during the presentation

11. REQUEST FOR APPROVAL OF THE CITY MANAGER'S RECOMMENDED OPERATING BUDGET FOR FISCAL YEAR 2011/2012. (ROBERT ROMERO AND KATHRYN RAVELING)

1) 2011-2012 BUDGET GAP. (ROBERT ROMERO)

a) REQUEST FOR APPROVAL TO FILL VACANT POSITIONS FOR FY 2011/2012. (ROBERT ROMERO)

Mr. Romero noted the items that are in the packet for Items 11(1)(a), (b) and (c). He said the budget gap list on page 3 was approved by the Finance Committee on May 16, 2011, and the changes include elimination of the franchise fees, \$1.7 million from Wastewater and \$1.1 million Water payback and \$1.322 million from various fund reserves which are detailed on page 3.

Councilor Bushee asked, for example regarding the GCCC Chavez, if we will wind up having to take funds from elsewhere, and asked if this is a sustainable reduction.

Mr. Romero said the reductions are okay at this time.

Responding to Councilor Bushee, Mr. Romero said funds were taken proportionately from each fund, noting the larger funds, such as the Health Fund took a larger share, and the smaller funds a smaller share. He said the funds were taken from fund balances which didn't require any kind of legislation to take money from the fund.

Councilor Bushee said then some funds were untouched.

Mr. Romero said yes, noting the amounts taken from funds is detailed on page 4 of the Council packet.

Councilor Bushee asked how much of the revenue cuts are sustainable into the next fiscal year.

Mr. Romero said approximately \$5 million is sustainable as long as we don't fill the positions which were not funded, but the \$1.3 million from reserves is not sustainable. He said the \$1.7 million from Wastewater can be done for one more year, and then it will drop to \$1 million and then to \$500,000 which would be sustainable for 2 years. He said we will need to look at the Water Fund each year to see what it could pay without increasing rates. He said approximately \$4 million is not sustainable.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger to approve Items 11(1) and 11(1)(a) as presented.

DISCUSSION: Councilor Bushee thanked Mr. Romero and staff for their work done in the end, and asking in the future, that information be made more readily available. She is "glad we got there."

Councilor Chavez said it wasn't an easy process to balance the budget. He believes people are relieved that there not going to be a property tax.

Councilor Chavez said some revenue is recurring and is fixed. He said the \$1.7 from wastewater is recurring, but there will be a point where we can't use it. He said in the future, he would like to see those categories where there are fixed revenues. He hopes by the next budget cycle that we realize the efficiencies in providing services with existing revenues and are living within our means to the best extent possible.

CLARIFICATION OF THE MOTION: Councilor Bushee said the motion is to approve Item 11(1) and 11(1)(a).

Councilor Ortiz asked the number of motions we need to make.

Mr. Zamora said, based on these agenda items, the Council can do one comprehensive motion for all three items, or do each individually.

Councilor Chavez asked if the \$600,000 incentive reduction is still to be negotiated, and Mr. Romero said yes that is being negotiated "as we speak."

Councilor Chavez said then we could still wind up with a \$600,000 gap.

Mr. Romero said yes, if the negotiations aren't successful.

Councilor Chavez asked if there is a fallback position in the event that doesn't happen as we hope.

Mr. Romero said at that time, we would determine what that gap is during the year, as we did last year with the furlough.

Councilor Chavez said then the \$600,000 figure could be less.

Mr. Romero said no, it will be \$600,000, which is what they are negotiating as directed by the City Council, and it won't fluctuate and will depend on negotiations.

Councilor Ortiz said his comment on 11(1)(a), is that there is nothing in the packet that hints at the discussions we had in two Finance Committees regarding the City Manager's authority to fill vacant positions. He asked if there will be a recitation of those conditions, or is staff asking for the blanket approval which was turned down at the Finance Committee.

Mayor Coss said staff was going with the conditions approved at Finance Committee as set forth by Councilor Wurzbarger.

Councilor Ortiz said that doesn't show up in the meeting minutes, noting all it says is that "all conversion of classified to exempt positions must be approved by the Governing Body." He said one of the other things which was discussed, and he thought was agreed upon as a friendly amendment was that the amount of salary for those positions must go through the Finance Committee/Governing Body approval process. He said that would avoid the situation where positions are filled automatically at the existing salary and there is no consideration given to adjusting those salaries down. He said without having those discussions go through the committee process, we will have the same kinds of issues we found with positions which have been filled. He thought that was part of the approval as well. He asked if it is an errata that it was left off the action sheet.

Mr. Romero said he heard the discussion at the Finance Committee, but when the motion was made, he doesn't remember that being in the motion.

FRIENDLY AMENDMENT: Councilor Ortiz would like to amend the motion to provide that the amount of salary for all vacant positions to be filled, positions which are converted from classified to exempt, and any salary increases must go through the Finance Committee and the Governing Body for approval. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, BUT WAS NOT FRIENDLY TO THE SECOND.**

MOTION TO AMEND: Councilor Ortiz moved, seconded by Councilor Bushee, to amend the motion to provide that the amount of salary for all vacant positions to be filled, positions which are converted from classified to exempt, and any salary increases must go through the Finance Committee and the Governing Body for approval.

Mr. Romero asked if he is asking that every position which is hired will be brought to the Council so you can approve their salary.

Councilor Ortiz said that is my motion.

DISCUSSION: Councilor Ortiz said what he did at the Finance Committee was to avoid the situation we experienced in the past where when positions become vacant the positions are automatically filled at the existing salary, which isn't necessarily a bad thing. However, to the extent that we can get salary savings immediately upon approval of those vacancies, it seems it would be more efficient to have those kinds of discussions and approvals through the process. He said a compromise could be for certain levels of positions so we aren't dealing with all positions. For example all non-bargaining positions, so we don't have a problem. He said the positions that come to mind was when we approved the Civic Center position, both the previous Director's salary and the interim Director's salary and the interim Police Chief's salary. There was no discussion or attempt to try to adjust some of those salaries, so we just plugged people into positions at the same salary based on the same assumptions we have been going through – that we can approve those kinds of salaries. He said this seems to be something we need to stop. He said, granted this budget doesn't stop that practice, but he thought we had that discussion about those kinds of positions.

Councilor Ortiz said he raised the issue of a position which is coming vacant at the Convention Center which is a classified position, and there is a proposal to convert it to exempt, and presumably that salary will be higher than the classified position. He believes these kinds of decisions which have a financial impact should have a bit of discussion before we give the City Manager the discretion of authority to approve them. He said when we approve filling these positions that cost will be recurring, and he thought we had that discussion. So, this is his concern in approving 11(1)(a).

Councilor Wurzbarger said she recalled that discussion, but her recollection is that we had voted to limit it so that it wouldn't be every single position, and thought that was the compromise we agreed to at the Finance Committee and the kinds of positions he discussed would come back to the Finance Committee, but it wasn't across the board. She said she would argue that would be a better way to do it.

Councilor Ortiz said then it is just exempt positions that have to be approved, not non-bargaining unit positions.

Councilor Wurzbarger said she thought that's what we agreed to.

Mayor Coss said he recalls that it was for exempt positions – the Convention and Visitors Bureau position going from classified to exempt.

Councilor Ortiz said he remembers that, because he raised that position, noting that was brought to his attention by members of the bargaining unit. He said if we had passed blanket approval, we would not have had a say in those. He said there is a salary impact for positions even if not exempt, and we should have the ability to have some say in that, whether it limits management's ability to attract candidates,

whether it limits management's ability to fill those positions, that could be a concern. However, the financial impacts outweigh those administrative concerns in his opinion.

Councilor Dominguez appreciated the discussion at Finance, and his understanding of how it was approved is how Councilor Wurzbarger said. He said we have to give the City Manager the ability to manage, and we have to be very careful where we make that cutoff. He recalls that we were going to do that for exempt positions, so we can continue to move forward. He said this City Manager has done a great job in making sure some of those impacts are brought to us and believes he will continue to do so.

Councilor Bushee said she assumed that what we said, because we were in committee, was written down and would be a part of whatever we did. She said she has appreciated that this City Manager has brought positions to the Committee to explore because of the hiring freeze, and we could look at non-essential positions that didn't need to be filled, even if not exempt. She said the "salary thing isn't aimed at you Robert in any way. I have been here to see City Managers give big bumps in some situations that we then were saddled with for years to come."

Councilor Bushee said she understands Mr. Romero's system has been merit based and about saving the City money, and she isn't questioning his motives. However, she doesn't believe our discussions about being over-staffed are done. She does think this is necessary and doesn't know it should be limited to exempt positions.

Councilor Chavez agrees we should have this discussion and believes it should be all positions, because there is a fiscal impact, noting that 80% of the budget is personnel. He said we have to work hard to live within our means, tighten our belts. If we send this as a recruiting message, then that's the message we need to send. He said we haven't talked about compensatory time, but it is all part of running an efficient government and part of the job we were elected to do. He said, for him, it would be easy just to just let the Finance Committee run this, and not worry about it, noting he did attend most of the Finance Committee meetings. He said if it is unclear who we are supposed to be evaluating, then it is unclear. He said memory doesn't always serve him or anyone else well.

Councilor Calvert said he is concerned about where to draw the line. He said we ran into the situation at Transit and ended up "busting" the overtime budget because we had to go through the approval process to fill positions we needed and probably would fill. He questions including all positions, because there are certain operational positions which are key, and if you have to wait for approval, it could impact the operations in different areas as well as pile up overtime. He understands the rationale for wanting to review these things, but reiterated that he is concerned about including every position.

Councilor Romero said she is really uncomfortable with the management issues which have been brought up in looking at all of the positions. She said Councilor Calvert's remarks regarding the management decisions around Transit are a management issue, and we on the Council don't always know the intricacies of some of the departments. She said it seems to her that we're crossing a fine line. She would be okay with looking at the exempt positions, noting the Finance Committee is getting regular reports.

Councilor Romero said "all of us on the Council are concerned that we live within our means," and it is the City Manager's job to give us the information so we can make decisions on policy that drives the budget. She said it is our job to give direction on the overarching budget. She is uncomfortable in looking at every position, not knowing whether it will impact overtime, or if it's personal issues. She thinks it gives us a little more stand-back room when we give that direction to the City Manager and hold him accountable for keeping us within our budget. She is okay with approving exempt positions, but not with looking at every single position which to her is a management decision. She is concerned about a discussion on, for example a particular clerk's position, or not understanding the implications of our decision in the long term that would have the potential to do mischief, rather than leaving it to the City Manager to help guide that. She can agree to at the exempt positions, but doesn't want to go beyond that.

Councilor Ortiz said, "For the past fiscal year, we have been reviewing every single position. And we were reviewing every single position at the direction that this same Governing Body, including some of the Councilors who now express concern, voted to approve, precisely because we needed to have a fiscal impact on those positions. And we needed to give approval because those positions could be deemed to be expansion. And so, what we are doing now in coming up with this amendment is essentially the same business we've been performing in the past year. And I do not remember a time in which the City Manager proposed positions that he or his department deemed to be crucial or essential, or saved money, that this Governing Body and Finance didn't approve. The only positions that I could remember on which we had discussion and there was deletion, were those positions where the City Manager and the department managers couldn't justify those positions."

Councilor Ortiz continued, "And so, if the Governing Body now believes they do not want to take that responsibility for those positions, then what we're doing essentially is going back to filling positions without any sense of what the fiscal impacts are in the current fiscal year that those positions are being filled, as well as into the future. And so that is really the decision that was being made."

