



# Agenda

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

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9/23/11 TIME 3:00 pm

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

RECEIVED BY Tina 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 – September 14, 2011
9. PRESENTATIONS
  - a) Update – Under Age Drinking Prevention Alliance. (Shelley Mann-Lev)  
(5 minutes)
  - b) Proclamation – October 1, 2011 – Domestic Violence Awareness Month in Santa Fe. (Peggy Luplow, Esperanza Shelter for Battered Families, Inc.)  
(5 minutes)
10. CONSENT CALENDAR
  - a) Request for Approval of Lease and Maintenance Agreement and Procurement Under State Price Agreement – Upgrade City's Telephone System (12 Locations); Avaya Financial Services. (Thomas Williams)
  - b) Request for Approval of Support Services Agreement – Land Use, Police and Fire Department Systems Support Services; Sunguard Public Sector, Inc. (Caryn Fiorina)
  - c) Request for Approval of Sole Source Procurement and Professional Services Agreement – Software Programming for the City of Santa Fe; Mountain River Consulting, Inc. (Caryn Fiorina)
  - d) Request for Approval of Procurement Under State Price Agreement – Natural Gas Services and Distribution to City-Wide Facilities; BP Energy Company. (Nick Schiavo)



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- e) Request for Approval of Grant Award and Grant Agreement – Replacement Vehicles for Transit Division; New Mexico Department of Energy, Minerals and Natural Resources. (Jon Bulthuis)
  - 1) Request for Approval of Procurement Under Cooperative Price Agreement – Two (2) Bus Replacement Vehicles for Transit Division; GILLIG, LLC.
  - 2) Request for Approval of Procurement Under State Price Agreement – Four (4) Paratransit Replacement Vehicles for Transit Division; MV Sales and Leasing, Inc.
  - 3) Request for Approval of Budget Increase – Grant Fund.
- f) Request for Approval of Exempt Procurement and Contract – Advertising Services for City of Santa Fe; The Santa Fe New Mexican. (Robert Rodarte)
- g) Request for Approval of Amendment No. 4 to Professional Services Agreement – Engineering Services for Santa Fe Hydroelectric Project; AECOM Technical Services, Inc. (Dale Lyons)
- h) Request for Approval of Change Orders No. 6 and No. 7 – Canyon Road Water Treatment Plant Modifications and Improvements Project; Triad Builders of New Mexico, Inc. (Robert Jorgensen)
- i) Request for Approval to Publish Notice of Public Hearing on October 26, 2011:  
  
Bill No. 2011-35: An Ordinance Amending Exhibits C and D of Chapter XXV SFCC 1987 to Authorize the Suspension of Santa Fe River Target Flows During “Water Warning – Orange” and “Water Emergency – Red” Implementation Stages. (Councilor Ortiz and Councilor Wurzbarger) (Brian Snyder)
- j) Request for Approval of Amendment No. 3 to Agreement – Continuum Funding for City of Santa Fe; State of New Mexico Children, Youth and Families Department. (Richard DeMella)
- k) Request for Approval of Procurement Under State Price Agreement of Emergency Vehicle Outfitting Equipment and Installation for Police Department; MHQ of New Mexico and Wireless Advanced Communications. (Police Chief Raymond Rael)



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- l) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_: (Councilor Wurzburger and Councilor Calvert)  
A Resolution Amending Resolution No. 2010-50, Adopted June 30, 2010; Authorizing the Execution and Delivery of an Amended and Restated Drinking Water State Revolving Fund Loan Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority (The "NMFA"), Evidencing a Special Limited Obligation of the Governmental Unit to Pay a Principal Amount of No More Than Three Hundred Twenty Thousand One Hundred Thirty-Eight Dollars (\$320,138), Together With Interest, Costs of Issuance and Administrative Fees Thereon, for the Purpose of Financing the Costs of a Project Consisting of Upgrades to the City's Water Utility System, Including Instrumentation of Pumping Sites to Monitor Energy Usage; Providing for the Payment of the Principal of, Interest and Administrative Fees Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Dale Lyons)
- 1) Request for Approval of Amended and Restated Drinking Water State Revolving Fund Loan Agreement By and Between the City of Santa Fe, New Mexico and the New Mexico Finance Authority (Loan No. 2392-DW).
- 2) Request for Approval of Budget Increase – Water Fund.
- m) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_. (Councilor Wurzburger)  
A Resolution Supporting The VIP Reception and Grand Centennial Ball to be Held on January 6, 2012 at the Santa Fe Community Convention Center, in Honor of the New Mexico Centennial; and Authorizing the Waiver of Fees for Use of the Santa Fe Community Convention Center. (James Bradbury)
- n) Request for Approval of Northwest Well Permit Application; Office of State Engineer. (Claudia Borchert)
- o) Request for Approval Discharge Credit Application – Pursue Discharge to Offset Buckman Well Impacts in the La Cienega Area; Office of State Engineer. (Claudia Borchert)



# Agenda

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

- p) Request for Approval of Joint County Commission and City Council Meeting to Discuss Joint Issues Regarding Annexation and Joint Powers Agreements. (Robert Romero)
  - q) Request for Approval of 2013-2017 Infrastructure Capital Improvements Plan (ICIP). (Isaac Pino)
    - 1) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez)  
A Resolution Adopting an Infrastructure Capital Improvements Plan (ICIP). (Isaac Pino)
  - r) Bid No. 11/38/B – Santa Fe River – El Parque Del Rio Renovations and Improvements and Agreement Between Owner and Contractor; Nambe Pueblo Healthcare Services d/b/a Nambe Construction. (Brian Drypolcher) (Postponed at September 14, 2010 City Council Meeting) **(Postponed to October 12, 2011 City Council Meeting)**
  - 11. CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Calvert, Mayor Coss and Councilor Bushee)  
A Resolution Supporting the Banning of Inhumane Animal Trapping on New Mexico Public Lands Through the Use of Steel-Jaw Traps, Kill-Type Traps, Snare Traps, and any Modified Version of Such Traps. (Melissa Byers)
  - 12. Request for Approval to Publish Notice of Public Hearing on October 26, 2011:  
  