Councilor Ortiz continued, "And I understand why management wanted to do away with that. They chafed at having to come to Finance Committee and justify why they needed information specialists at the CVB, or why they needed Techs in the Water Company, or why they needed additional positions wherever. When they gave a reason that was rational, based upon sound policy, it was never the decision of the Finance Committee not to approve those positions. If there's been a change in how we do business, I could see the reason for that. However, especially given the budget process and where we ended up, I think that... and what we have in store for us, given what we're going to approve, I've got to believe that this is the time to really scrutinize those positions, because it is not just exempt positions. It is, for example, there's a current position that's going to be open in I think it's called Facilities Director, I don't know if that's exempt or classified. There could be a Recreational Director position that could be open, that I don't know if it is classified or exempt. There's the position in CVB. There are these temporary positions that are being created out of classified positions at CVB. All of those come with a price tag."

Councilor Ortiz continued, "And if we as a Governing Body, want to say we don't care about the price tag, we're going to give you, City Manager, the authority to decide what that price tag should be, and we've given you approval because you've got boxes that are open in the Org Chart that's being listed, then that's the prerogative of the Governing Body. I say that's a dereliction of our financial responsibility in these

times, especially since we've been doing that for the past year, and it doesn't seem like positions that have been needed haven't been filled."

Mayor Coss said, "I would just say to that, that you have been doing that for a year, and that's what resulted in the Org Chart that's the next item to approve. What we have essentially is a flat budget and an identification of what positions, if they become empty, we'd move to fill, and what positions we're not going to fill this year, so that we can keep a flat budget. I think I'm in agreement, if you want to change a classified position to an exempt position, that should require Governing Body review and approval, and some of those larger salaries that go with exempt positions. But, every position, and I would say, because you've been through this exercise for a year of looking and reviewing that organizational chart comes out of the last three years of budget process as a very flat budget and org. chart."

Councilor Bushee said, "Again, I am in support of Councilor Ortiz's concept, because it really... Robert when you brought positions forward it was a list. It's not like it was holding things up. I don't see Councilor Calvert's fears coming to fruition. I honestly.... and I guess the other question I have is, Councilor Ortiz, how will this work with the ordinance that you have that sets the personnel levels."

Councilor Ortiz said, "Well I guess we can have that discussion, because it's being sent back to Finance, and we can have that discussion there, I suppose. But again, the ability to fill positions now, because there isn't a prioritization within the ordinance that I've proposed, would allow for a position where a CVB Director makes \$100,000 per year because that doesn't have a General Fund impact. And so, do we, as policymakers want to have a say in what that position's salary should be. If we do, then we need to have that position come to us. If we don't, and we trust the City Manager and we trust the Org Chart and we trust that he understands what the budget is, then we give him approval to set whatever that salary is. I mean, that is really what we're talking about, and it doesn't just extend to the CVB. It extends to all of the other different positions that we have."

Councilor Ortiz continued, "One of the problems we've had in our organization, I suppose, is that for a period of years there was a salary creep, and so there were salaries that were being set in which relatively less experienced people were stepping into experienced positions... into positions where experienced people were leaving, and these inexperienced people were just stepping into that salary, that we weren't really having a look at, what's the fiscal impact and what's the jump of giving someone an eight or a ten dollar raise just because they're filling a position. We never had that ability to say, okay, that position is vacant, that position could be filled at some amount less than what the person leaving the position was making. We didn't have that ability. We never had that ability really until we set the condition on the City Manager, listen every position you are going to fill you have to bring to us and we've got to approve it, and that was really a budget issue. It wasn't a policy issue. It wasn't a personnel issue, it wasn't a personal issue. It was a budget issue, and I think, by and large, the positions staff said they needed they got. And positions staff couldn't prove they needed were rejected. And I didn't think that process held back the efficient operation of government."

Councilor Bushee said, "No, nor did I. I guess I just want to finish up Mayor by saying that I feel like, you know, I've been through a lot of budgets and been through all kinds of fiscal times. And the good that came out of this painful months of budget exercise was that we, I think, collectively, got a really good

education as to how this government has grown and how we can't sustain what we have grown. And, without the more specific kind of examination that we've had to undergo continuing, I think that we're giving up our fiduciary responsibility. I don't see it as micromanaging at all, and I just really hope that we continue.... I mean, we're the ones who have to answer to our constituents, and believe me, I heard from more constituents than I have ever heard from around a budget issue."

Councilor Chavez said, "The scenario that you played out, I think, reminds me that lot of what we're doing, we're doing without any kind of real strategic planning or any kind of succession planning. You know, we've been just sort of shooting from the hip to some degree, not to say we're not doing the best that we can with what we have, because we are. But, I think that the pattern needs to change and it's not going to be easy to change that pattern. And again, for me, being a member of the Governing Body, reviewing the fiscal impact and discussion from the Finance Committee, my only chance for discussion or vote or input on that is at the Council level. That's it, unless I request a City manager's report go to Public Works so I could see it there. So, I think, in fairness to one member of the Governing Body and being open and transparent, especially now with the budget situation we're in, I think this should be reviewed in the open more. And, I think that some of this should be on the web page so people can see what we're doing and how we're doing it and why, and what the impacts are. So, I think that I would be in support of this, and I think we can see how it goes and monitor it between now and mid-year and see if we can be more efficient with what we're doing."

Councilor Wurzbarger said, "I'm going to change my opinion, which I rarely do, since I'm quite obstinate, but I appreciate Councilor, your comments about the fact that our actual decisions, with respect to what is brought forward in 90% of the cases resulted in you getting what you needed. To me, this is not an issue of trust or non-trust of the City Manager. I just keep looking down at my notes on five, four million dollars not sustainable, which is exactly where we started a year ago. And, so I'm very comfortable with continuing not having to debate with every single one, but at least it would come back, and I would like to review it after six months. If, six months from now, things are better, then we can just say, go ahead and do with the Org Chart whatever it is you need to do. And I hope I'm not speaking out of turn, Robert, when I share that, when at one point I was struggling with how we actually balance this budget, and you had said you can find more. And I think if anybody can find more with respect to positions, it's you."

Councilor Wurzbarger continued, "So I would like to present it as taking the responsibility for us to work with you to help make them happen. And on that basis, I'm comfortable with the motion."

FRIENDLY AMENDMENT: Robert Romero said there have been various positions over the years that we've agreed that we would fill without coming back, such as Transit operators, Lifeguards, and he would like to add that authority to fill essential positions, noting it is a long list and he can bring it back. And the ones not on that list, he will continue to bring forward. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Romero would like to look at this again in three months, and to just keep looking at that list as we move forward.

Mr. Romero said that is fine and he will continue to bring forward the positions as directed, commenting that there are positions that we have to keep filling continuously, because if not, it costs the City a lot of money.

THE SECOND TO THE MOTION WITHDREW HER OBJECTION TO THE PREVIOUS FRIENDLY AMENDMENT. Councilor Ortiz said, "It is a friendly amendment that has been revised to reflect the City Manager's friendly amendment. Mayor Coss said, "The amendment was accepted as friendly to approve essentially the status quo on Finance Committee approvals." Councilor Bushee said, "So we withdraw our second motion, and we take it on as friendly in terms of essential and critical positions." **THE REVISED FRIENDLY AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS..**

THE MAKER AND SECOND WITHDREW THEIR MOTION AND SECOND OF THE MOTION TO AMEND.

Mayor Coss said, "Okay, so we have a motion and second on 1(a), this is regarding the Budget Gap and regarding the request for approval to fill vacant positions, and that's what was modified by the Friendly Amendment, in the spirit of cooperation and due diligence."

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

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

Against: Councilor Ortiz, Councilor Wurzbarger.

Explanation of his vote: Councilor Chavez said, "Yes, and Robert could you maybe work with the Finance Department and provide me with your update separate from the Finance Committee so I get it before it hits Council. Can you do that." Mr. Romero said, "Yes."

Explanation of his vote: Councilor Dominguez said, "I'm going to vote yes, and one of the things I do is I ask for the Public Utilities packet, because I'm not on Public Utilities, and so, I'm not on Public Utilities, keep giving me the information that Brian Snyder provides so that I can follow through, so yes."

Explanation of his vote: Councilor Ortiz said, "I'm going to vote now, and in explaining my vote, I want to say that I thought that the discussions we had, as Councilor Bushee said, from all members of the Governing Body, was much more informed because of the conundrum that we faced. And the situation that we face here with this budget, and in particular, the measure that we face with our budget gap, this budget is even is weaker-willed than the budget we had last year. And, it's weaker, because we did not cut in the areas where we know those costs are increasing. We have personnel costs that continue to escalate. And, because we are only taking a small stab at entitlements through negotiations, and we're not addressing the increasing personnel costs throughout this budget, and because the revenue enhancements that we have are specifically one-time, stop-gap measures, we are doing nothing more than what we have always done here at

the City, which is, go through a process, wait for the Finance Department to find these pots of money. And then, because we find the money at the last minute, we don't have to make significant cuts. Those cuts are coming. Even as we approve these budget gap measures, there are some revenues that are being calculated that if they don't come through, we know, automatically, come mid-year, we're going to be in the same budget gap. And, unlike this past fiscal year, where we had furloughs at least passed, and never enacted, now we don't have any personnel cuts put forward in this budget. So we're going to be facing a budget gap situation at mid-year that could be worse if our gross receipts don't improve, than what we were facing last January and February. And, while I appreciate all of the work of the Governing Body and the very diligent work, this budget is not sustainable. This budget doesn't get to the root cause of where the City's problems are, and so for that reason, I think I'm the only no vote."

Explanation of her vote: Councilor Wurzbarger said, "I'm going to vote no for the same reason, even though I made the motion, and I know that's something that... because I have repeatedly said that I am concerned about the sustainability and our not creating other options."

Explanation of her vote: Councilor Bushee said, "You know, Councilor Ortiz predicted speeches, I guess he predicted them for the wrong people. I honestly am so relieved that we moved off the property tax issue that I'm going to vote for this budget this go-around, but I have some of the same concerns about the future and personnel costs. I guess that would just be somewhat of a warning to all those involved, that essential information get to us rapidly, and that we sit down and have our negotiations happen very easily and readily, and that we are prepared to face what may be further cuts, not too far in the distant future."

2) REQUEST FOR APPROVAL OF CITY OF SANTA FE ORGANIZATIONAL CHART. (ROBERT ROMERO)

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve the City of Santa Fe Organizational Chart.

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

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

Against: Councilor Bushee.

Explaining his vote: Councilor Ortiz said, "You know I want to thank Robert. Robert did, this year, the most thorough presentation of the org charts, department-by-department, really division-by-division, that we've ever seen. And I think that the way he explained it, color-coding it to make it simple for some of us to read and understand, and to put the dates of when these positions were vacated and not filled, and that was really a wonderful job and exercise that this City Manager did. And so, the City Manager definitely needs to be commended, because he spent a lot of time on it, and I vote yes."

Explaining her vote: Councilor Bushee said, "I have some concerns that we have made the effort to reduce our level of staffing, but on paper only, and we have not permanently removed those positions. We've left them open to be filled again in the future, and I honestly believe that we should be permanently reducing those positions, so I'm actually going to vote no on this one, although I do appreciate the efforts of the City Manager in really reviewing it. But I think that those positions that still hang out there, that we have proven in the last year really don't need to exist. I think they should go away on a permanent basis, so I vote no."

3) CONSIDERATION OF RESOLUTION NO. 2011-32. A RESOLUTION RELATING TO THE ADOPTION OF THE CITY OF SANTA FE FISCAL YEAR 2011/2012 ANNUAL BUDGET. (KATHRYN RAVELING.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to adopt Resolution No. 2011-32, as presented.

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

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

Against: None.

Mayor Coss thanked the Finance Committee, the Chairman and the Council, and the community that worked on the budget this year, and all those that came to the public meetings and spoke.

12. CONSIDERATION OF REDISTRICTING MEETING SCHEDULE. (GENO ZAMORA AND YOLANDA VIGIL)

A Memorandum dated May 25, 2011, to the Mayor and Governing Body, from Yolanda Vigil, City Clerk and Geno Zamora, City Attorney, regarding Proposed Redistricting Timeline, is incorporated herewith to these minutes as Exhibit "1."

Geno Zamora presented the information in Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Councilor Chavez said he was hoping to take some meetings out to the public, and asked if the Options For Consideration would provide for that.

Mr. Zamora said the special City Council meetings would be in chambers and would be televised.

- Councilor Chavez said he understands, but he feels this isn't enough. He would like for us to find ways to do a little more.

Mr. Zamora said the three meetings are proposed in Council Chambers because of the ability to televise the meetings live.

- Councilor Chavez said those won't get to everyone.

Mr. Zamora said the options are, that in addition to the 3 meetings in the Council Chambers, the Governing Body can consider whether it wants to adopt Town Hall meetings in each District.

- Councilor Chavez said this is exactly what he has been trying to propose, and this is the detail he wants to focus on. He said, if we're talking about transparency and we want to keep the public involved, the public access channel isn't available to everyone.

- Councilor Calvert said he has been working on an amendment to the public financing. He said if it is scheduled for the next election, candidates won't receive funds until, at the earliest, 8 weeks before the election which is late in the process. He was working to move the funding 5 weeks earlier which is when people need funding for their campaign. He asked Ms. Vigil if this is still possible with this schedule.

- Ms. Vigil said they still are reviewing dates to see how it will all play out, and she doesn't want to say that it will or will not work at the point, and wants to wait for these timelines and compare those to the Municipal Election Code and the change he is requesting.

- Councilor Calvert said he wants to bring that forward as soon as possible so they are entered into the process, commenting getting the funding about January 1st is late if that is all the funding people will be relying on to run their campaigns.

Ms. Vigil said candidates file their Declaration of Candidacy in early January, and the reason the original Ordinance was drafted with those dates.

- Councilor Calvert said he understands, but people start raising funds earlier.

- Councilor Ortiz said he is concerned about the proposed timeline bleeding into the Fall. He said when he introduced the Resolution it was to have the decision and maps in place by July 1, 2011. He understands that's probably not possible with the time lags. However, we place ourselves at a disadvantage in adopting this schedule. First, if we do this, we are adopting an Ordinance at the end of August, we are limiting the potential of candidates to decide whether or not they are going to be in a district until after people have declared, or will declare, around Labor Day. He said this is too late to make that decision, and the decision to adopt the ordinance needs to be accelerated.

Councilor Ortiz said, secondly, he doesn't know what was discussed with the contractor, in terms of whether or not they have to attend the public meetings. He said as he recalls the discussion at

the last Council meeting, he thought we were going to try to accomplish or facilitate some of the meetings in the Districts to get some kind of response. He said the idea was to take some of the items from, for example, the June 13th Council meeting, and take that to the neighborhoods to get comments/feedback, which doesn't necessarily have to be a formal process.

Councilor Ortiz said, lastly, we don't know the cost for this, and asked the amount of the contract, noting the Council hasn't seen the contract, and presumes the contractor has just been selected.

Ms. Vigil said the contract is for \$19,750, plus GRTs.

- Councilor Ortiz said then the contract has been awarded, because it falls in the City Manager's discretionary amount, and Ms. Vigil said yes.
- Councilor Ortiz said this is a good price, noting we spent a lot more when we had to redistrict because of the litigation, so this is a better deal.
- Councilor Calvert said this is phase one, and we still have to do annexation.

Mr. Zamora said, "No. This is everything at this point. And in addition, Councilor Ortiz and members of the Governing Body, this also happened to be the lowest bid that was received, and the contract is executed and entered into. It's current."

- Councilor Ortiz said, "And, I guess my sense of it would be, that as an issue, in terms of maybe expediting the process, I don't there is... there is no fiscal impact, so it doesn't need to come to Finance. It probably needs to hit Public Works..... could be the place where it could be, and just like we did with the property tax, if the Chair was willing to hold a public hearing, then that public hearing could be one of those particular meetings, and we could just sort of accelerate the time. And my sense of it is, without even getting to the public financing issues, which we're going to have a problem with. We're going to have a big problem with it, but I know we approved the money. But, if we were to go with Councilor Chavez's suggestion of having community meetings and go with the idea of a Public Hearing at Public Works, is it possible to adjust these dates up so that we're looking at.... yes, moving it closer, not extending it... shortening the time frame.. having the public hearing and adoption of the Ordinance at the July 14th meeting or the July 27th meeting. Is that possible, because of the contractor doing all of the other redistricting all across the state. Is that a problem."

Mr. Zamora said, "I think the logistical issues we're dealing with really are the City's as far as publication and notice and following our own procedures for adopting an ordinance. I believe we can work with the contractor on expedited measures. This contractor also works with the Legislature and to sort of put things in perspective, they deal with about 115 Legislative Districts, that's House, Senate and U.S. House in less than 8 days from beginning to end as far as hearings, maps, consideration and adoption. That happens in September."

- Councilor Ortiz said, "We should get in front of them and not be in the middle of them. Right."

Mr. Zamora said, "That's right. And what I'm saying is they're pretty capable of moving quickly on four districts for us. So, I think they'll be able to meet with our timeframes, as long as, logistically, in accordance with our Ordinance procedures, we can accelerate."

- Councilor Ortiz said he has introduced a number of ordinances and gotten them through. He said, "If we introduce a bill on June 13th, and even if it is a placeholder bill, I'll give my suggestions on where the district lines can be. It's really... and then we have the public hearing at the end of July, and then we cram all the meetings in between that time. And if Public Works wants to have a public hearing on it, great, but I don't think it needs to go to Finance, I really don't. I just really think it's a Public Works type issue." He said it can go to Public works on July 25th.
- Councilor Dominguez said Public Works has no problem in holding a public hearing, and inviting the entire Governing Body to attend. He will work with the staff on the schedule, noting there are Chapter 14 rewrites coming up, and study sessions are temporarily scheduled.
- Ms. Vigil said, "Councilor Ortiz, if you are wanting to have an adoption date of July 27th, you would have to do a request to publish on June 29th because of the publication requirements.
- Councilor Ortiz said then he would introduce the Ordinance on June 8th.
- Ms. Vigil said, "Councilor Ortiz, in your bill, you will want to have your precincts and your districts based off the plans."
- Councilor Ortiz said, "I can do that right now."
- Councilor Chavez appreciates Councilor Ortiz's support for the Town Hall meetings. He said for him it is more awareness, noting people get used to the Districts and it is not always best when the line moves without them knowing.
- Councilor Ortiz said, unlike when we had the lawsuit where we just "tinkered" with the Districts and included the latest annexation, we have had a shift in the growth of population which is now on the west and south sides of town, and the population on the east and north sides is diminishing. He said our political lines have not reflected that for the past 20 years. He said we need to give those people in those districts, who will be in a different district, as much time as possible to understand that their District has changed, the voting precincts may change, because Santa Fe has change. These Districts represent a Santa Fe that no longer exists and we need District lines which equate to the reality of what Santa Fe is now – the population is no longer in the heart of the City, "even though the Districts have been set up and perpetuated to protect the heart of the City."

Councilor Ortiz said we need to give as much notice as possible of these changes, and we also need as much time as possible, because when we redistricted because of the lawsuits, people already were running for office. He said it isn't fair to the people and the candidates where there were changes, as well as for prospective candidates who decided not to run. He said by adopting this schedule, we are placing those decisions in the middle of election season.

- Councilor Dominguez asked if the proposed dates are contractual dates, and if we have to change them, what will be the cost.

Mr. Zamora said the contractual obligation is the three meetings, and the contract we have signed and the fee to which we have agreed is based on the contractor attending 3 meetings. The dates are not contractual dates. He said, "One thing that is in the contract, to fully disclose, is that the contractor's completion of gathering the data and proposing the maps, all occurs prior to July 15th."

- Councilor Dominguez said additional meetings would add to the cost, and asked what would be the cost for the contractor to attend more than 3 meetings.

Mr. Zamora said staff hasn't yet priced that cost, but there would be an additional cost to attend additional meetings.

- Councilor Dominguez noted the contractor will be using 2010 census data, and using the files that come with that information.

Mr. Zamora said, "Yes, that is correct. They will be using all of the 2010 data and aggregating all of that, in addition they're meshing that with the City's information and the City's maps regarding existing Council Districts, neighborhood association maps, so that can be considered as a factor within all of this."

- Councilor Dominguez said our GIS has the ability to allow the public to utilize some of that data, and asked if that will be available to the public through the GIS website.

Mr. Zamora said, "I don't have a direct answer on that, and I'll find out information as to what GIS will be able to provide, but the contractor is obligated to give us copies of maps and data and information, which we could publish through the website."

- Councilor Dominguez would like that data to be provided to the public as we receive it – the actual data that constitutes the map.

Mr. Zamora said, "The contractor is obligated to provide that data to us. They typically provide it in a table format with raw numbers which we will be able to publicly disseminate."

- Councilor Dominguez said, as a cartographer, he already has come up with his own District map.
- Councilor Bushee said she is interested in condensing the schedule, and agrees it would be good to have the contractor to attend the district meetings. She said perhaps we could have one less special City Council meeting. She asked if you are planning 4 meetings, one in each District. She wants to know the plan. She said we should follow what the voters approved and put out information on ranked choice voting, if we're going to hold 4 District meetings, to explain that concept. She's just following what the voters want us to do, although there are statistical issues with that concept.

- Mayor Coss said he believes there will be a motion to amend what staff has proposed.
Councilor Bushee said she doesn't like the motion.
- Mayor Coss said there is no motion on the floor.
- Councilor Bushee said then she doesn't like this schedule and will not be available on July 14th for any meetings.

MOTION: Councilor Romero moved, seconded by Councilor Chavez, for purposes of discussion, that the Governing Body:

1. "Direct staff to work with the consultants to see if they can move up the schedule, because I'm concerned if we start saying we want it sooner, we have lots of notices that need to be given; and"
2. "Hold four neighborhood meetings and we utilize City resources which are our libraries, the downtown Library, the Southside Library, Llano Library and the Mary Esther Gonzales Center; and"
3. "These meetings be done somewhere... the way the schedules look now, it would be sometime after July 14th, and if we can move things up that's great, and if we can't, it looks like we would need a map for each of these meetings, perhaps the consultant doesn't need to be available for each of these meetings, but if they would have a power point presentation organized and a fact sheet that would be enough to get people educated about what the issues are and answer concerns that we bring back to the consultant; and"
4. "Have the power point presentation, the fact sheet and the maps available for each meeting; and"
5. Structure the meetings so they can "be open house, so people can come in at different times and questions could be answered to allow flexibility for the public," and
6. "Utilize the Public Works Committee for one of the public hearings.

DISCUSSION: Councilor Bushee said, "If there are four meetings and there is an additional cost, are you going to take away two Special City Council meetings and just have one. I didn't hear that as part of the motion. I would suggest that. And I would just ask that the vote not be on July 14th."

FRIENDLY AMENDMENT: Councilor Ortiz proposed to introduce the bill to get this process started at the next City Council meeting to ensure that there is adoption on July 27, 2011. He said, to the extent we can fit it in at the Finance Committee because the ordinance will be introduced by then, before Councilor Bushee leaves we can hear it at the Finance Committee as well. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED: Councilor Bushee would like for someone in each of the four meetings to discuss ranked choice voting.