Bill No. 2011-36: An Ordinance Amending Section 11-12.1 SFCC 1987 so that Cash Balances Generated by Enterprise Funds Shall Be Retained within their Respective Funds and Shall Not Be Transferred to the General Fund with the Exception that the City May Charge Enterprise Funds for Duly Incurred Costs. (Councilor Bushee) (Brian Snyder)
  - 13. MATTERS FROM THE CITY MANAGER
  - 14. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:
- a) Discussion of Collective Bargaining Negotiations Between the City of Santa Fe and All Bargaining Units Representing the Employees of the City of Santa Fe Pursuant to §10-15-1(H)(5), NMSA 1978.



# Agenda

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

- 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.

15. MATTERS FROM THE CITY CLERK

16. COMMUNICATIONS FROM THE GOVERNING BODY

**EVENING SESSION – 7:00 P.M.**

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) Request from Maribel Cardona, dba M & J Event Center, for a Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at M & J Event Center, 1708-A Llano Street, Which is Within 300 Feet of DeVargas Middle School, 1720 Llano Street. The Request is for Events to be held on September 30, 2011 (Grand Opening), October 1, 2011 (Quinceañera), October 8, 2011 (Miss Chica Latina NNM), and October 14, 2011 (Quinceañera). (Yolanda Vigil) Quinceañera
- 2) CONSIDERATION OF BILL NO. 2011-32: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Mayor Coss and Councilor Calvert)  
An Ordinance Repealing the City Taxicab Act, Article 18-6 SFCC 1987; Creating A New Article 18-6 Regarding the Licensing of Taxicab Services; and Amending Section 18-8.10 SFCC 1987 to Establish a Business License Fee for Taxicab Services. (Judith Amer and Yolanda Vigil)

I. ADJOURN



# Agenda

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

**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  
September 27, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING –SEPTEMBER 14, 2011	Approved	5
<u>PRESENTATIONS</u>		
UPDATE – UNDER AGE DRINKING PREVENTION ALLIANCE		6-7
PROCLAMATION — OCTOBER 1, 2011 – DOMESTIC VIOLENCE AWARENESS DAY IN SANTA FE	Approved	7-8
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF NORTHWEST WELL PERMIT APPLICATION; OFFICE OF STATE ENGINEER	Approved	8-11
REQUEST FOR APPROVAL OF DISCHARGE CREDIT APPLICATION – PURSUE DISCHARGE TO OFFSET BUCKMAN WELL IMPACTS IN THE LA CIENEGA AREA; OFFICE OF STATE ENGINEER	Approved	11-12
REQUEST FOR APPROVAL OF JOINT COUNTY COMMISSION AND CITY COUNCIL MEETING TO DISCUSS JOINT ISSUES REGARDING ANNEXATION AND JOINT POWER AGREEMENTS	Postponed to 10/12/2011	12
*****		
END OF CONSENT CALENDAR DISCUSSION		
*****		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2011- 52. A RESOLUTION SUPPORTING THE BANNING OF INHUMANE ANIMAL TRAPPING ON NEW MEXICO PUBLIC LANDS THROUGH THE USE OF STEEL- JAW TRAPS, KILL-TYPE TRAPS, SNARE TRAPS, AND ANY MODIFIED VERSION OF SUCH TRAPS	Approved [amended]	12-13
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 26, 2011: BILL NO. 2011-36: AN ORDINANCE AMENDING SECTION 11-12.1 SFCC 1987, SO THAT CASH BALANCES GENERATED BY ENTERPRISE FUNDS SHALL BE RETAINED WITHIN THEIR RESPECTIVE FUNDS AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND WITH THE EXCEPTION THAT THE CITY MAY CHARGE ENTERPRISE FUNDS FOR DULY INCURRED COSTS	Approved [amended]	13-14
MATTERS FROM THE CITY MANAGER	Approved	14
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	14-15
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	15
MATTERS FROM THE CITY CLERK	None	
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	16
PETITIONS FROM THE FLOOR		16-18
<u>APPOINTMENTS</u> Santa Fe City and County Advisory Council on Food Policy	Approved	18



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

REQUEST FROM MARIBEL CARDONA D/B/A M & J EVENT CENTER, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT M & J EVENT CENTER, 1708-A LLANO STREET, WHICH IS WITHIN 300 FEET OF DEVARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR EVENTS TO BE HELD ON SEPTEMBER 30, 2011 (GRAND OPENING), OCTOBER 1, 2011 (QUINCEAÑERA), OCTOBER 8, 2011 (MISS CHICA LATINA NNM), AND OCTOBER 14, 2011 (QUINCEAÑERA)

Approved

18-19

CONSIDERATION OF BILL NO. 2011-32: ADOPTION OF ORDINANCE NO. 2011- 30. AN ORDINANCE REPEALING THE CITY TAXICAB ACT, ARTICLE 18-6 SFCC 1987; CREATING A NEW ARTICLE 18-6 REGARDING THE LICENSING OF TAXICAB SERVICES; AND AMENDING SECTION 18-8.10 SFCC 1987, TO ESTABLISH A BUSINESS LICENSE FEE FOR TAXICAB SERVICES

Approved

19-20

COMMUNICATIONS FROM THE GOVERNING BODY

Information/discussion

20-23

ADJOURN

23

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
September 27, 2011**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on September 27, 2011, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

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

**Members Excused**

Councilor Rosemary Romero

**Others Attending**

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

**6. APPROVAL OF AGENDA**

Mr. Romero said Item 10(k) on the Consent Calendar is being removed from the agenda at the request of the Police Department and IT. He said we we're doing to do this work in-house.

Councilor Chavez asked if this will be done mostly by staff and bidding within the local economy, and Mr. Romero said this is correct.

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

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, and Wurzburger voting in favor of the motion, no one voting against and Councilor Trujillo absent for the vote.

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

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

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

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

**Against:** None.

**Absent for the vote:** Councilor Trujillo.

- a) **REQUEST FOR APPROVAL OF LEASE AND MAINTENANCE AGREEMENT AND PROCUREMENT UNDER STATE PRICE AGREEMENT – UPGRADE CITY’S TELEPHONE SYSTEM (12 LOCATIONS); AVAYA FINANCIAL SERVICES. (THOMAS WILLIAMS)**
- b) **REQUEST FOR APPROVAL OF SUPPORT SERVICES AGREEMENT – LAND USE, POLICE AND FIRE DEPARTMENT SYSTEMS SUPPORT SERVICES; SUNGUARD PUBLIC SECTOR, INC. (CARYN FIORINA)**
- c) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SOFTWARE PROGRAMMING FOR THE CITY OF SANTA FE; MOUNTAIN RIVER CONSULTING, INC. (CARYN FIORINA)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – NATURAL GAS SERVICES AND DISTRIBUTION TO CITY-WIDE FACILITIES; BP ENERGY COMPANY. (NICK SCHIAVO)**

- e) **REQUEST FOR APPROVAL OF GRANT AWARD AND GRANT AGREEMENT – REPLACEMENT VEHICLES FOR TRANSIT DIVISION; NEW MEXICO DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES. (JON BULTHUIS)**
  - 1) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – TWO (2) BUS REPLACEMENT VEHICLES FOR TRANSIT DIVISION; GILLIG, LLC.**
  - 2) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) PARATRANSIT REPLACEMENT VEHICLES FOR TRANSIT DIVISION; MV SALES AND LEASING, INC.**
  - 3) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- f) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND CONTRACT – ADVERTISING SERVICES FOR CITY OF SANTA FE; THE SANTA FE NEW MEXICAN. (ROBERT RODARTE)**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR SANTA FE HYDROELECTRIC PROJECT; AECOM TECHNICAL SERVICES, INC. (DALE LYONS)**
- h) **REQUEST FOR APPROVAL OF CHANGE ORDERS NO. 6 AND NO. 7 – CANYON ROAD WATER TREATMENT PLANT MODIFICATIONS AND IMPROVEMENTS PROJECT; TRIAD BUILDERS OF NEW MEXICO, INC. (ROBERT JORGENSEN)**
- i) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 26, 2011: BILL NO. 2011-35: AN ORDINANCE AMENDING EXHIBITS C AND D OF CHAPTER XXV SFCC 1987, TO AUTHORIZE THE SUSPENSION OF SANTA FE RIVER TARGET FLOWS DURING “WATER WARNING – ORANGE” AND “WATER EMERGENCY – RED” IMPLEMENTATION STAGES. (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). (BRIAN SNYDER)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO AGREEMENT – CONTINUUM FUNDING FOR CITY OF SANTA FE; STATE OF NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT. (RICHARD DeMELLA)**

- k) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT OF EMERGENCY VEHICLE OUTFITTING EQUIPMENT AND INSTALLATION FOR POLICE DEPARTMENT; MHQ OF NEW MEXICO AND WIRELESS ADVANCED COMMUNICATIONS. (POLICE CHIEF RAYMOND RAE)**  
This item was removed from the agenda.
- l) **CONSIDERATION OF RESOLUTION NO. 2011-49: A RESOLUTION AMENDING RESOLUTION NO. 2010-50, ADOPTED JUNE 30, 2010; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESEATED DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT ("LOAN AGREEMENT"), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY (THE "NMFA"), EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN THREE HUNDRED TWENTY THOUSAND ONE HUNDRED THIRTY EIGHT DOLLARS (\$320,138), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY'S WATER UTILITY SYSTEM, INCLUDING INSTRUMENTATION OF PUMPING SITES TO MONITOR ENERGY USAGE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND ADMINISTRATIVE FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (COUNCILORS WURZBURGER AND). (DALE LYONS)**
- A. **REQUEST FOR APPROVAL OF AMENDED AND RESTATED DRINKING WATER STATE REVOLVING LOAN FUND AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO AND THE NEW MEXICO FINANCE AUTHORITY (LOAN NO. 2392-DW)**
- B. **REQUEST FOR APPROVAL OF BUDGET INCREASE – WATER FUND.**

- m) **CONSIDERATION OF RESOLUTION NO. 2011- 50 (COUNCILOR WURZBURGER). A RESOLUTION SUPPORTING THE VIP RECEPTION AND GRAND CENTENNIAL BALL TO BE HELD ON JANUARY 6, 2012, AT THE SANTA FE COMMUNITY CONVENTION CENTER, IN HONOR OF THE NEW MEXICO CENTENNIAL; AND AUTHORIZING THE WAIVER OF FEES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER. (JAMES BRADBURY)**
- n) *[Removed for discussion by Councilor Bushee]*
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed for discussion by Councilor Dominguez]*
- q) **REQUEST FOR APPROVAL OF 2013-2017 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)**
  - 1) **CONSIDERATION OF RESOLUTION NO. 2011-51 (COUNCILOR DOMINGUEZ). A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)**
- r) **BID NO. 11/38B – SANTA FE RIVER – EL PARQUE DEL RIO RENOVATIONS AND IMPROVEMENTS AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; NAMBE PUEBLO HEALTHCARE SERVICES D/B/A NAMBE CONSTRUCTION. (BRIAN DRYPOLCHER) (Postponed at September 14, 2010 City Council Meeting) (Postponed to October 12, 2011 City Council Meeting)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING  
–SEPTEMBER 14, 2011**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Ortiz, to approve the minutes of the Regular City Council meeting of September 14, 2011, as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Chavez, Dominguez, Ortiz, and Wurzbürger voting in favor of the motion, no one voting against and Councilor Trujillo absent for the vote.