MOTION TO AMEND: Councilor Bushee moved to have a presentation on Ranked Choice Voting at the public meetings. **THE MOTION DIED FOR LACK OF A SECOND.**

CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED: Councilor Ortiz said he was the sponsor of both the ranked voting Charter amendment and the other, and he recalls that the language was that we support ranked choice voting to the extent it is allowable and technically feasible with the equipment that we have. He voted for this provision and part of the public that approved it. He said when we get a report from the Secretary of State that it is technically feasible, then that is when we are required to do it. He said the Secretary of State and the County Clerk, because we use their equipment, is the ones we have to use, unless we want to spend millions to buy our own, which we are not.

Councilor Bushee said, "Well then, I'm going to ask staff for that report from the Secretary of State's Office."

Councilor Ortiz said he also would request that report.

Councilor Bushee said she is concerned we aren't addressing this in a more comprehensive way. It's a cynical thing to say, we put it in there, when it's technically feasible. She said it's been put in place in other communities. She said, "I want people to be educated about it is all. And I want them to understand it's not necessarily from one perspective, that we don't like it. You know, I just really think, we put it out to the voters. What was the point. If they came back and said, yes, we would like to have that, it's really cynical to turn around and say well it's not feasible, sorry."

FRIENDLY AMENDMENT: Councilor Chavez would like consideration to hold a meeting in District 3, because District 3 really straddles the map, and not like other districts, and Districts 3 and 4 straddle in the southwest sectors, and would like a meeting to be held at the Genoveva Chavez Center instead of at the Llano Library. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Councilor Chavez wants as much information as possible to be given to the public, and suggested a fact sheet on public financing and ranked choice voting.

Councilor Ortiz said that seems more reasonable than adding it as one of the items to be discussed.

Ms. Vigil said then we will have a Council meeting where they will present the maps and proposal between June 13th and July 13th, and on July 13th there will be a request to publish, and then hold the actual hearing on July 27th. There will be only one special Council meeting and then the meeting where we will adopt the ordinance.

Councilor Ortiz said in that process, there will be a public hearing at Public Works on June 20th and he will try to get it on the Finance Committee agenda before Councilor Bushee leaves. He said it could be at the last Finance Committee meeting in June.

Ms. Vigil said the last Finance Committee meeting in June is June 20th, and the last Public Works Committee meeting in June is June 27th.

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

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

Against: None.

Councilor Wurzbarger asked the time of the special meetings.

Mayor Coss said they will be evening meetings.

13. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **DISCUSSION OF THE DONATION OF LAND BY THE CITY OF SANTA FE TO THE DEPARTMENT OF VETERANS AFFAIRS FOR THE SANTA FE NATIONAL CEMETERY, IN ACCORDANCE WITH §10-15-1(H)(8) NMSA 1978.**
- b) **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 ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.**

MOTION: Councilor Romero moved, seconded by Councilor Calvert, that the Council go into Executive Session for the purpose of discussion of the donation of land by the City of Santa Fe to the Department of Veterans Affairs for the Santa Fe National Cemetery, pursuant to SF Resolution No. 2010-24, discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant, and in accordance with §10-15-1(H)(7) NMSA 1978.

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

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

Against: Councilor Bushee.

Explaining her vote: Councilor Bushee said, "I'm not certain we need to hear the first one in Executive Session, so I'm going to vote no."

The Council went into Executive Session at 6:40 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:25 p.m. Councilor Chavez moved, seconded by Councilor Romero, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

15. ACTION REGARDING THE DONATION OF LAND BY THE CITY OF SANTA FE TO THE DEPARTMENT OF VETERANS AFFAIRS FOR THE SANTA FE NATIONAL CEMETERY. (GENO ZAMORA)

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve this request with a condition that we seek two things from the Department of Veterans Affairs: that we get a deed restriction on the ridgetop on the land the City is dedicating to the Department of Veterans Affairs and ask them to extend that to the entire ridge line; ask them to consider them raising the headstones on any of the new graves; and ask for a written response from the Department of Veterans Affairs on this issue.

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

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

Against: None.

Absent for the vote: Councilor Calvert.

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

END OF AFTERNOON SESSION AT 7:25 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:25 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

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

Others Attending

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

F. PETITIONS FROM THE FLOOR

There were no Petitions from the floor.

G. APPOINTMENTS

There were no Appointments.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM IZMI SUSHI BAR INCORPORATED FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT IZMI SUSHI RESTAURANT, 105 EAST MARCY STREET, SUITE A. (YOLANDA Y VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet

of a church or school. She said the license is only for the interior of the restaurant and everything will be within the licensed premises and there will be nothing outside, patios and such. There are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Chavez moved, seconded by Councilor Romero, to approve the request from Izmi Sushi Bar Incorporated for a Restaurant Liquor License (beer and wine on-premises consumption only), to be located at Izmi Sushi Restaurant, 105 East Marcy Street, Suite A.

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

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

Against: None.

Absent for the vote: Councilor Wurzbarger.

2) REQUEST FROM RIVERA/PAK, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT KAI SUSHI & DINING, 720 ST. MICHAEL'S DRIVE, SUITE 2-M. (YOLANDA Y. VIGIL).

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting that the restaurant is not within 300 feet of a church or school. She said the license is only for the interior of the restaurant and everything will be within the licensed premises and there will be nothing outside, patios and such. There are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances.

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 Calvert, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Kai Sushi & Dining, 720 St. Michael's Drive, Suite 2-M.

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

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

Against: None.

3) REQUEST FROM RAAGA CORPORATION, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT RAAGA, 544 AGUA FRIA STREET, UNIT B. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet of a church or school. Staff recommends this business be required to comply with all City ordinances. She said RAAGA would like to consume alcohol in the patio area. She asked that a condition of approval be imposed that the patio shall be enclosed and gates installed, and once that is completed, she will release the application to Alcohol and Gaming, if this request is approved.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at RAAGA, 544 Agua Fria Street, Unit B, with the condition that the patio shall be enclosed and gates installed prior to the release of the application to Alcohol and Gaming.

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

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

Against: None.

- 4) **REQUEST FROM SANTA FE BALCONIES, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #28039 FROM S.L.Y., LLC, D/B/A RISOTTO'S BISTRO, 510 S. TELSHORE BLVD., LAS CRUCES, NM, TO SANTA FE BALCONIES, LLC, D/B/A QUE VIVA, 50 LINCOLN AVENUE. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet of a church or school, noting the business is the former Ore House on the Plaza. There are staff reports in the packet regarding litter, noise and traffic, and staff recommends this business be required to comply with all of the City's ordinances.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Chavez moved, seconded by Councilor Dominguez, to approve the request for a transfer of ownership and location of Dispenser License #28039 from S.L.Y., LLC, d/b/a Risotto's Bistro, 510 S. Telshore Blv., Las Cruces, NM, to Santa Fe Balconies, LLC, d/b/a Que Viva, 50 Lincoln Avenue.

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

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

Against: None.

Absent for the vote: Councilor Ortiz.

- 5) **REQUEST FROM TOP SHELF ENTERPRISES, LLC, FOR THE FOLLOWING:**
- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT BISTRO 315, 315 OLD SANTA FE TRAIL, WHICH IS WITHIN 300 FEET OF SAN MIGUEL MISSION, 401 OLD SANTA FE TRAIL.**

b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM TOP SHELF ENTERPRISES, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #2675 FROM SOLSTICE, LTD. COMPANY, LLC, D/B/A THE RAILYARD RESTAURANT AND SALOON, 530 S. SOUTH GUADALUPE STREET, SANTA FE, TO TOP SHELF ENTERPRISES, LLC, D/B/A BISTRO 315, 315 OLD SANTA FE TRAIL.**
(YOLANDA Y. VIGIL)

A letter dated May 6, 2011, to Mayor Coss and Santa Fe City Councilors, from Evelyn Roybal, Director of Historic Properties, is incorporated herewith to these minutes as Exhibit "2."

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the Council Packet from Evelyn Roybal, Director of Historic Properties for the San Miguel Mission, stating they have no objections to the transfer of the license. Staff recommends that this business be required to comply with all of the City ordinances, as well as imposing the condition that the patio shall be enclosed and gates installed, if necessary.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Chavez, to grant the request for a waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at Bistro 315, 315 Old Santa Fe Trail.

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

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

Against: None.

MOTION: Councilor Bushee moved, seconded by Councilor Chavez, to approve the request from Top Shelf Enterprises, LLC, for a transfer of ownership and location of Dispenser License #2675 from Solstice, Ltd. Company, LLC, d/b/a The Railyard Restaurant and Saloon, 530 S. South Guadalupe Street, Santa Fe, to Top Shelf Enterprises, LLC, d/b/a Bistro 315, 315 Old Santa Fe Trail, with the condition that the patio be enclosed and gates installed, if necessary.

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

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

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2011-16: ADOPTION OF ORDINANCE NO. 2011-11 (MAYOR COSS, COUNCILOR WURZBURGER AND COUNCILOR ROMERO). 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. (ROBERT ROMERO AND JUDY AMER)**

The staff report was presented by Judith Amer from the information in the Memorandum, with attachments, dated April 21, 2011, to the City Council and Mayor, from Judith Amer, Assistant City Attorney, regarding this matter.

Councilor Bushee asked if this is an IRB where we need to have worries or concerns in terms of putting the good name of the City to this "fine institution."

Ms. Amer said no, and this is different from the traditional IRB, where the business receives a tax break from property taxes. She said in this case, the College is non-profit, so it gets no tax breaks. She said the benefit to the College is that the financing will be less and will enable the College to finance at a lower rate.

Councilor Bushee said then it is based on the City's good standing and bond rating, and Ms. Amer said this is correct.

Councilor Bushee said, even though this didn't go to Finance in the first round, she is grateful this is being pursued, commenting that St. John's College is an asset to the community, and the additional economic value of the new construction is much needed at this time.

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 Romero, to adopt Ordinance No. 2011-11.

DISCUSSION: Mayor Coss said he seconds Councilor Bushee's remarks and is glad we are getting a good construction project in Santa Fe.

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

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

Against: None.

- 7) **CONSIDERATION OF BILL NO. 2011-12: ADOPTION OF ORDINANCE NO. 2011-12 (COUNCILOR DOMINGUEZ). 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 12987, REGARDING CURB CUT FEES. (DAVID CATANACH AND JOHN ROMERO)**

The staff report was presented by Isaac Pino from his Memorandum of March 31, 2011 to the Public Works Committee, which is in the Council packet, noting the fees haven't been increased since 1985, and the new fees are in line with those of other similar size cities in New Mexico.

Public Hearing

Speaking to the request

John Gillis, representing Gas Company of New Mexico, said the Gas Company opposes, for the record, an increase in the street cut fees because they represent a significant cost to the operation, on

the following three points. (1) the study done at the behest of Councilor Calvert looked only at two other jurisdictions, and to review the average cost across the state, a larger sampling is needed. (2) Raising the fees is counter-intuitive because the Council has voted to reduce development fees as a means of encouraging more construction, noting the last item on the agenda talks about a 70% reduction in some of the development fees for smaller subdivisions. (3) The reason for the increase is partly, he believes, because of the lack of activity by the Public Works Department as the result of reduced construction activity. He said if you double the fees now and don't look at them 2-3 years down the line when the economy recovers, then the City will have over-collected from "your constituents and our customers."

Mr. Gillis said he would suggest two things to the Mayor and Council. First, to consider postponing this item to another Council meeting next month, and give the Public Works Department and the Gas Company to work together to come to a more reasonable conclusion. Secondly, if adopted, he would "humbly suggest" that you consider a sunset provision in which the Council would revisit this issue 2-3 years in the future.

Jeanette Yardman, representing Public Service Company of New Mexico, said PNM has been following this issue on the Finance Committee Agenda and other agendas, and this is the first opportunity PNM has had to make public comment on the proposed Ordinance. She said PNM also opposes these increases at this time, and PNM feels the study not as comprehensive as it possibly could be. She said the salary includes looking at salaries, uniforms and supplies, and believes this would be a good opportunity for PNM to work with Public Works to look for a study which is more realistic and actually is in the field, what circumstances occur and are necessary for utilities to install and maintenance its facilities.

The Public Hearing was closed

Councilor Bushee asked, if this is approved, if the utilities will be passing the increases on to their ratepayers.

Mr. Gillis said, "Yes and no. We'll pass them on immediately when there is a new connection, because it is part of the cost of developing a property."

Councilor Bushee asked Mr. Gillis if he is speaking to the individual ratepayer/household.

Mr. Gillis said, "To the individual developer, but we cannot pass those on until we file a rate case with the Public Regulation Commission with respect to the ratepayers. If we go out and do work, and replace or upgrade pipe, then those costs get accumulated between now and the next rate case. And, unlike franchise fees, over which the PRC has no say, the PRC could tell us, 'you didn't fight hard enough against these fee increases, and you aren't the only one considering these,' and might disallow the fees."

Councilor Bushee asked Mr. Pino to elaborate what he means by covering close to the actual costs.

Mr. Pino said on the driveway permits, by the time we add all of our expenses of the individual that works and the time spent issuing the permits, the cost is \$100 per hour, which is the suggested increase from \$15 to \$100. He said an analysis was done of the exact cost of the street cuts, and even with the increase, we are still about \$32,000 short of covering the costs. However, we are a lot closer than we would be without the increase.

Councilor Bushee asked if there is a reason we waited so long.

Mr. Pino is unsure.

Councilor Bushee asked if this was being subsidized in the past by the General Fund.

Mr. Pino said whatever fund might have been backing these bond funds would have to have been subsidizing it because the fees were so low.

Councilor Dominguez asked if we have received any correspondence on this issue during the course of the budget hearings at finance.

Ms. Vigil said no.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2011-12.

DISCUSSION: Councilor Chavez said there is a fee for the permit, but staff has to follow up on the projects, and is inspecting all of the permits.

Mr. Pino said this is correct.

Councilor Chavez said the Memorandum notes that Albuquerque and Rio Rancho are charging separately for lane closures, and separately for the length and time of the street closure, and asked if we will follow that same practice.

Mr. Pino said we chose not to do that, and figured that just by doubling the fee we could get close to the actual costs.

FRIENDLY AMENDMENT: Councilor Chavez would like to include a one year review. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WAS NO OBJECTION BY THE OTHER COUNCILORS.**

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

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

Against: None.

8) CONSIDERATION OF BILL NO. 2011-14: ADOPTION OF ORDINANCE NO. 2011-13 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). AN ORDINANCE AMENDING RULE NO. 10 OF EXHIBIT A OF CHAPTER 25 SFCC 1987, REGARDING RESPONSIBILITY FOR WATER SERVICE EQUIPMENT. (BRIAN SNYDER)

A copy of proposed amendments to Bill No. 2011-14, submitted by the Water Conservation Committee, is incorporated herewith to these minutes as Exhibit "3."

The staff report was presented by Brian Snyder from his Memorandum of March 30, 2011, to the Public Utilities and Finance Committees, which is in the packet.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee thanked Mr. Snyder for being so reasonable in his approach and the Water Conservation Committee for reviewing this. She said this addresses a lot of concern, it is a good compromise and stresses that we want people to report back when they have opened the meter can. She said we may be the only city for which this is a concern.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2011-13, with the amendments in the packet, and the amendment which was handed out this evening [Exhibit "3"].

DISCUSSION: Councilor Calvert wants to be sure the motion covers the amendments in the packet and the amendment which was handed out this evening, and Councilor Bushee said it does.

Councilor Calvert said one amendment broadens it to customer's representative, and the other involves the same language.

Councilor Calvert said the ones he submitted are in the packet and involved minor language changes.

FRIENDLY AMENDMENT TO AMEND AMENDMENT SHEET: Councilor Calvert would like to amend #2 as follows: Page 2, line 8, after "plumbing work," insert and to verify a leak. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "Yes, and I would just ask that staff somehow contact the professionals, the plumbers to let them know this change is taking place if you can."

- 9) **CONSIDERATION OF BILL NO. 2011-18: ADOPTION OF ORDINANCE NO. 2011-14 (COUNCILOR CALVERT, MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, COUNCILOR ROMERO, COUNCILOR BUSHEE AND COUNCILOR WURZBURGER) 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)~~ ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$1,700,000). (BRIAN SNYDER)**

The staff report was presented by Brian Snyder from the materials in the Council packet for this item.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee said we never heard back from the lawyers when this came to Public Utilities, but I presume it is fine to publish this on the old Ordinance request. "Is this fine. Is it copacetic."

Marcus Martinez said, "I believe we are. Yes."

Councilor Calvert said this is with the one amendment on page 6, but believes it no longer requires the second amendment page submitted by Councilor Chavez, because we changed what we are doing.

He said previously we were going to take \$4 million, but we are now diverting income going into the fund to the General Fund, and we are no longer borrowing, so we no longer have to pay.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2011-14, with the one amendment sheet submitted by the Finance Committee.

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "Yes. And I think I wanted to sponsor this. They had me sponsoring the other one, and I didn't."

10) **CONSIDERATION OF BILL NO. 2010-11: ADOPTION OF ORDINANCE NO. 2011-15 (COUNCILOR BUSHEE). 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. (JUAN TORRES)**

a) **CONSIDERATION OF RESOLUTION NO. 2011-33 (COUNCILOR BUSHEE). 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. (JUAN TORRES)**

The staff report was presented by Juan Torres.

Councilor Chavez asked if one of the duties include developing a Telecommunications Master Plan.

Mr. Torres said yes.

Councilor Chavez asked if this is the only duty which is being added.

Mr. Torres said it would be the main focus of the Committee, as opposed to reviewing the Ordinance.

Public Hearing

Speaking to the request

Stefanie Beninato said she is in favor of changing the name and adding this duty because for over a year the Council has said it would develop a master plan but hasn't done so. It was to be assigned to the Santa Fe Complex who came back and "you didn't want to listen to them. So now, hopefully, you have an advisory committee that you will listen to, and will put more work in than the Santa Fe Complex. I believe we need a development or some kind of plan for telecommunications since it's really driven by profit and by perception of the forerunner to get service to certain places, which may not be effective, nor benefit the City. I think the plan would be a very good thing."

Monica Steinhoff said what a lot of people don't understand is, for example, what is called a cell tower, what is called an antenna and whether there's an overall appreciation and study of density in some areas. She hasn't hear anybody talk about the density, because it varies tremendously. She asked if this will address that.

Mayor Coss said he doesn't believe that it will.

Councilor Bushee understands the committee will help to conduct a baseline study or survey of existing infrastructure for telecommunications within the City, and that could address part of it.

Monica Steinhoff said as a person who is electromagnetically sensitive and a citizen, "our lives are very curtailed by that and I think it would be very helpful to know that the City has some kind of overview of what the densities are before there are more antennas put onto towers."

Councilor Bushee said, "I think you're saying the same thing as what the duties of this committee are."

The Public Hearing was closed

Councilor Bushee looks forward to seeing this doing by people with the expertise in an advisory capacity to the City.

MOTION: Councilor Bushee moved, seconded by Councilor Chavez, to adopt Ordinance No. 2011-15.

DISCUSSION: Mayor Coss asked Mr. Zamora if he [Mayor] reappoints the Committee, or does the standing Committee just change its name, saying he thinks he just reappoints.

Mr. Zamora said this is correct.

Responding to Councilor Bushee, Mr. Torres said there are 5 people on the Committee.

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

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

Against: None.

Explaining her vote: Councilor Bushee said, "Yeah. And what we didn't include was a timeline, so staff could work with the Committee and the Mayor, and we might have to change the Resolution to do that.

Mayor Coss said it said it says 6 months in the Resolution.

Councilor Bushee asked if we are okay if it's just in the Resolution. [There was no audible response]

MOTION: Councilor Bushee moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2011-33, "and note that it is 6 months in the Resolution and hopefully you don't need that in the Ordinance."

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

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

Against: None.

Explaining her vote: Councilor Wurzburger said, "Yes. And Juan I want to thank you for your significant work and expertise in this area."

Councilor Wurzburger departed the meeting

11) TELECOMMUNICATIONS – LAND USE REQUIREMENT:

- a) **CONSIDERATION OF BILL NO. 2011-13: ADOPTION OF ORDINANCE NO. 2011-16 (COUNCILOR CALVERT). 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) **CONSIDERATION OF RESOLUTION NO. 2011-34 (COUNCILOR CALVERT). A RESOLUTION ADOPTING APPLICATION FEES FOR THE REVIEW OF TELECOMMUNICATIONS FACILITIES IN ACCORDANCE WITH CHAPTER 14 SFCC 1987.**

(KELLEY BRENNAN)

A packet of information regarding this case prepared by staff is incorporated herewith to these minutes as Exhibit "4."

A copy of *Packet Addendum for Item H(11)(a)* submitted by staff for the meeting of May 25, 2011, is incorporated herewith to these minutes as Exhibit "5"

A proposed amendment to the bill, submitted for the record by Peter Dwyer, attorney for AT&T, is incorporated herewith to these minutes as Exhibit "6."

The statement for the record by Felicia N. Trujillo, ND, GCFP, entered for the record by Dr. Trujillo, is incorporated herewith to these minutes as Exhibit "7."

The staff report was presented by Kelley Brennan. Ms. Brennan apologized for getting a packet of information to the Council today, noting she received comments at the time the packet publication had closed. She received comments from attorney Andrew J. Campanelli, Garden City, New York, who looked at the ordinance on behalf of some of the residents, and attorney Peter Dwyer, representing AT&T who looked at Mr. Campanelli's comments. Ms. Brennan said she responded to the comments based on what staff thought should happen and incorporated those in amendments. She said there is a matrix on pages 1-2 of the packet which describes what is on the amendment sheet [Exhibit "5"].

Ms. Brennan said the comments of Mr. Campanelli, Mr. Dwyer and staff are in the matrix [Exhibit "5"]. She said Mr. Campanelli's comments are attached as Exhibit A 1-9, and Mr. Dwyer's comments are attached as B 1-3. She said Exhibit C contains a chart she made of the research she did with regard to catastrophic collapses, noting there have been 117 collapses world-wide, the bulk due to weather conditions. She thought this would be useful because Mr. Campanelli's first comments are about setbacks. The current ordinance provides that 100% of the tower is to be set back from the lot line, so if it

fell, 100% of its height would be compensated for in the setback. She learned that many kinds of towers are designed to collapse on themselves and the fall zone is often 40-60%, so she felt the 100% setback was reasonable.

Ms. Brennan said Ms. Dwyer made comments which are in the proposed amendments.

Ms. Brennan said the amendments are in the Substitute Bill which she feels is self-explanatory, noting staff prepared a matrix comparing the current bill [packet page 28] to what is proposed. She has tagged some things which are new, noting there is a certain amount of bringing the new bill into compliance with federal requirements. She said staff has tried to simplify the bill. She said the bill has been reorganized into what she hopes is a more rational style.

Ms. Brennan reviewed the proposed changes in the Substitute Bill [Exhibit "4"].

The Governing Body commented and asked questions as follows:

- Responding to Councilor Bushee, Ms. Brennan said she has tried to include the BCD DRC everywhere it said "residentially zoned districts," because it is an equally sensitive area.
- Councilor Calvert said Amendment #4 is significant, noting she talks about initial compliance with both environmental and general population standards, quoting the amendment as follows:

"On or before one year after the date of any final action approving an application and annually thereafter, the applicant shall provide to the Land Use Director the certification of qualified independent parts that based upon an inspection of the approved telecommunications facilities their structural integrity remains intact and they remain in compliance with the radio frequency exposure limits set out in 47 C.F.R. 1.310 Table 1A(A) and (B)."