## 9. PRESENTATIONS

### a) UPDATE – UNDER AGE DRINKING PREVENTION ALLIANCE. (SHELLEY MANN-LEV)

A copy of *Santa Fe Underage Drinking Prevention Alliance Retrospective* is incorporated herewith to these minutes as Exhibit "1."

**Shelly Mann-Lev, Chair, Santa Fe Underage Drinking Prevention Alliance**, said she this evening, first and foremost to applaud this Governing Body for its leadership in addressing alcohol abuse, and in helping to achieve the vision of the Alliance. She is representing all organizations to provide the Governing Body with an update.

Ms. Mann-Lev reviewed the information in Exhibit "2," via power point presentation. Please see Exhibit "2" for specifics of this presentation.

*The Governing Body commented and asked questions as follows:*

- Councilor Wurzbarger asked about those who drink at home and don't drive, and asked if Ms. Mann-Lev has that data.

Ms. Mann-Lev said she has that data, noting about 10% of the high school students report having driven after drinking, which is 9-12 graders which aren't all drivers. She said this is a reduction.

- Councilor Wurzbarger asked if we can presume that students riding in car with a drinking driver are riding with a youthful driver as opposed to their parents.

Ms. Mann-Lev said we can't presume that, commenting they often are riding with adults.

- Councilor Wurzbarger said 39% reported driving with a drinking driver, and asked who was the drinking driver.

Ms. Mann-Lev said they don't know, because they don't ask about the behavior of family members. She said the students are often in difficult situations where they have to ride with a drinking driver who could be a parent, a sibling, another relative or an adult friend.

- Councilor Wurzbarger said she is interested in the correlation with the younger driver.

Ms. Mann-Lev guesses it is a mixture. She said they are trying to empower the younger students to not get in the car with a drinking driver.

- Councilor Bushee asked if there are statistics on underage drivers and vehicle forfeiture.

Ms. Mann-Lev said it is rare for a juvenile to own their own vehicle, and a very small number are involved in vehicle DWI's. She said she doesn't know that information is broken down by age. She said City staff may have that as part of the records. Ms. Mann-Lev said there is less drinking and driving reported with high school students, although law enforcement has reported an increase in underage DWI arrests, noting the highest per capita are students age 18-25, but it is a very small number of the DWI arrests.

- Councilor Bushee said she is working on amendments to update the forfeiture ordinance, and wanted to talk to everyone who has been working and participating on the Ordinance to see if they have recommended changes.

Ms. Mann-Lev said the Alliance will provide support if she would like.

Ms. Mann-Lev asked Alliance members and staff to stand and be recognized.

- Councilor Dominguez asked, in evaluating the data from students, how they filter out those who aren't being truthful, and compensate for that.

Ms. Mann-Lev said they rely on the student-reported self surveys which are anonymous, and they find that by and large, the students are honest. She said there are trends from year to year, and if there is dishonesty, it is consistent. She said in talking with students, what they say validates their perception, for example, that everybody drinks, which isn't true – 30-40% do not drink. Over time there has been consistency in the surveys which make them believe that the students are responding fairly accurately.

Mayor Pro-Tem Wurzbarger thanked the Alliance for this report and for all of their work which is brilliant.

**b) PROCLAMATION — OCTOBER 1, 2011 – DOMESTIC VIOLENCE AWARENESS MONTH IN SANTA FE. (PEGGY LUPLOW, ESPERANZA SHELTER FOR BATTERED FAMILIES, INC.)**

Mayor Pro-Tem Wurzbarger read the Resolution into the record declaring October 2011 as Domestic Violence Month in Santa Fe, and presented Ms. Luplow with a copy of the Proclamation.



Peggy Luplow said there is a Coordinated Community Response Council, with 300 agencies and 800 members attached to it which shows the people of Santa Fe do care. She said one of Mayor Coss's initial platforms when he ran for Mayor was to eliminate domestic violence and sexual violence in Santa Fe, and the City has made every effort to make that happen. She thanked the Governing Body for its support and hard work, commenting she will continue to do hard work on their side.

## **CONSENT CALENDAR DISCUSSION**

### **10(n) REQUEST FOR APPROVAL OF NORTHWEST WELL PERMIT APPLICATION; OFFICE OF STATE ENGINEER. (CLAUDIA BORCHERT)**

Councilor Bushee said "I approved going for this in Finance. I had questions in PUC. What I really want to make sure, what is still lingering for me was the letter that was quoted at the time by the folks that spoke out against this, that came from the former State Engineer Tom Turney with regard to the policy that I see the City as still maintaining. And I guess I want to make sure that that still is our policy, in terms of the Long Range Water Plan and our trying to get off the use of groundwater. We're trying to be more sustainable in our use of groundwater and increasingly rely on surface water. And so, my concern still is with the Northwest well is that it's been a drought only backup well. And I guess I want to make sure that... and I understood the other reasons for perfecting water rights and other things, and that's what got me to vote for that, but I am still concerned, in terms of our policy and really trying to reconcile what I have come to rely on as our Long Range Water Plan policies. Is this a shift from that, given that we are looking for full-time use of this well, and if it's not a shift, how do we reflect that in our application, and later if we are successful in the use full time of this Northwest Well."