Councilor Calvert said this is a significant change made in response to the comments.

- Councilor Calvert said Amendment #8 was written in response to comments that the coverage is "...based upon actual signal strength data for the area where the gap is claimed and for the type of gap claimed."
- Councilor Calvert said Amendment #9 was in response to some of the comments along the line of abandonment, but this was prospective, and that someone who applies has 180 days to build a facility, and would prevent speculation on sites.
- Councilor Bushee asked how Ms. Brennan thinks the Telecommunication Ordinance is more restrictive than the Historic Overlay Zoning.

Ms. Brennan said the Telecommunications Ordinance absolutely prohibited any telecommunications facilities on any contributing, significant or landmarked building. The Historic Districts Overlay permits additions on contributing buildings as long as they meet the styles and design requirements.

Responding to Councilor Bushee, Ms. Brennan said in referencing the "current ordinance," she means the one that is in effect now.

- Councilor Bushee asked if she feels this is something the City needs to change, because she doesn't agree with that.

Ms. Brennan said yes, there was a legal basis for that.

- Councilor Bushee would like her to provide that legal basis in writing if possible at some point, and Ms. Brennan said she will do so.
- Councilor Bushee said, "Again, on the Board of Adjustment, I know we have a preference these days on telecommunications issues, and I don't necessarily agree with it, in conversations with the Land Use Director, of having everything to the Planning Commission. Are you saying there is never an occasion that the Board of Adjustment, and I understand your concerns, and we don't have to get into them, but, there would be no occasion that the Board of Adjustment would review something or need to review something. It's not as if we were asking for a piecemeal acceptance of these things. We're already going to have a master plan, and I'm not sure why you've completely left them out of the picture."

Ms. Brennan said, "I think the principle was to have one body hearing these to develop a level of expertise both under the Franchise Ordinance and under Chapter 14, to develop an expertise and sort of a cumulative knowledge of what has been approved, and what hasn't and why."

- Councilor Bushee said, "Again, just as the Planning Commission operates now, we often have variances and exceptions that go to the Board of Adjustment, and I think there's a similar level of expertise required to serve on the Board of Adjustment."
- Ms. Brennan said, "There may be. I wasn't implicating the level of expertise of the members of the Board. I was saying if a board hears the franchise things and the things under Chapter 14, that they would acquire, over time, a sort of expertise."
- Councilor Bushee said, "I understand legal concerns are your primary..."

Ms. Brennan said, "I think you are correct that variances typically go to the Board of Adjustment."

- Councilor Bushee said, “I guess I would like, and I assume there’s a built-in review of this thing, but if there’s not, I would like to add one. I would like to consider working the Board of Adjustment back into the picture. I really don’t feel like they should be left out. I feel that it was a slight that wasn’t required.”
- Councilor Bushee asked where we will reference the master plan in the ordinance.

Ms. Brennan said if there is a one-year review and the Council has approved a master plan, that would be a good time to add it. She doesn’t believe we can incorporate a document which doesn’t exist, and believes one of the duties of the renamed committee, once it has developed the master plan, is to review the ordinances and talk about how the ordinances can be modified to implement the master plan.

- Councilor Bushee said that is not built into the Ordinance, although she requested that to be done. She presumes that can be addressed at that time, and change the Resolution. She asked, with regard to sequencing, if there is a reason we are working on this Ordinance in advance of this committee.

Ms. Brennan said they have found that the current Chapter 14 is very confusing to almost everybody, and Councilor Calvert has been monitoring that, and “asked for us to start the rewrite of the Telecommunications Ordinance.”

- Councilor Bushee said, “I actually asked for the master planning baseline map effort back when we were dealing with Chapter 27, and I guess I’m a little dismayed that this is the sequence of events, and I guess I’ll just leave it with that.”
- Councilor Dominguez asked, with regard to Section 2. Applicability, on ordinance page 6, talking about maintenance, repair and replacement, and the new language is, “...to the extent that there is no significant adverse visual impact...” He asked how we determine “significant adverse visual impact,” and if that is based on some part of the Code as it exists.”

Ms. Brennan said the test has been used in other places in the Code, and believes it is determined by a visual glance. She said during the appeals there were some before and after pictures and there was no difference, and that’s what we’re talking about. If you add new antennas, if panels get 3 feet larger, noting it is a common sense thing.

- Councilor Dominguez asked who will be applying the common sense.

Ms. Brennan said I think we would see before and after pictures.

- Councilor Dominguez asked if we would leave it to staff to determine whether or not there is a significant adverse visual impact through the process, and if this just applies to maintenance, repair and replacement, and Ms. Brennan said this is correct.
- Councilor Dominguez said we are looking to bring Chapter 14 through the process and ultimately a decision by the Governing Body. He asked if this is approved tonight, if we will just take that section out and put this section in to be considered separately.
- Councilor Calvert said we've been making changes to certain parts of Chapter 14 as they were going through the process, and this won't need to be included, only if we have to change it as a part of changes they brought forward.

Mr. Brennan said they haven't worked on the Telecommunications Ordinance at all in the Chapter 14 rewrite.

- Councilor Dominguez asked Mr. O'Reilly to speak to this.

Mr. O'Reilly said certain sections were taken out of that process, including the Escarpment, Telecommunications and Sign Ordinances, which are big tasks and need to be done separately.

- Councilor Dominguez wants to be sure that this doesn't conflict with work which has been done doesn't want it to conflict later.

Mr. O'Reilly said he doesn't believe that it will conflict.

- Councilor Chavez said in Exhibit E [Exhibit "5"] there is language which suggests that the applicant provide the environmental assessment as part of their application, but he doesn't see that anywhere in the bill. He said there is a section on packet page 23 which speaks about administrative appeals and an ENN, but nothing about an environmental assessment.

Ms. Brennan said Exhibit E is drawn from the Federal Code of Regulations.

- Councilor Chavez said he understands that, but he wants to incorporate that language into the bill.

Ms. Brennan said she didn't do that because it is a federal requirement and within the jurisdiction of the FCC.

- Councilor Chavez said then we can't ask as a municipality that the applicant provide an environmental assessment with their application.

Ms. Brennan assumes we could ask them to provide a copy of the environmental assessment that they provided to the FCC, if they provided such an assessment. She said there are many circumstances where an environmental assessment is not required by the FCC.

- Councilor Chavez said the environmental assessment would deal with maximum limits of exposure.

Ms. Brennan said that is within the jurisdiction of the FCC, and the reason it is a federal jurisdictional question.

- Councilor Chavez said, "And now that federal mandate is on us to administer within Chapter 14 where these facilities will be placed, and these facilities will be emitting some type of radiation or frequency that may be of concern."
- Ms. Brennan said the Federal Rule is that we cannot regulate the placement, construction or modification of telecommunications facilities based on the radiofrequency emissions to the extent that they comply with this provision. So, we are requiring them to certify that they are in compliance with this provision and to certify annually thereafter that they have remained in compliance. However, we do not have jurisdiction to review those issues and make decisions based on them.
- Councilor Chavez said then we have no jurisdiction or method or interest in tracking or monitoring the output of these facilities.

Ms. Brennan said that typically is not within our jurisdiction to the extent that they comply with these requirements, which is the reason we ask them to certify at application that they do comply, and annually thereafter that they are still in compliance.

- Councilor Chavez said then they're certifying without providing the environmental assessment.

Public Hearing

Speaking to the request

Mayor Coss said people will have 3 minutes to speak to the request.

Peter Dwyer, 2205 Miguel Chavez, representing AT&T, thanked Councilor Calvert and staff for doing so much work. He has reviewed all the work that has been done, including the amendments as they've come out and any comments. He said at the "end of the day," AT&T supports the substitute bill with all of the amendments. He said there is only one clarification or change they would advocate, and distributed copies of the proposed amendment to the Mayor and Council [exhibit "6"]. He said this proposes changes to Amendment #1 and #8 of Councilor Calvert's amendment sheet, specifically that the

standard of review under the proposed Code is that you have to prove that there is a significant gap in coverage. He said Ms. Brennan has said she reviews a significant gap in coverage as covering all of these other issues that he would like clarified as being included, such as "that the gap doesn't have to be a total physical absence of any coverage whatsoever, but could include things like a need for higher volume and capacity, and other things. He said his proposed amendment is an alternative. He said other than that, he thinks the bill achieves its goal, cleans things up quite a bit in terms of making the Code more readable, and as an applicant, more understandable in terms of what he needs to bring forward.

Mr. Dwyer said to clarify on Councilor Chavez's point, there is a requirement for us to show compliance, but it's just compliance with FCC Regs and it's on an annual reporting basis now, which didn't exist in the old Code. The changes strengthen the Code, and makes compliance a higher burden for the client to be in compliance. He said, "I think we can live with all of it. And, I'll just speak now, so I won't have to speak later, and say we do not oppose the change in fees."

Nicole DeJurenev, President, Casa Solana, Neighborhood Association, said she finds it rather odd that our legislation for the City needs to be approved by AT&T. At some point, she would like to have this explained to her. Ms. DeJurenev said their only concern is to protect the citizens of Santa Fe during the some 90 applications for towers and antennas. She said, "We would like to thank Councilor Calvert, attorney Brennan, City staff and Dr. Trujillo for their hard work and concerns which have resulted in the Telecom Ordinance and Amendment. This Telecom Ordinance is, for legal reasons, ambiguous, open to interpretation and appeals. It falls upon Land Use, the Planning Commission, the Board of Adjustment, H-Styles and the Governing Body to make the final decisions."

Ms. DeJurenev continued, "We demand there be no conflicts of interest with any of the individuals making these judgments. Land Use needs to be careful that members of its staff, whose spouses are compensated by a Telecom giant have any part in these decisions. The Board of Adjustment needs to replace two of its members who, time after time, refuse to recuse themselves, because part of their incomes are derived from the Telecom giant. As we all know, conflict of interest with individuals whose judgments radically affect our laws, has eroded the public trust. When exposed, their lives are often ruined. Please include language in this Ordinance that prevents any decision-maker from being unduly influenced."

Ms. DeJurenev said she is shocked that AT&T is reviewing our local legislation and approving it. She said, "I don't understand. What's going on."

Dr. Howard Bleicher, 16 year resident of Santa Fe, said he assisted Representative Brian Egolf in creating HM 32, requesting the Department Of Health and the Department of Environment to study all available literature on the effects of cell tower radiation on human health and report back by November 2, 2011, with recommendations. HM 32 was passed by the Legislature by a 2-1 margin. He said the State Legislature has seen fit to inform itself and take whatever action it sees fit. He said this Governing Body

has been informed of all the study over the past years and disregarded those. He said, "You are intent on exposing the citizens of Santa Fe to ever-increasing amounts of cancer producing radiation, all the while you are being fully informed of this radiation's effect upon children, men, women and the environment. For years, you have knowingly, completely disregarded the health and well being of the citizens of Santa Fe, and now you actually decided to gut the democratic process of Santa Fe in order to expedite the application and permit process for the various telecom companies to construct microwave cell towers and add additional antennas to already built microwave cell towers."

Dr. Bleicher continued, "Where in your deliberations on this issue, has the precautionary principle been deliberated on. Have you ever thought that not only has the microwave never been proven safe, but it has been proven over and over again with new valid studies being published almost weekly to cause increased cancer and other disease patterns, and you have knowingly done, for years, all in your power to see to it that the people of Santa Fe will have an increased dosage of this quite deadly radiation. This is not a matter of a difference of opinion, or a matter of a difference in belief systems. It is a matter of fact. [inaudible] no matter what your belief is, the earth is not flat, no matter what your opinion or belief is. Microwave cell tower low dose radiation increases the cancer rate from 400 to 1,000% within 1,500 meters of the microwave cell towers, no matter what your opinion or belief is. The Childrens Day Care program at St. John's Methodist Church will be continually radiated and their cancer rate will increase, no matter what you and the church members and the pastors belief systems recognizes. You have been able to rely on the uninformed people of Santa Fe to continue to permit you to harm them and their children. More and more valid studies are being made public every week now, and it won't be long before a more informed public will look upon you all as an adversary and a purveyor of harm. The Santa Fe people have to be able to protect themselves from the lies of their elected representatives who have shown repeatedly that they have no idea of what doing the right thing is. The issue of microwave cell tower radiation and its health effects upon all living creatures is in a magnitude much larger than tobacco and lettuce use."

Mayor Coss asked Dr. Bleicher to wrap up, because he has exceeded his time.

Dr. Bleicher said, "So, I exceeded my time, but so did Mr. Dwyer, and I didn't hear you say anything."

Mayor Coss said he did, and "we've been through this drill before."

Dr. Bleicher said, "I've never been through this drill with you, and I have one more paragraph and I really request that you allow me to read this one more paragraph."

Mayor Coss said, "One more paragraph."

Dr. Bleicher said, "Actually, it feels more than a bit bizarre, my having to point out to you and the people of Santa Fe that what you've been doing, and continue to do, is a lethal attack on them. But, since you and the telecom industry continue to attack the health and well being of the City of Santa Fe and have shown no signs of any decent thought or behavior having to do with this issue, I am asking that all of you,

the entire City Council and Mayor Coss, in perhaps the only act of decency you can now do for the people who have elected you, is to resign from your City offices so that you can do no more harm to the health and well being of the people of Santa Fe, and open your positions to people who hopefully will have a better understanding of what integrity, honesty, honor and public service really means."

Sarah Vaca, 10 Salico Way, said she is here to talk about the proposed ordinance revision which she believes is a breach of democracy, by taking away the people's right to appeal as she said in her letter to "you." She said she is representing only herself. She said the revisions are a menu of *carte blanche* in favor of telecommunications corporations. She said it shows no consideration for the rights of Santa Fe citizens at large, our disabled, nor our children, the most vulnerable to microwave radiation. Under these provisions, she said our neighborhoods will become virtual industrial parks, blanketed by microwave radiation smog causing illness possibly starting within 5 years. She said the rise from 2G to 3G, and now to 4G has already increased electromagnetic sensitivity systems in our citizens, and she believes 5G will be here soon. She said the Councilors don't seem to be aware of the report given last Friday by Dr. Sanjay Gupta on CNN about cell phone damage to human brains, the effective of cooking the brain the same as a microwave oven cooks our food, and the "latest research done by Los Alamos Laboratory physicist William Bruno on brain damage from cellular microwave phones. Yes, they are microwave phones. There has been a plethora of research done globally on both cell microwave phones and cell microwave towers with the banning of them in Europe, Russia and our own State of California. I would like to make a motion to postpone your decision on the revised Ordinance until November 2011, and join the State Legislature's study period on microphone radiation health damage, which the House has directed to do, vis a vis Brian Egolf's HM-32. Then in November, vote no on the Ordinance revision."

Monica Steinhoff said she is so shocked, because if we as citizens can't be concerned about environment, and the health issues, that is not democracy. She said, "And Mayor Coss, when you accused me in the last session of having called the Council Nazi or whatever, I would not do that. But, I did say there are parallels, and if you follow the money issues, the research that has been done has been deliberately confusing. Even the article that she mentioned, you said well, we might be able to prove that it causes brain cancer. The industry through Europe, including Germany, with "shtigel" and it's the same as some of the reporters here who say we're nuts. You know, you're not in our bodies. We have a right to believe our bodies. No one can judge what I'm feeling or what someone else is feeling or what makes me sick. And I don't believe we're just a special group like 3%. I think that it takes everybody, and if you really look beyond the surface of the research, you know, the industry spends 5 times as much money for every scientist that comes out and says this radiation is dangerous, there are at least 5 that are hired to do fraudulent research to disprove it. And because of the confusion... I can understand how the City Councilors believe we're just a few little minority, we're just weird, etc., I think time will prove that we are not. I have seen the environment deteriorate in Santa Fe in the last year, and you can say, you know scientists can say it's the drought. How much radiation does it take to microwave a tree. I went to the Audubon two weeks ago. I was devastated by the number of dying trees, the number of trees that have fallen, and we haven't had a hurricane, nothing."

"Ms. Steinhoff continued, "You know, look at your environment. Look at the children. How many children are getting ADD. I've already mentioned that three of my.... my sister was a computer programmer, the only birth she gave was to a stillborn. And there are many studies about what it does to fertility. You know, and the companies may say and there's a lot of debate or not debate even, we're over-populated, and this is a really good way to get rid of people. It's so subtle. People are so addicted to these. You see people running with their G3 holding it to their ear. At concerts, at the opera, at the theater, people can't turn off their 3G, they're constantly looking at it. It's the most amazing addiction. So, we are like the Roman Empire, where people look at or entertain perpetually. There was a thing on the radio today about how most Americans watch 5 hours of TV. You know, follow the money. It's like the tobacco industry. We keep doing cancer research. It's very clear if you just look at it. But, what the scientists say, if I keep it vague and everything, I'll get more money for research. And I would like the City Council to have the courage to look at the truth and look at the money."

Virginia Miller said she wasn't going to speak tonight, but she was reading the material, and looked over the ordinance, and the wording in the Ordinance is some of the same wording as in the notorious 1996 Telecommunications Act at the federal level "which denies us the right to talk about or use health and environment in the placement of cell towers." She said it doesn't make sense to her, when this Council passed a Resolution asking Congress and the administration to work to change the federal law. She said now that wording is in our ordinance which is strange to her. She said she feels deeply saddened about what is happening to our beloved City of Santa Fe. She said it is a big mistake to just go wild with this and let it happen without appropriate restrictions and regulations and caution. Regarding the United Methodist Church, she has gone there for meetings in the past. She said if the Church signs the contract with AT&T, puts antennas in the chimney, she will go there again for any reason. She would advise others not to go there if they value their health, and parents with children to stay out of the neighborhood, including the Childrens Museum and day care centers. It won't be safe there. She said, "I just think we need to get more information and be very careful about how we proceed. So, please, take this into consideration."

Katie Singer said she is very scared to live in a country that made a federal law that prohibits you from considering the health or environmental effects of telecom equipment. She is scared to live in a city whose Mayors, Councilor and attorneys, not only do not challenge this law, but now move to eliminate the only means we have for regulating telecom corporations. "My heart is broken and I am truly scared."

Marjorie Young said she lives in Councilor Bushee and Councilor Calvert's District. She understands the FCC has these draconian rules about not paying attention to the environment or health. But she doesn't understand the rush and why we don't have the time to study this. She said she subscribes to the precautionary principle. She said, "With more time to study, it's possible that whole FCC thing will be over-turned, or at least we need more information. I do not understand what the rush is for a proper study."

Dr. Felicia Trujillo read a statement into the record asking the Council to consider its decision for the good of the community. Please see Exhibit "7" for the text of Dr. Trujillo's statement.

Arthur Firstenberg said he speaks for people who are electrosensitive. He said, "Mayor, at the last Council meeting, you said you said you were offended for being called a Nazi. I apologize for the person who used that word, however, I want to say, that I am offended when human beings are considered expendable, when truth is mistaken for hyperbole, when the testimony of citizens is ignored, because their experience doesn't coincide with yours, when respected doctors, psychologists, engineers and health department employees are disregarded because they have a message you would rather not hear. We've been coming to you to tell you that your actions in approving every antenna and tower and denying every appeal, and eviscerating the Telecommunications Ordinance as you are poised to do tonight, and leaving us no place to live where we can survive, we will be forced to leave Santa Fe, probably this year, and we may be faced with death next year or the day after. To condemn a class of productive citizens to exile and worse because of their disability, while their more fortunate neighbors conduct business as usual is wrong."

The Public Hearing was closed

Councilor Calvert said one of the people from whom he received comments is a lawyer who, basically, makes his living from opposing cell phone towers, and consulting with communities on how to write an ordinance that best protects the community. He said he spoke with this gentleman over the phone and he complimented our staff on this ordinance they drafted, and said "they obviously knew what they were doing and did a good job." Councilor Calvert said that person had a few things he wanted us to consider, which has been done, and those have been included for the most part in the proposed amendments which he believes are reasonable, and help protect the community.

Councilor Calvert said when we passed the Chapter 27 Telecommunications Ordinance, we said we needed to update Chapter 14 to be consistent and not in conflict, and one of the reasons he introduced this Ordinance was to remedy those, as well as to include additional safeguards to the extent possible we can for the community.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Ordinance No. 2011-16, with the 9 amendments on the amendment sheet."

DISCUSSION: Councilor Bushee said, "I like some of the amendments and the specificity they apply to the land use aspect. I'm concerned that we are now going to allow them in the H-District. I just think that's wrong and I don't think that's necessary. I'm also disappointed that the Board of Adjustment has been left out of the entire picture, and to be honest, I really thought we should have had the master plan together before anything. And I guess I'm still a little concerned that the appeals process has been removed."

Councilor Calvert asked what she means by removed.

Councilor Bushee said, "Well, it's been really limited."

Responding to Councilor Calvert, Councilor Bushee said, "Well on the towers, as you know, when we passed the appeals bill, it really got shortchanged.... so I'm just gonna say that, you know, I get to have my comments and the peanut gallery actually doesn't need to comment. So, I'm really, not going to support this ordinance."

Councilor Ortiz said, "I'll speak to some of the comments that were given in public discussion. I will say that the right to appeal, the right to have the ability to appeal a decision isn't rooted in democracy, it is rooted in jurisprudence. And so, democracy, true democracy, requires citizen activity. And so, for those of you who have made comments about this Governing Body being undemocratic, you have a mechanism to change that. You have a mechanism all the way throughout, but especially at this grass roots level. Get out, go amongst your neighbors, put yourself up for public office yourself, and get elected to this Governing Body. That is democracy. Democracy here is about electing representatives and then holding those representatives accountable. If in fact, there is such a large clamor to forego decent, reliable, and yes, maybe even expanded cell coverage in Santa Fe, and there is a majority of people sensitive to cell phones, then it would be my hope that those people who stand up and berate the Governing Body, to go out and do something about it. To go out and actually elect people who are of a like mind, who can then vote to overturn these laws. Because, until that happens, to continue to come up here on every single issue, and continue to spout the same kinds of language, is becoming self-defeating for a purpose."

Councilor Ortiz continued, "When I first started hearing some of the comments and concerns from some of the people who have been commenting negatively about these ordinances, I listened. And, when I continued to hear, really just *ad hominem* attacks based to specious or borderline defamatory allegations, it diminishes the effect of the message that is being provided by some of those, who I think are legitimately concerned with, and maybe have health effects of what is being proposed. But, the continued attacks that continue to be said in chambers, with no consequence, because you're not under oath, seems to be diminishing the effect of what I think could be a legitimate discussion about these items. But since there are some who seem to remain to just oppose, without any substance, I guess my comment is still the same – go out and elect people. Go out and actually do the work, or for those of you who really feel compelled about this, we have a new election coming up. It's in March 2012. You're going to have public financing money, and so you won't even have to go out and raise money. You'll get it provided to you by the taxpayers."