Councilor Bushee asked, "As a policymaker, is there some new policy I need to try to work into our Long Range Plan, because this still appears to me to be a shift from what was our previous policy with regard to that well."

Mayor Pro-Tem Wurzbarger asked Ms. Borchert to please clarify as to whether this is indeed a shift, or how it fits within the current policy.

Ms. Borchert said the Long Range Water Supply policy still stands. The principles of the Plan is that we use surface water when it is available, and we use groundwater when it is not. She said we spent \$220 million to develop the Buckman Diversion which has allowed the City to make a huge shift from groundwater to surface water. She said at the time the Long Range Water Supply Plan was written, the BDD was still in progress. Now that it is on line, we can implement the idea of conjunctive use, which is to use surface water when it is available and to use groundwater when it is not. She said the analysis in the Long Range Water Supply Plan also recognized that

we will have periods of drought, and we need our full groundwater resources for that time of drought, and it also includes a baseline use of groundwater to a sustainable degree. She said in the Long Range Water Supply Plan analysis, we assumed that in the future, the City well field would produce 4,865 afy. One of the recommendations of the Plan was to fully perfect the City well field water rights, of which the Northwest well is one. She said nothing in the Northwest well application is a departure from policy as it's laid out in the Long Range Water Supply Plan.

Councilor Bushee quoted from then State Engineer Tom Turney's letter, which was for the Northwest well a "drought purpose only stipulated permit:

*"I contemplate that any renewal for other than drought use will be due to some unanticipated impediment to Santa Fe's successful development of its San Juan/Chama water. There are two things I want to accomplish through this permit. First, I'm concerned over Santa Fe's historic and continued reliance on wells intended to be stop-gap measures. This supply is finite, and at current rates of pumping there are long term effects. Secondly, I'm very concerned that if we were to issue a perpetual permit, the City, in years to come, might allow the Northwest well to be viewed as a permanent answer to augment its water supply."*

Councilor Bushee said this is her recollection of how the City intended to use the well, "and I want to make sure that's still how we intend to use this well." Somewhere she wants it to say that this well is not intended to augment our water supply. She asked, "If there's some other policy I need to work on to implement either a Long Range Plan or.... I wanted staffs' response, and I'm still grappling with the intended use of the Northwest well as we are applying for a permit this time around."

Ms. Borchert pointed out that when the letter was written in 2002, the City had a per capita water use per day of 160 gallons. She said at that time 90% of the consumption was groundwater use, so she fully understands the reason Tom Turney was concerned about the City continuing on that path. She said so many things have changed since 2002. Currently, 10% of our use is groundwater and our use is down to 100 gallons per capita per day. She said things have changed so much. She said Mr. Turney was the State Engineer at the time, and she wonders what he would say now, and probably more relevant, is what the current State Engineer thinks is an appropriate policy. She said the Long Range Water Supply Plan policy still stands.

Councilor Bushee asked, if an event happened where the City couldn't use the BDD for the entire summer, and we had to go back to pumping our groundwater, if this well would now fall into the mix of "just our straight-up water supply or would this be used... I understand conjunctive use.... would this then fall into, you know, we'll rotate... because the Buckman wells are a little bit more sustainable. They are replenished

through the River you know... they're closer to the River. Well, this well has never been seen as anything initially, when we first went to use it, as but augmenting our drought supply."

Mayor Pro-Tem Wurzbarger said, "It appear to me, unless I am misunderstanding the answer from staff, that this is indeed to be requested for purposes of drought. It is not just to be put on line to be used willy-nilly whenever. To me, it's a production well that is going to be used after all the other sources are used, which fits with our Long Range Plan. Is that not correct, Claudia."

Ms. Borchert said, "Our Long Range Water Supply Plan has an average use, from both the Buckman well field and the City well field, at a sustainable level. As it's contemplated now, whether it comes out of Torreon or out of Ferguson or the Northwest well, in that sustainable amount on an ongoing basis, and that's an average sustainable amount which assumes you can pump more during drought and less during non-drought years. So I can't actually say that what we're asking for here is that it would only be used when all the other surface water sources are not available. It's also part of a supply system that produces..."

Mayor Pro-Tem Wurzbarger said, "So back to Councilor Bushee's question, then I would infer, based on that clarification that indeed this is a change from our initial letter from Turney, but it is part of our plan."

Councilor Bushee said her question is, "Do I need to fine tune some sentiment that's built into our Long Range Water Supply Plan that specifically deals with this well, because it was always initially intended to be a drought water backup supply. So I think that the answer is yes."

Ms. Borchert said, "If you mean that the State Engineer wanted to approve it as such, that's one thing. But I do not believe that when the well was drilled in 1999, and we can maybe go back and find documents, or when the feasibility of it was considered before it was drilled in 1998 or 1997, that it was considered as a drought only well. I think at that time, the purpose of drilling the well was certainly to perfect... to drill a supplemental well to our City wells, so we could perfect our 4,865 ayf of water rights."

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

**DISCUSSION:** Councilor Chavez said he also understood the well was an emergency drought well and only for emergency drought purposes. He said that could change, and we don't know how that will impact the volume, commenting this is the first step. He said from here it goes to the State Engineer who will have public commentary, and people will protest this application because it does appear to change the status of the original well permit. He said this seems to be a common theme in this discussion. He said going through this step might give clarity.

Ms. Borchert said currently, the well has no drought restrictions, and we are able to pump it.

Councilor Chavez understood it was permitted for emergency drought purposes. He said how that fits into our water portfolio is another question. He said the challenge with surface water isn't the quantity, but the quality.

Ms. Borchert said the challenge is the ability to divert resources.

*Councilor Trujillo arrived at the meeting*

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

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

**Against:** Councilor Chavez and Councilor Bushee.

**Abstaining:** Councilor Trujillo said he would abstain from voting since he just arrived at the meeting.

**Explaining her vote:** Councilor Bushee said, "I continue to have my concerns on mining the aquifer and am going to vote no for now."

**10(o) REQUEST FOR APPROVAL OF DISCHARGE CREDIT APPLICATION  
– PURSUE DISCHARGE TO OFFSET BUCKMAN WELL IMPACTS IN  
THE LA CIENEGA AREA; OFFICE OF STATE ENGINEER. (CLAUDIA  
BORCHERT)**

Councilor Bushee asked if there is new information from the State Engineer that this will be the type of application he would entertain, and if this could be a successful pursuit.

Ms. Borchert said she has had no further conversations with the OSE.

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

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

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

**Against:** None.

**Absent for the vote:** Councilor Trujillo.

**10(p) REQUEST FOR APPROVAL OF JOINT COUNTY COMMISSION AND CITY COUNCIL MEETING TO DISCUSS JOINT ISSUES REGARDING ANNEXATION AND JOINT POWER AGREEMENTS. (ROBERT ROMERO)**

Councilor Dominguez said there are members of this Governing Body who sit on other boards with County Commissioners. He really doesn't understand or know the concerns, or what they want to talk about. He would rather postpone this and direct staff to meet with them first, prior to deciding whether or not we want to do this. He said, "Quite frankly, I'm relatively happy with the agreements that we have, and I'm not sure exactly what it is that's going on over there that would require this."

Mayor Pro-Tem Wurzbarger agreed, saying at the last RPA there was a consensus that there was important work which needed to be done across staff, and we would then come back with a recommendation for a meeting, possibly in November, to deal with some key issues. She believes that is a correct assessment of what needs to proceed.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Wurzbarger, to postpone this item to the next meeting of the Council.

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

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**END OF CONSENT CALENDAR DISCUSSION**

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**11. CONSIDERATION OF RESOLUTION NO. 2011- 52 (COUNCILOR CALVERT, MAYOR COSS AND COUNCILOR BUSHEE). A RESOLUTION SUPPORTING THE BANNING OF INHUMANE ANIMAL TRAPPING ON NEW MEXICO PUBLIC LANDS THROUGH THE USE OF STEEL-JAW TRAPS, KILL-TYPE TRAPS, SNARE TRAPS, AND ANY MODIFIED VERSION OF SUCH TRAPS. (MELISSA BYERS)**

**MOTION:** Councilor Ortiz moved, seconded by Councilor Calvert, to adopt Resolution No. 2011-52.

**DISCUSSION:** Councilor Bushee spoke about her experience when two of her dogs were caught in coyote traps and she strongly supports this Resolution .

**FRIENDLY AMENDMENT:** Councilor Calvert would like the motion to direct staff to send a copy of the Resolution to the New Mexico Gaming Commission. **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 Trujillo and Councilor Wurzbarger.

**Against:** None.

12. **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 26, 2011: BILL NO. 2011-36: AN ORDINANCE AMENDING SECTION 11-12.1 SFCC 1987, SO THAT CASH BALANCES GENERATED BY ENTERPRISE FUNDS SHALL BE RETAINED WITHIN THEIR RESPECTIVE FUNDS AND SHALL NOT BE TRANSFERRED TO THE GENERAL FUND WITH THE EXCEPTION THAT THE CITY MAY CHARGE ENTERPRISE FUNDS FOR DULY INCURRED COSTS (COUNCILOR BUSHEE). (BRIAN SNYDER)**

Councilor Bushee said the caption needs to be changed to reflect the two amendments, one submitted by staff to encompass the repayment of loans, and also amend so it doesn't apply to the existing 2011-2012.

**MOTION:** Councilor Bushee moved, seconded by Councilor Dominguez, to approve the request to publish with the two amendments.

**FRIENDLY AMENDMENT:** Councilor Wurzbarger said she will vote for the motion, but she wants to hear the rationale and history on this as it moves forward since she missed the Finance Committee meeting Councilor Bushee said she is happy for it to go back to Finance with the proposed amendments. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

**DISCUSSION:** Councilor Dominguez asked, with the information to go to the Finance Committee, if staff can include any obligations made in the past with regard to general operations in the General Fund.

Ms. Vigil clarified that there will be a public hearing on October 25, and in the interim it will go to the Finance Committee.

Councilor Bushee said this is correct.

Mr. Zamora clarified that this is a motion was to approve the request to publish, and to send the amendments through the Committee process.

Councilor Wurzbarger said the motion is a request to publish with the condition that it goes back to the Finance Committee so we have the information requested before it comes back to the City Council.

Councilor Bushee said the caption needs to reflect the two amendments.

**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 Trujillo and Councilor Wurzbarger.

**Against:** None.

**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 COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE CITY OF SANTA FE AND ALL BARGAINING UNITS REPRESENTING THE EMPLOYEES OF THE CITY OF SANTA FE PURSUANT TO §10-15-1(H)(5), 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 Dominguez moved, seconded by Councilor Chavez, that the Council go into Executive Session to discuss collective bargaining negotiations between the City of Santa Fe and all bargaining units representing the employees of the City of Santa Fe pursuant to §10-15-1(h)(5), NMSA 1968, and 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, in accordance with §10-15-1(H)(7) NMSA 1978.

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

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

**Against:** None.

The Council went into Executive Session at 6:10 p.m.

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

**MOTION:** At 7:10 p.m. Councilor Ortiz moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

#### **15. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

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

**END OF AFTERNOON SESSION AT 7:10 P.M.**



## **EVENING SESSION**

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

The Evening Session was called to order by Mayor David Coss, at approximately 7:10 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

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

#### **Members Excused**

Councilor Rosemary Romero

#### **Others Attending**

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

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

**Adrian Dalton, Acting President of AFSCME Local No. 3999**, said, "I am here this evening to clarify a couple of things that have come up over the course of the last couple of hours actually. First of all, I want to make clear one thing on the MOU that you people took into executive council [session]. First of all, we sent a message today to the mediator that mediation has ended. And we were left with no choice at all but to go to arbitration and it was because of a lack of trust between 3999 and the City administration."

Mr. Dalton continued, "Now this is something that I tried to massage over the course of the last couple of weeks, certainly the last three weeks. But the bottom line for me was we had a deal on the table that we submitted. 3999 submitted a deal that was going to save the City probably about \$200,000 to \$220,000 a year, perhaps as

high as \$400,000 a year. The bottom line is these negotiations started out in the latter part of April, and we are way past the deadline of September first, to open up the whole CBA."

Mr. Dalton continued, "Now the bottom line for me was this. I put that MOU on the table as a gesture of good will with the CM, Robert Romero. That's all it was. Because I represent 772 members of this Local. I'm not representing myself or anybody else, just my Local. I take my responsibilities very seriously. I was thrown into the position because I had a helluva President. But I'm going to give you my word, that I will always represent my people to the best of my ability. I won't bend over for anybody. Now the bottom line here is this. We provided that provided that MOU in good will as a gesture of good will, and I was damned serious about getting it done. We had plenty of time to get it done. But Robert Romero as your CM, and I'm sorry to say this Robert. I met with you and the Council at Finance a week ago Monday and we talked it over. And I finally figured out.. That I was told that I was finally supposed to deal and negotiate with Robert Romero. Up until that point, every time I gave him a document, he had to run back to the Council."

Mr. Dalton continued, "Now, who am I supposed to negotiate with. I'm the Chair for 3999, I'm supposed to have the authority to TA off. I wasn't comfortable with the MOU, but I thought it was the best solution to help the City and my local. My local has given back to the City \$1.3 million in work reduction. I think we've done a lot. More than a lot to help the City balance the budget."

Mr. Dalton continued, "Now the bottom line is this. I was told at that meeting hat the City doesn't operate, doesn't acknowledge a handshake worth a gentleman's word. So, if that's the truth, then who am I dealing with. I have no choice but to pull that MOU off the table. Because, you know what, if I can't talk to somebody across the table and talk to them in good will and good faith that we're going to come up with the best deal I can come up with from my people, and the people in your constituents, my constituents, in this community. This is my home town. You think I want to lose another job. You talk about building jobs all the time in this community. And yet, we lose them every freaking day. Am I supposed to give this up."

Mr. Dalton continued, "What am I supposed to do. I'm supposed to be the leader of 3999, even though I am reluctant about it. But you know what, I didn't grow up to be a loser and I'm not going to lose today or any other day. It's not about winning. It's about doing what's right. I won't put up with the mendacity anymore. If City Hall can't give me a straight answer, then why should I come in here after I get up at four o'clock in the morning and go drive my bus and come in here. Here I am when I should be at home with my 14 year old making sure he does his homework. And here I am addressing this esteemed body."

Mr. Dalton continued, "Am I a little perturbed. Yeah, I am, but I'm not without class, and I'm not going to let my people down, and that includes you. I think it's time the Council starts talking a good game and actually shows up and plays a good one. Don't pick my pocket. You're not going to find anything in there but lint, because my money, at the end of this month is going to my mortgage company and I'll be without money for two weeks.."

Mr. Dalton continued, "I come in here and I do my job just like every other AFSCME employee, in good faith and in good will. I don't come here to fight with anybody. I came here to do business. "

## **G. APPOINTMENTS**

### **Santa Fe City and County Advisory Council on Food Policy**

Mayor Coss made the following appointments to the Santa Fe City and County Advisory Council on Food Policy:

Susan Perry – to fill unexpired term ending 01/2014.

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

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

## **H. PUBLIC HEARINGS**

- 1) **REQUEST FROM MARIBEL CARDONA D/B/A M & J EVENT CENTER, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT M & J EVENT CENTER, 1708-A LLANO STREET, WHICH IS WITHIN 300 FEET OF DEVARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR EVENTS TO BE HELD ON SEPTEMBER 30, 2011 (GRAND OPENING), OCTOBER 1, 2011 (QUINCEAÑERA), OCTOBER 8, 2011 (MISS CHICA LATINA NNM), AND OCTOBER 14, 2011 (QUINCEAÑERA). (YOLANDA Y VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting each of the

events will be required to have security personnel. Ms. Vigil said there is a letter in the packet from Superintendent Bobbie Gutierrez, Santa Fe Public Schools, stating that they have no objections to any of the functions. However, in her letter, Superintendent Gutierrez states that for all events held at this new center, or anyone associated with it, will need to check with her office prior to the event.

### **Public Hearing**

There was no one speaking for or against this request.

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Chavez, to grant the request for a waiver of the 300 foot location restriction to allow the dispensing/sale of alcoholic beverages at M&J Event Center, 1708-A Llano Street, for events to be held on September 30, 2011 (Grand Opening), October 1, 2011 (Quinceañera), October 8, 2011 (Miss Chica Latina NNM), and October 14, 2011 (Quinceañera).

**DISCUSSION:** Councilor Chavez asked about the required security personnel, how it works and who has oversight.

Ms. Vigil said they have already put on their application that they will have 4 security personnel. The School actually requires one per one hundred people.

Councilor Chavez asked if each of the people will have the security certification that is required, and Ms. Vigil said yes.

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

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

**Against:** None.

- 2) **CONSIDERATION OF BILL NO. 2011-32: ADOPTION OF ORDINANCE NO. 2011- 30 (MAYOR COSS AND COUNCILOR CALVERT). AN ORDINANCE REPEALING THE CITY TAXICAB ACT, ARTICLE 18-6 SFCC 1987; CREATING A NEW ARTICLE 18-6 REGARDING THE LICENSING OF TAXICAB SERVICES; AND AMENDING SECTION 18-8.10 SFCC 1987, TO ESTABLISH A BUSINESS LICENSE FEE FOR TAXICAB SERVICES. (JUDITH AMER AND YOLANDA VIGIL)**

A copy of Bill No. 2011-32 which is to be substituted for the bill in the Council packet, is incorporated herewith to these amendments as Exhibit "2."

Melissa Byers said the version of the bill in the packet does not have the amendments beginning on page 5 that were adopted. She said if the Council decides to adopt the bill, the Council should adopt the bill on their desks [Exhibit "2"].

Judith Amer, Assistant City Attorney, presented information from Ms. Byers' Memorandum of September 21, 2011, for meeting of September 27, 2011, commenting they communicated the change with the taxicab company and they seemed to have no problem with it.

### **Public Hearing**

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

There was no one speaking for or against this request.

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

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2011-30.

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

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

**Against:** None.

## **16. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of September 27, 2011, is incorporated herewith to these minutes as Exhibit "3."

### **Councilor Calvert**

Councilor Calvert had no communications.

### **Councilor Dominguez**

Councilor Dominguez introduced a Resolution approving the addition of construction for the first segment of the Southwest Sector Area Effluent Re-Use Water Line Project to the Wastewater CIP Project List for Fiscal Year 2012/2013. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Dominguez asked Robert Romero to thank the Recreation Division for its efforts on the Movie in the Park, commenting about 200 people as well as staff were in attendance although it was a cold evening.

Councilor Dominguez said 30-40 people, along with businesses, attended the Economic Development meeting on Airport Road, to voice their concerns. He thanked the Mayor for attending the meeting. He looks forward to making sure those people get organized..

Councilor Dominguez congratulated St. Michael's for defeating Santa Fe High last Friday night.

### **Councilor Wurzbarger**

Councilor Wurzbarger Introduced a Resolution, cosponsored by the Mayor, supporting film and media industry economic development activities in the City of Santa Fe as a means toward achieving a sustainable local economy and stimulating local job creation and retention. She said this is done in response to the action by the 2011 State Legislature, and to help reopen that door. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

### **Councilor Trujillo**

Councilor Trujillo had no communications.

### **Councilor Ortiz**

Councilor Ortiz said there will be another park dedication on Saturday, noting this is the first of a two phase project in Nava Ada. He said it will be held 2:00 to 5:30 p.m.

### **Councilor Bushee**

Councilor Bushee introduced the following:

- a. A Resolution in collaboration with the Santa Fe Conservation Trust and Santa Fe County to connect the Dale Ball North Trail to Little Tesuque Creek and Santa Fe County open space lands (La Piedra Trail). A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."
- b. An Ordinance amending Section 23-8.5 SFCC 1987, to regulate the types of goods and wares street performers may sell; and amending Section 23-8.7 SFCC 1987, regarding enforcement of the street performers on public property ordinance.

Councilor Bushee said Whole Foods is willing to collect various containers for recycling, and asked if we could consider that along with recycling of cereal boxes.

Councilor Bushee noted the new Finance Director is in attendance, and she assumes he will be attending the Finance Committee meeting on Monday. She would like a Memorandum from the new Finance Director, outlining how our GRT revenues are going to support a CIP bond. She got one perspective from the former Director and then it changed, and she wants him to state his perspective.

Councilor Bushee said she met with some people in and around the Railyard Park and the statistics aren't reflecting what is going on. She will forward emails from people regarding what they read in the police notes, in the newspaper, and events people have catalogued. She would like to figure out how the statistics can reflect that.

Councilor Bushee said she received another false alarm letter, and asked Mr. Romero to make a copy and put it back in her box.

Councilor Bushee said as a follow-up from last night's meeting, she has some names and addresses. She said, "I think I need everyone from the Community Services to the Police. There's going to be another meeting, and I just need to make sure somebody is coordinating that, so I'll talk to you after the meeting."

### **Councilor Chavez**

Councilor Chavez congratulated Cornerstones on completing the second phase of restoration of the San Miguel Mission, and all of the volunteers. He said the next phase will begin next year, noting the scaffolding will come down in the next two days.

He said without the volunteers the project wouldn't have been possible, especially Antonio Martinez who is the lead with Cornerstones which organizes volunteers.

**Mayor Coss**

Mayor Coss introduced a Resolution calling for a regular municipal election to be held on March 6, 2012, for the purpose of electing one City Councilor from each Council District and electing one Municipal Judge at large.

**I. ADJOURN**

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:30 p.m.

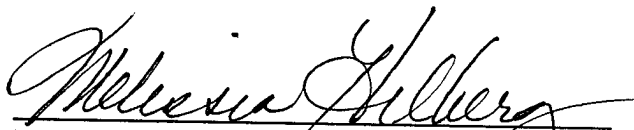
**Approved by:**

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

**ATTESTED TO:**

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

**Respectfully submitted:**

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