Councilor Ortiz continued, "Stand for public office. Stand for your beliefs, and really exercise your rights under democracy, don't just continue to say that this Governing Body is undemocratic, because it becomes a tinge that overwhelms the message – Don't use a cell phone. I for one know many of my constituents use a cell phone. I for one have been told by many of my constituents that they want to continue to use their cell phones. If you believe that the plans being put forward by the telecommunications industry are not about expanding cell phone coverage, not about the liability of cell phone coverage, not about expanded use of cell phone coverage, then bring that evidence forward, and let's have a real dialogue, not the continued harangues about and comparisons to Nazi Germany or to undemocratic decisions, or about

peoples' voices not being heard. Come up with the evidence, or better yet, stand for office. We've got an election coming up. But until then, I'm going to continue to use my cell phones.

Councilor Ortiz continued, "I'm going to continue to want to have my cell phone coverage in any part of the City that I happen to be in, whether that's in H-District which is precious, unique and historical, or it's on the far southwest side of town. I want cell phone coverage. Most people who have cell phones want cell phone coverage. Some of us want data coverage. I know that tourists who are here want to have cell phone coverage. So, let's start having a discussion based on the merits, not based on *ad hominem* attacks and hyperbole."

Councilor Romero asked Ms. Brennan to highlight again the reason the Board of Adjustment was left out, noting Councilor Bushee said she would have preferred to have the Board of Adjustment remain. However, she understands there is a rationale in what's been moved forward for leaving off the Board of Adjustment.

Ms. Brennan said, "It really flows back to the enactment of the Franchise Ordinance, and under that Ordinance the Planning Commission was given jurisdiction because we saw a probable development in the public rights-of-way as involving networks, rather than single sitings. And it seemed that it would be more like reviewing a development plan. And so that jurisdiction was given to the Planning Commission. And, at the time, I said that we would revise this ordinance. It's taken a while to bring it into line with the Franchise Ordinance and with applicable law, current law. And one of the things that seemed important to do, and I believe this would probably show in the minutes from those meetings, is that the Planning Commission hear all cases, particularly as it's very likely that someone developing a network would have facilities in the right-of-way and on private property."

Councilor Romero said, "That makes sense. And could you just talk a little bit about the appeal process which we have gone through *ad nauseum*, but I just want folks to understand, I think this is part of our education of each others about some of these issues, and this was brought up again by Councilor Bushee. Could you just talk a little bit about why the appeal process..."

Ms. Brennan said, "The appeal process had become somewhat out of balance. There were multiple *de novo* hearings in some circumstances. The time frames had gotten very long, and the revisions to the Appeals Ordinance were an attempt to balance the interests of property owners with the interests of people who wanted to appeal, who might have reasons. It might be adjacent property owners, or they might have other reasons. And the Appeals Ordinance provides for appeals from decisions of the Land Use Director, which is pretty much to say building permits. There is a 15 day appeal period. The appeal goes to any one of a series of Land Use boards, and so there is one appeal hearing, and then there is an appeal to the court.

Ms. Brennan continued, "Decisions of land use boards are appealed, as they always have been, to the Council and large projects like subdivisions, development plans, master plans, there is a 30 day appeal period. And effectively those appeal periods are longer, because the appeal runs from the time Findings of

Fact are adopted, typically, that is a minimum of 2 weeks. So, a decision is made, 2 weeks pass, and even if it is only a 15 day appeal period, you have another 15 days, so it is effectively a 30-day appeal period."

Councilor Romero said, "And the last thing I'll say is around the comment about a resolution that actually was proposed, I was the sponsor on that resolution, many other Councilors were, and it was to request that the FCC be more stringent. And I just think that, again from an education perspective, is that sometimes resolutions don't have the teeth that ordinances have. And this Resolution was just that. It was saying to the FCC we wish you would take into consider more, but understanding that we couldn't do more than that. What we could do, and we have done, is develop and Ordinance that actually, as I heard Dr. Trujillo say, is actually not a bad Ordinance, given what Mr. Campanelli is saying, that with the amendments, we actually have something better than where we started. So, that I'm quite pleased to see that Dr. Trujillo agreed with that."

Councilor Romero continued, " And to Councilor Calvert for taking this on, who did a yeoman's job on this, he did roll up his sleeves, and I think, as Councilor Ortiz has asked people to step up to the plate, I'd just like to public commend him for stepping up to the place and taking this on, because it was a horrendous job. And, I think with staff support and the work that has been done, we're bringing forward an even better product. But, I thought it was important to note why some of these things we did, worked out the way they have, and that we are moving forward with something better. And, thank you all for your work."

Councilor Bushee said, "I'm glad that Councilor Rosemary Romero had such concern about my concerns, but I have to go back to consistency. I have, from the beginning, and Kelley you know we've sat down many a time over this whole issue. And, back to the Chapter 27 Ordinance when it was being established. And what I saw developing back then, and continued now, is staff sort of directing this really around legal concerns, and not so much the concerns that I would have, which really about process, and allowing access to the process. This goes back to the original decision. It was staff's decision to say, well, we'll direct it toward the Planning Commission. In fact, I think it may have been Matt O'Reilly's decision to try to go that direction, and I honestly thought it should have always come back to the Council, that we were the ultimate decision-makers, that we were the ones elected to decide these things. And I really didn't like that idea from the get-go. I've always wanted to have a baseline map of the coverage that exists in this community now. I don't think we're making decision based on actual coverage. I don't think anyone has a real problem getting coverage on the south side right now, Matt. What I think we have is a market dictating coverage right now. I'm grateful for some of the restrictions around land use in residential areas and the BCD, and that the fact that we have a little more clarity around what towers will look like, and collocation is the direction we want to go.

Councilor Bushee continued, "But, to me, this still comes back to process. It's why I opposed the Appeals Ordinance. I felt like that again, at the expense of actual democracy, and people having a say in the process, we took the other route, and so I'm still concerned. And I'm really concerned. I don't understand. We were able to say no transmission lines, such as the large ones that PNM has in the H-District, I don't why then we would want to even now say, well we should allow them in the Historic District. It just doesn't make any sense to me, so I have the same concerns I had previously, they've just developed into a new

ordinance where pretty much, it's deference to the lawyers. And you know, I guess that's one piece of what we do here, but it's not the whole picture for me. And so, I am going to continue to oppose a process that I think should be more open, and could be open, but this is the way we've gone."

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

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

Against: Councilor Bushee and Councilor Chavez.

Absent for the vote: Councilor Wurzbarger.

Explaining his vote: Councilor Ortiz said, "I also want to thank Councilor Calvert for the work that he did and for stepping into an issue that none of us really want to touch. It's an issue that's fraught, really, with all kinds of down-side, and with a committed group of naysayers, and yet, Councilor Calvert, doing the right thing and really showing true leadership, actually rolled up his sleeves, and just didn't say, well I have concerns about A, B, and C issues. He actually went in and tried to solve those issues. It's easy for us on the Governing Body, either speak our minds, or say we supported it, or to say we want it different, and not do the work. And Councilor Calvert, on this Ordinance actually did the work, and think that should be commended and I vote yes."

Explaining his vote: Councilor Calvert said, "And I want to thank staff, because they did the yeoman's part of the work, so thank you, and I vote yes."

Explaining his vote: Councilor Chavez said, "No. And I don't mean this with any disrespect to Councilor Calvert or staff, but I don't think we're ready. We don't have a master plan. It's in the works, but I think the cart is ahead of the horse just a little bit, so I vote no."

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Resolution No. 2011-34.

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

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

Against: Councilor Bushee and Councilor Chavez.

Absent for the vote: Councilor Wurzbarger.

- 12) REQUEST FROM DARNELL FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT DARNELL FINE ART, 640 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE FRIENDS (QUAKER CHURCH), 630 CANYON ROAD. THE REQUEST IS FOR AN OPENING RECEPTION FOR A GALLERY EXHIBITION TO BE HELD ON MAY 27, 2010, FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)

This item was withdrawn from the agenda.

- 13) CONSIDERATION OF BILL NO. 2011-15: ADOPTION OF ORDINANCE NO. 2011- ____ (COUNCILOR WURZBURGER, COUNCILOR ORTIZ, COUNCILOR TRUJILLO AND COUNCILOR DOMINGUEZ). 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. (MELISA DAILEY) (Postponed to June 8, 2011 City Council Meeting)

- a) CONSIDERATION OF RESOLUTION NO. 2011- ____ (COUNCILOR WURZBURGER, COUNCILOR ORTIZ, COUNCILOR TRUJILLO AND COUNCILOR DOMINGUEZ). A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES PROGRAM (SFHP) TO TEMPORARILY REDUCE THE PERCENTAGE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM) (Postponed to June 8, 2011 City Council Meeting)

- b) CONSIDERATION OF RESOLUTION NO. 2011- ____ (COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING THE TEMPORARY MODIFICATION TO THE REQUIREMENTS OF THE SANTA FE HOMES PROGRAM ("SFHP"); AND AUTHORIZING A 70% REDUCTION IN FEES ASSOCIATED WITH SMALL SUBDIVISIONS WITH TWO THROUGH TEN TOTAL UNITS.) (Postponed to June 8, 2011 City Council Meeting)
(NICK SCHIAVO & MELISA DAILEY)

Items H(13)(a) and (b) are postponed to the Council meeting of June 8, 2011.

17. COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Dominguez

Councilor Dominguez congratulated all of the high school and college graduates in the community and nation. He said when it comes to our societal ills and even our economic ills, education is the path on the way out. It is unfortunate, given the previous discussion, that we may be denying educational opportunities. He said for some people, denying educational opportunities is acceptable. He congratulated the graduates. He congratulated his son Devin for graduating from Santa Fe High, noting he has been accepted to college, and will leaving over the summer, and "mom and dad are proud of him, and a 3.7 GPA."

Councilor Calvert

Councilor Calvert had no communications.

Councilor Trujillo

Councilor Trujillo said on Field #7 at Ragle Field, the little kids field, he has received complaints that it is really rough, and asked the City Manager to see what can be done to fix it better.

Councilor Trujillo said we need to get rid of the gophers at Ragle Park.

Councilor Trujillo said someone has been tagging the light posts on the south side, and said it would look a lot nicer to paint the posts gray as opposed to brown.

Councilor Trujillo said his daughter, Krystianna, is trying out for Santa Fe Cheerleader, second level and wished her the best of luck tomorrow.

Councilor Ortiz

Councilor Ortiz congratulated Councilor Dominguez and family on Devin's accomplishments and his future looks really bright because of that.

Councilor Bushee

Councilor Bushee said we have issued water challenges asking people to water only once a week. She asked at one point will we need to consider other restrictions that are more mandatory, and asked staff to respond.

Councilor Bushee said the same graffiti conditions continue to exist along the River Trail, noting there are neighborhood walls which are one long wall of graffiti. She said she has asked previously if there are funds available to lend to the Commission for the Arts to work on a public wall, if that is going to continue to be a public path. Graffiti is a problem all through the City, and she hopes the new Chief has some ideas.

Councilor Bushee asked again about the big purple tags, noting some have been cleaned up, but it continues to exist everywhere. She would like staff to "just get on it."

Councilor Bushee wished all graduates a happy graduation.

Councilor Romero

Councilor Romero said Monday is Memorial Day, and reminded everyone to look back to those who passed before us, and remembered her father, her brother and her daughter Anita. She congratulated her daughter Lania Morris, who is graduating *Summa Cum Laude* from Highlands, and will be beginning work on her Masters in two weeks, and wished her the best, saying, "She makes us proud."

Councilor Chavez

Councilor Chavez had no communications.

Mayor Coss

Mayor Coss had no communications.

I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:20 p.m.

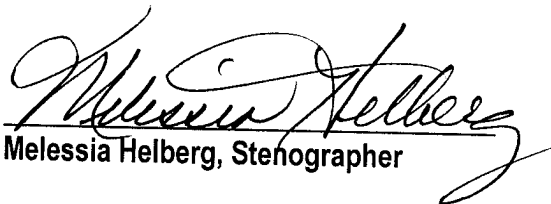
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer