



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – November 9, 2011
9. PRESENTATIONS
  - a) 2011 Winners of the Common Ground Art Exhibit and Competition. (Julie Bystrom) (5 minutes) **(Postponed at November 9, 2011 City Council Meeting)**
  - b) 2011 MIX Makers Challenge Winners. (Kate Nobel) (5 minutes)
10. CONSENT CALENDAR
  - a) Request for Approval of Procurement Under State Price Agreement – Digital Ally In-Car Video Cameras for Police Vehicles; MHQ of New Mexico. (Police Chief Raymond Rael)
  - b) Request for Approval of Amendment No. 4 to Legal Services Agreement – Public Defender Services; Bea Castellano Lockhart. (Richard Mares)
  - c) Request for Approval of Renovation of Existing Army Aviation Support Facility on Santa Fe Municipal Airport Property; New Mexico National Guard Department of Military Affairs. (Jim Montman)
  - d) Request for Approval of Assignment of Amendment No. 1 to Santa Fe Municipal Airport Airline Terminal Lease Agreement – Lease Space at Santa Fe Municipal Airport; City of Santa Fe and American Eagle Airlines, Inc. to American Airlines, Inc. (Jim Montman)

CITY CLERK'S OFFICE

DATE 11/23/11 TIME 4:20 pm

SERVED BY

RECEIVED BY *Tina Y. Dominguez*



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- e) Request for Approval of Amendment No. 4 to Professional Services Agreement – 2012 Water Rate Evaluation Services for County Wholesale Services; Stepwise Utility Advisors, LLC. (Brian Snyder)
- f) Request for Approval of Proposed Change to Average Winter Consumption Used to Determine the Sewer Monthly Usage Fee for Customer and Not Connected to City Water and Proceed with Ordinance Modification to Decrease Monthly Usage Fee Based on New Value of 3,600 Gallons Per Month. (Bryan Romero)
- g) Request for Approval – City of Santa Fe Schedule for 2012 City Council and Council Committee Meetings. (Yolanda Y. Vigil)
- h) Request for Approval of Power Purchase Agreement – Photovoltaic System at Wastewater Management Division Composting Facility; MLH Cripple Creek Solar, LLC. (Nick Schiavo)
- i) Request for Approval of Power Purchase Agreement – Photovoltaic System at Santa Fe Community Convention Center; MLH Cripple Creek Solar, LLC. (Nick Schiavo)
- j) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Bushee)  
A Resolution Joining Santa Fe County to Strongly Urge the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act to Include New Mexico Counties With a Population and Net Taxable Value Similar to Santa Fe County the Option to Impose a Local Liquor Excise Tax, Upon Approval by Santa Fe County Voters; and to Authorize the Use of The Tax Proceeds to Fund Social Service Programs to Serve Persons Impacted by Alcohol and Drug Abuse. (Terrie Rodriguez)
- k) Request for Approval of Southwest Activity Node Park Master Plan. (Mary MacDonald)
- l) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)



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- m) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez, Councilor Wurzbarger, Councilor Calvert, Councilor Bushee and Councilor Romero)  
A Resolution Directing Staff to Prepare Amendments to Local Preference Section 15.4 of 2011 Edition of the City of Santa Fe Procurement Code. (Robert Rodarte)
- n) Request for Approval to Publish Notice of Public Hearing on January 11, 2012:  
Bill No. 2011-45: An Ordinance Amending Section 2-3.3 SFCC 1987 Regarding the Qualifications and Salary of the Municipal Judge. (Mayor Coss) (Judge Ann Yalman)
- o) Request for Approval of the Criteria for Evaluating Alternatives Under the Treated Effluent Management Plan Update. (Claudia Borchert)
- p) Request for Approval of Nominating Petition Verification Report for Candidates in the March 6, 2012 Regular Municipal Election. (Yolanda Y. Vigil)

- 11. CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Mayor Coss)  
A Resolution Supporting the Efforts of the Community, Labor and Faith Organizations, the New Mexico Attorney General, the New Mexico Department of Workforce Solutions, and the United States Department of Labor to Eliminate the Practice of Wage Theft in New Mexico

- 12. MATTERS FROM THE CITY MANAGER

- 13. MATTERS FROM THE CITY ATTORNEY

## EXECUTIVE SESSION:

Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in which the City of Santa Fe is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978.

- 14. MATTERS FROM THE CITY CLERK

- 15. COMMUNICATIONS FROM THE GOVERNING BODY



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## **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) Proposed Bond Issues: (Councilor Dominguez) (Robert Romero)
    - a) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez, Mayor Coss, Councilor Trujillo, and Councilor Romero)  
A Resolution Authorizing a Twenty Million Dollar (\$20,000,000) Gross Receipts Tax Revenue Bond Issue for Municipal Capital Projects That Will Create Jobs, Design and Improve Infrastructure, Provide for Economic Development Opportunities; Improve Water Security; Enhance Public Safety; and Promote a High Quality of Life for the Residents of the City of Santa Fe.
    - b) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez, Mayor Coss, Councilor Trujillo, and Councilor Romero)  
A Resolution Calling on the City of Santa Fe and The Community to Support Funding in the Amount of Thirty Million Dollars (\$30,000,000) for Municipal Capital Projects That Will Create Jobs, Provide for Economic Development Opportunities, Improve Water Security, Enhance Public Safety, and Promote a High Quality of Life for the Residents of the City of Santa Fe; and Proposing a \$30,000,000 General Obligation Bond Issue for Approval by the Voters of the City of Santa Fe at a Special Municipal Election to be Held in Conjunction with the March 6, 2012 Regular Municipal Election.
      - 1) Request for Approval of General Obligation Bond Questions. (Kate Noble)



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- 2) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_.  
(Councilor Dominguez, Mayor Coss, Councilor Trujillo and Councilor Romero)  
A Resolution Calling a Special Election to be Held in the City of Santa Fe on March 6, 2012, in Conjunction With the Regular Municipal Election for the Purpose of Voting on the Issuance of General Obligation \ Bonds in an Aggregate Principal Amount of \$30,000,000; Describing the Purposes to Which the Bond Proceeds Would be Put; Providing the Form of the Bond Question; Providing for Notice of the Election; Prescribing Other Details in Connection With Such Election and Bonds; and Ratifying Action Previously Taken in Connection Therewith.

Resolucion Convoca una Eleccion Extraordinaria que Tendra Lugar en la Municipalidad de Santa Fe el Dia 6 de Marzo, 2012, Conjuntamente con la Eleccion Municipal Ordinaria con el Fin de Votar si se Emitiran Bonos de Obligacion General en Suma Principal Agregada de \$27, 800, 000; se Describen los Propositos para los Cuales se Dedicaran el Producto; Disponiendo las Formas de las Cuestiones de los Bonos; Disponiendo la Notificacion de la Eleccion; se Prescriben Otros Detalles en Relacion con Dicha Eleccion y Bonos; y se Ratifica la Accion Tomada Previamente en Relacion con lo Dicho.

- c) Update on Parks Bond and Request for Approval of Reallocation of Bond Funds. (Fabian Chavez and Isaac Pino)
- 2) CONSIDERATION OF BILL NO. 2011-35: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Councilor Ortiz and Councilor Wurzbarger)  
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. (Brian Snyder) **(Postponed at October 26, 2011 City Council Meeting)**
- 3) CONSIDERATION OF BILL NO. 2011-41: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Councilor Bushee)  
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 Criminal Enforcement, Penalty; and Administrative Enforcement. (Aric Wheeler and Dr. Melville Morgan)



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**Case #2010-173. Corazon Santo General Plan Amendment.** Monica Montoya, Agent for Anasazi MVJV LLC, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 2.41± Acres of Land from Residential Low Density (3-7 Dwelling Units Per Acre) to Transitional Mixed Use. The Property is Located South and West of the Intersection of Agua Fria and Harrison Road. (Donna Wynant)
- 5) CONSIDERATION OF BILL NO. 2011-43: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_.  
**Case #2010-174. Corazon Santo Rezoning to MU.** Monica Montoya, Agent for Anasazi MVJV LLC, Requests Rezoning of 2.41± Acres of Land from R-2 (Residential, 2 Dwelling Units Per Acre) to MU (Mixed Use). The Application Includes a Development Plan for Mixed Use For Up To 24 Residential Units And Up To 24,000 Sq. Ft. of Commercial Space. The Property is Located South and West of the Intersection of Agua Fria and Harrison Road. (Donna Wynant)
- 6) CONSIDERATION OF BILL NO. 2011-44: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_.  
**Case #2010-175. Corazon Santo Rezoning to R-6.** Monica Montoya, Agent for Anasazi MVJV LLC, Requests Rezoning of 6.28± Acres of Land from R-2 (Residential, 2 Dwelling Units Per Acre) to R-6 (Residential, 6 Dwelling Units Per-Acre). The Application Includes a Development Plan for 40 Residential Lots. The Property is Located South and West of the Intersection of Agua Fria and Harrison Road. (Donna Wynant)
- 7) CONSIDERATION OF BILL NO. 2011-42: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_.  
An Ordinance Repealing Articles 14-1 through 14-4 SFCC 1987 and Adopting New Articles 14-1 through 14-4 SFCC 1987; Repealing Section 14-5.1 SFCC 1987 and Adopting a New Section 14-5.1 SFCC 1987; Repealing Sections 14-5.3 Through 14-5.5 SFCC 1987 and Adopting New Sections 14-5.3 Through 14-5.5 SFCC 1987; Repealing Sections 14-5.7 Through 14-5.10 SFCC 1987 And Adopting New Sections 14-5.7 Through 14-5.10 SFCC 1987; Repealing Articles 14-6 Through 14-7 SFCC 1987 and Adopting New Articles 14-6 Through 14-7 SFCC 1987; Repealing Sections 14-8.1 Through 14-8.9 SFCC 1987 and Adopting New Sections 14-8.1 Through 14-8.9 SFCC 1987; Repealing 14-8.11 Through 14-8.16 SFCC 1987 and Adopting New Sections 14-8.11 SFCC 1987 Through 14-8.16 SFCC 1987; and Making Such Other Changes as are Necessary. (Greg Smith)



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- 8) 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 De Vargas Middle School, 1720 Llano Street. The Request is for the Following Events: (Yolanda Vigil)

12/2/11 – Christmas Celebration; Luma Representatives	8:00 p.m. – 12:00 a.m.
12/9/11 – Annual Fundraising; Somos un Pueblo Unidos	6:00 p.m. – 11:00 p.m.
12/10/11 – Christmas Celebration; Luma Representatives	8:00 p.m. – 12:00 a.m.
12/16/11 Christmas Celebration; Luma Representatives	8:00 p.m. – 12:00 a.m.
12/30/11 – Private Event - Quinceañera; Jose Tapia	7:00 p.m. – 12:00 a.m.
12/31/11 – New Year's Eve; Maria Escamilla	8:00 p.m. – 12:00 a.m.

## I. ADJOURN

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

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

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



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AMENDED – Item # H-8

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 11/28/11 TIME 12:00 noon

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

RECEIVED BY Tina Z. 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
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- d) Request for Approval of Assignment of Amendment No. 1 to Santa Fe Municipal Airport Airline Terminal Lease Agreement – Lease Space at Santa Fe Municipal Airport; City of Santa Fe and American Eagle Airlines, Inc. to American Airlines, Inc. (Jim Montman)
- e) Request for Approval of Amendment No. 4 to Professional Services Agreement – 2012 Water Rate Evaluation Services for County Wholesale Services; Stepwise Utility Advisors, LLC. (Brian Snyder)
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### AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 11/28/11 TIME 4:10 pm

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

RECEIVED BY Tina Y. Dominguez

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3. SALUTE TO THE NEW MEXICO FLAG
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  - b) 2011 MIX Makers Challenge Winners. (Kate Nobel) (5 minutes)
10. CONSENT CALENDAR
  - a) Request for Approval of Procurement Under State Price Agreement – Digital Ally In-Car Video Cameras for Police Vehicles; MHQ of New Mexico. (Police Chief Raymond Rael)
  - b) Request for Approval of Amendment No. 4 to Legal Services Agreement – Public Defender Services; Bea Castellano Lockhart. (Richard Mares)
  - c) Request for Approval of Renovation of Existing Army Aviation Support Facility on Santa Fe Municipal Airport Property; New Mexico National Guard Department of Military Affairs. (Jim Montman)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

- d) Request for Approval of Assignment of Amendment No. 1 to Santa Fe Municipal Airport Airline Terminal Lease Agreement – Lease Space at Santa Fe Municipal Airport; City of Santa Fe and American Eagle Airlines, Inc. to American Airlines, Inc. (Jim Montman)
- e) Request for Approval of Amendment No. 4 to Professional Services Agreement – 2012 Water Rate Evaluation Services for County Wholesale Services; Stepwise Utility Advisors, LLC. (Brian Snyder)
- f) Request for Approval of Proposed Change to Average Winter Consumption Used to Determine the Sewer Monthly Usage Fee for Customer and Not Connected to City Water and Proceed with Ordinance Modification to Decrease Monthly Usage Fee Based on New Value of 3,600 Gallons Per Month. (Bryan Romero)
- g) Request for Approval – City of Santa Fe Schedule for 2012 City Council and Council Committee Meetings. (Yolanda Y. Vigil)
- h) Request for Approval of Power Purchase Agreement – Photovoltaic System at Wastewater Management Division Composting Facility; MLH Cripple Creek Solar, LLC. (Nick Schiavo)
- i) Request for Approval of Power Purchase Agreement – Photovoltaic System at Santa Fe Community Convention Center; MLH Cripple Creek Solar, LLC. (Nick Schiavo)
- j) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Bushee)  
A Resolution Joining Santa Fe County to Strongly Urge the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act to Include New Mexico Counties With a Population and Net Taxable Value Similar to Santa Fe County the Option to Impose a Local Liquor Excise Tax, Upon Approval by Santa Fe County Voters; and to Authorize the Use of The Tax Proceeds to Fund Social Service Programs to Serve Persons Impacted by Alcohol and Drug Abuse. (Terrie Rodriguez)
- k) Request for Approval of Southwest Activity Node Park Master Plan. (Mary MacDonald)
- l) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)





# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

- m) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez, Councilor Wurzbarger, Councilor Calvert, Councilor Bushee and Councilor Romero)  
A Resolution Directing Staff to Prepare Amendments to Local Preference Section 15.4 of 2011 Edition of the City of Santa Fe Procurement Code. (Robert Rodarte)
- n) Request for Approval to Publish Notice of Public Hearing on January 11, 2012:  
Bill No. 2011-45: An Ordinance Amending Section 2-3.3 SFCC 1987 Regarding the Qualifications and Salary of the Municipal Judge. (Mayor Coss) (Judge Ann Yalman)
- o) Request for Approval of the Criteria for Evaluating Alternatives Under the Treated Effluent Management Plan Update. (Claudia Borchert)
- p) Request for Approval of Nominating Petition Verification Report for Candidates in the March 6, 2012 Regular Municipal Election. (Yolanda Y. Vigil)
- 11. CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Mayor Coss)  
A Resolution Supporting the Efforts of the Community, Labor and Faith Organizations, the New Mexico Attorney General, the New Mexico Department of Workforce Solutions, and the United States Department of Labor to Eliminate the Practice of Wage Theft in New Mexico
- 12. Consideration of Request of the Governing Body to Review the Decision of the Planning Commission in Case #2011-88, Entrada Contenta Final Subdivision Plat and Variances, with Respect to the Naming of Las Soleras Drive West of Cerrillos. (Councilor Dominguez)
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
- EXECUTIVE SESSION:  
  
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



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
  - 1) Proposed Bond Issues: (Councilor Dominguez) (Robert Romero)
    - a) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez, Mayor Coss, Councilor Trujillo, and Councilor Romero)  
A Resolution Authorizing a Twenty Million Dollar (\$20,000,000) Gross Receipts Tax Revenue Bond Issue for Municipal Capital Projects That Will Create Jobs, Design and Improve Infrastructure, Provide for Economic Development Opportunities; Improve Water Security; Enhance Public Safety; and Promote a High Quality of Life for the Residents of the City of Santa Fe.
    - b) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_. (Councilor Dominguez, Mayor Coss, Councilor Trujillo, and Councilor Romero)  
A Resolution Calling on the City of Santa Fe and The Community to Support Funding in the Amount of Thirty Million Dollars (\$30,000,000) for Municipal Capital Projects That Will Create Jobs, Provide for Economic Development Opportunities, Improve Water Security, Enhance Public Safety, and Promote a High Quality of Life for the Residents of the City of Santa Fe; and Proposing a \$30,000,000 General Obligation Bond Issue for Approval by the Voters of the City of Santa Fe at a Special Municipal Election to be Held in Conjunction with the March 6, 2012 Regular Municipal Election.
  - 1) Request for Approval of General Obligation Bond Questions.  
(Kate Noble)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

- 2) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_.  
(Councilor Dominguez, Mayor Coss, Councilor Trujillo and Councilor Romero)  
A Resolution Calling a Special Election to be Held in the City of Santa Fe on March 6, 2012, in Conjunction With the Regular Municipal Election for the Purpose of Voting on the Issuance of General Obligation \ Bonds in an Aggregate Principal Amount of \$30,000,000; Describing the Purposes to Which the Bond Proceeds Would be Put; Providing the Form of the Bond Question; Providing for Notice of the Election; Prescribing Other Details in Connection With Such Election and Bonds; and Ratifying Action Previously Taken in Connection Therewith.

Resolucion Convoca una Eleccion Extraordinaria que Tendra Lugar en la Municipalidad de Santa Fe el Dia 6 de Marzo, 2012, Conjuntamente con la Eleccion Municipal Ordinaria con el Fin de Votar si se Emitiran Bonos de Obligacion General en Suma Principal Agregada de \$30,000,000; se Describen los Propositos para los Cuales se Dedicaran el Producto; Disponiendo las Formas de las Cuestiones de los Bonos; Disponiendo la Notificacion de la Eleccion; se Prescriben Otros Detalles en Relacion con Dicha Eleccion y Bonos; y se Ratifica la Accion Tomada Previamente en Relacion con lo Dicho.

- c) Update on Parks Bond and Request for Approval of Reallocation of Bond Funds. (Fabian Chavez and Isaac Pino)
- 2) CONSIDERATION OF BILL NO. 2011-35: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Councilor Ortiz and Councilor Wurzburger)  
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. (Brian Snyder) **(Postponed at October 26, 2011 City Council Meeting)**
- 3) CONSIDERATION OF BILL NO. 2011-41: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_. (Councilor Bushee)  
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 Criminal Enforcement, Penalty; and Administrative Enforcement. (Aric Wheeler and Dr. Melville Morgan)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

- 4) CONSIDERATION OF RESOLUTION NO. 2011-\_\_\_\_\_.  
**Case #2010-173. Corazon Santo General Plan Amendment.** Monica Montoya, Agent for Anasazi MVJV LLC, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 2.41± Acres of Land from Residential Low Density (3-7 Dwelling Units Per Acre) to Transitional Mixed Use. The Property is Located South and West of the Intersection of Agua Fria and Harrison Road. (Donna Wynant)
- 5) CONSIDERATION OF BILL NO. 2011-43: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_.  
**Case #2010-174. Corazon Santo Rezoning to MU.** Monica Montoya, Agent for Anasazi MVJV LLC, Requests Rezoning of 2.41± Acres of Land from R-2 (Residential, 2 Dwelling Units Per Acre) to MU (Mixed Use). The Application Includes a Development Plan for Mixed Use For Up To 24 Residential Units And Up To 24,000 Sq. Ft. of Commercial Space. The Property is Located South and West of the Intersection of Agua Fria and Harrison Road. (Donna Wynant)
- 6) CONSIDERATION OF BILL NO. 2011-44: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_.  
**Case #2010-175. Corazon Santo Rezoning to R-6.** Monica Montoya, Agent for Anasazi MVJV LLC, Requests Rezoning of 6.28± Acres of Land from R-2 (Residential, 2 Dwelling Units Per Acre) to R-6 (Residential, 6 Dwelling Units Per-Acre). The Application Includes a Development Plan for 40 Residential Lots. The Property is Located South and West of the Intersection of Agua Fria and Harrison Road. (Donna Wynant)
- 7) CONSIDERATION OF BILL NO. 2011-42: ADOPTION OF ORDINANCE NO. 2011-\_\_\_\_\_.  
An Ordinance Repealing Articles 14-1 through 14-4 SFCC 1987 and Adopting New Articles 14-1 through 14-4 SFCC 1987; Repealing Section 14-5.1 SFCC 1987 and Adopting a New Section 14-5.1 SFCC 1987; Repealing Sections 14-5.3 Through 14-5.5 SFCC 1987 and Adopting New Sections 14-5.3 Through 14-5.5 SFCC 1987; Repealing Sections 14-5.7 Through 14-5.10 SFCC 1987 And Adopting New Sections 14-5.7 Through 14-5.10 SFCC 1987; Repealing Articles 14-6 Through 14-7 SFCC 1987 and Adopting New Articles 14-6 Through 14-7 SFCC 1987; Repealing Sections 14-8.1 Through 14-8.9 SFCC 1987 and Adopting New Sections 14-8.1 Through 14-8.9 SFCC 1987; Repealing 14-8.11 Through 14-8.16 SFCC 1987 and Adopting New Sections 14-8.11 SFCC 1987 Through 14-8.16 SFCC 1987; and Making Such Other Changes as are Necessary. (Greg Smith)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 30, 2011  
CITY COUNCIL CHAMBERS

- 8) 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 De Vargas Middle School, 1720 Llano Street. The Request is for the Following Events: (Yolanda Vigil)

12/2/11 – Christmas Celebration; Luma Representatives	8:00 p.m. – 12:00 a.m.
12/9/11 – Annual Fundraising; Somos un Pueblo Unidos	6:00 p.m. – 11:00 p.m.
12/30/11 – Private Event - Quinceañera; Jose Tapia	7:00 p.m. – 12:00 a.m.
12/31/11 – New Year's Eve; Maria Escamilla	8:00 p.m. – 12:00 a.m.

## 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  
November 30, 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		2-3
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 9, 2011	Approved	3
<u>PRESENTATIONS</u>		
2011 WINNERS OF THE COMMON GROUND ART EXHIBIT AND COMPETITION		4
2011 MIX MAKERS CHALLENGE WINNERS		4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO LEGAL SERVICES AGREEMENT – PUBLIC DEFENDER SERVICES; BEA CASTELLANO LOCKHART	Approved [amended]	4-5
REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – 2012 WATER RATE EVALUATION SERVICES FOR COUNTY WHOLESALE SERVICES; STEPWISE UTILITY ADVISORS, LLC.	Approved	5
REQUEST FOR APPROVAL OF PROPOSED CHANGE TO AVERAGE WINTER CONSUMPTION USED TO DETERMINE THE SEWER MONTHLY USAGE FEE FOR CUSTOMER AND NOT CONNECTED TO CITY WATER AND PROCEED WITH ORDINANCE MODIFICATION TO DECREASE MONTHLY USAGE FEE BASED ON NEW VALUE OF 3,600 GALLONS PER MONTH	Approved	6

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT WASTEWATER MANAGEMENT DIVISION COMPOSTING FACILITY; MLH CRIPPLE CREEK SOLAR, LLC.	Approved	6-9
REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT SANTA FE COMMUNITY CONVENTION CENTER; MLH CRIPPLE CREEK SOLAR, LLC.	Approved	9
CONSIDERATION OF RESOLUTION NO. 2011- 66. A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO LOCAL PREFERENCE SECTION 15.4 OF 2011 EDITION OF THE CITY OF SANTA FE PROCUREMENT CODE	Approved [amended]	98-10
***** END OF CONSENT CALENDAR DISCUSSION *****		
CONSIDERATION OF RESOLUTION NO. 2011– ____. A RESOLUTION SUPPORTING THE EFFORTS OF THE COMMUNITY, LABOR AND FAITH ORGANIZATIONS, THE NEW MEXICO ATTORNEY GENERAL, THE NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS, AND THE UNITED STATES DEPARTMENT OF LABOR TO ELIMINATE THE PRACTICE OF WAGE THEFT IN NEW MEXICO	Postponed to 12/14/2011	10
CONSIDERATION OF THE REQUEST OF THE GOVERNING BODY TO REVIEW THE DECISION OF THE PLANNING COMMISSION IN CASE #2011-88, ENTRADA CONTENTA FINAL SUBDIVISION PLAT AND VARIANCES, WITH RESPECT TO THE NAMING OF LAS SOLERAS DRIVE WEST OF CERRILLOS	Approved [amended]	10-12
MATTERS FROM THE CITY MANAGER	None	12
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	12-13
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	13-16
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	17
PETITIONS FROM THE FLOOR		17
APPOINTMENTS	None	18
<u>PUBLIC HEARINGS</u>		
<u>PROPOSED BOND ISSUES:</u>		
CONSIDERATION OF RESOLUTION NO. 2011- 67. A RESOLUTION AUTHORIZING A TWENTY MILLION DOLLAR (\$20,000,000) GROSS RECEIPTS TAX REVENUE BOND ISSUE FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, DESIGN AND IMPROVE INFRASTRUCTURE, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES; IMPROVE WATER SECURITY; ENHANCE PUBLIC SAFETY; AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE	Approved [amended]	18-39
CONSIDERATION OF RESOLUTION NO. 2011-68. A RESOLUTION CALLING ON THE CITY OF SANTA FE AND THE COMMUNITY TO SUPPORT FUNDING IN THE AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES, IMPROVE WATER SECURITY, ENHANCE PUBLIC SAFETY AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE; AND PROPOSING A \$30,000 GENERAL OBLIGATION BOND ISSUE FOR APPROVAL BY THE VOTERS OF THE CITY OF SANTA FE AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MARCH 6, 2012, REGULAR MUNICIPAL ELECTION	Approved [amended]	39-45
REQUEST FOR APPROVAL OF GENERAL OBLIGATION BOND QUESTIONS	Approved [amended]	39-45



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2011- 69. A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 6, 2012, IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION FOR THE PURPOSE OF VOTING ON THE ISSUANCE OF GENERAL OBLIGATION/BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$30,000,000; DESCRIBING THE PURPOSES TO WHICH THE BOND PROCEEDS WOULD BE PUT; PROVIDING THE FORM OF THE BOND QUESTION; PROVIDING FOR NOTICE OF THE ELECTION; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH	Approved a/a	46-47
RESOLUCION CONVOCA UNA ELECCION EXTRAORDINARIA QUE TENDRA LUGAR EN LA MUNICIPALIDAD DE SANTA FE EL DIA 6 DE MARZO, 2012, CONJUNTAMENTE CON LA ELECCION MUNICIPAL ORDINARIA CON EL FIN DE VOTAR SI SE EMITIRAN BONOS DE OBLACION GENERAL EN SUMA PRINCIPAL AGREGADA DE \$30,000,000; SE DESCRIBEN LOS PROPOSITOS PARA LOS CUALES SE DEDICARAN EL PRODUCTO; DISPONIENDO LAS FORMAS DE LAS CUESTIONES DE LOS BONOS; DISPONiendo LA NOTIFICACION DE LA ELECCION; SE PRESCRIBEN OTROS DETALLES EN RELACION CON DICHA ELECCION Y BONOS; Y SE RATIFICA LA ACCION TOMADA PREVIAMENTE EN RELACION CON LO DICHO	Approved a/a	46-47
UPDATE ON PARKS BOND AND REQUEST FOR APPROVAL OF REALLOCATION OF BOND FUNDS	Approved a/a	47-49

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2011-42: ADOPTION OF ORDINANCE NO. 2011-37. AN ORDINANCE REPEALING ARTICLES 14-1 THROUGH 14-4 SFCC 1987 AND ADOPTING NEW ARTICLES 14-1 THROUGH 14-4 SFCC 1987; REPEALING SECTION 14-5.1 SFCC 1987 AND ADOPTING A NEW SECTION 14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3 THROUGH 15-5.5 SFCC 1987, AND ADOPTING NEW SECTIONS 14-5.3 THROUGH 14-5.5 SFCC 1987; REPEALING SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.7 THROUGH 14-5.10; REPEALING ARTICLES 14-6 THROUGH 14-7 SFCC 1987, AND ADOPTING NEW ARTICLES 14-6 THROUGH 14-7 SFCC 1987; REPEALING SECTIONS 14-8.11 THROUGH 14-8.16 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.11 SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Approved a/a	49-54
CONSIDERATION OF BILL NO. 2011-35; ADOPTION OF ORDINANCE NO. 2011-38. 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	Approved [amended]	54-57
CONSIDERATION OF BILL NO. 2011-41; ADOPTION OF ORDINANCE NO. 2011-39. 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 CRIMINAL ENFORCEMENT, PENALTY; AND ADMINISTRATIVE ENFORCEMENT	Approved a/a	58

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM MARIBEL CORDONA, 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 DE VARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR THE FOLLOWING EVENTS: 12/2/11 – CHRISTMAS CELEBRATION; LUMA REPRESENTATIVES 8:00 P.M. – 12:00 A.M.; 12/9/11 – ANNUAL FUNDRAISING; SOMOS UN PUEBLO UNIDOS 6:00 P.M. - 11:00 P.M.; 12/30/11 – PRIVATE EVENT – QUINCEAÑERA; JOSE TAPIA 7:30 P.M. - 12:00 A.M.; AND 12/31/11 – NEW YEAR’S EVE; MARIA ESCAMILLA 8:00 P.M. – 12:00 A.M.	Denied	59-64
CONSIDERATION OF RESOLUTION NO. 2011-70. <u>CASE #2010-173</u> . CORAZON SANTO GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR ANASAZI MVJV LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 2.41± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO TRANSITIONAL MIXED USE. THE PROPERTY IS LOCATED SOUTH AND WEST OF THE INTERSECTION OF AGUA FRIA AND HARRISON ROAD	Approved	64-69
CONSIDERATION OF BILL NO. 2011-43: ADOPTION OF ORDINANCE NO. 2011-40. <u>CASE #2010-174</u> . CORAZON SANTO REZONING TO MU. MONICA MONTOYA, AGENT FOR ANASAZI MVJV LLC, REQUESTS REZONING OF 2.41± ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO MU (MIXED USE). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR MIXED USE FOR UP TO 24 RESIDENTIAL UNITS AND UP TO 24,000 S. FT. OF COMMERCIAL SPACE. THE PROPERTY IS LOCATED SOUTH AND WEST OF THE INTERSECTION OF AGUA FRIA AND HARRISON ROAD	Approved	69

**ITEM**

**ACTION**

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CONSIDERATION OF BILL NO. 2011-44;  
ADOPTION OF ORDINANCE NO. 2011-41.  
CASE #2010-175. CORAZON SANTO REZONING  
TO R-6. MONICA MONTOYA, AGENT FOR  
ANASAZI MVJV LLC, REQUESTS REZONING  
OF 6.28± ACRES OF LAND FROM R-2  
(RESIDENTIAL, 2 DWELLING UNITS PER ACRE)  
TO R-6 (RESIDENTIAL, 6 DWELLING UNITS PER  
ACRE). THE APPLICATION INCLUDES A  
DEVELOPMENT PLAN FOR 40 RESIDENTIAL LOTS.  
THE PROPERTY IS LOCATED SOUTH AND WEST  
OF THE INTERSECTION OF AGUA FRIA AND  
HARRISON ROAD

Approved

69-70

ADJOURN

70

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
November 30, 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 November 30, 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 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**

Robert Romero noted that this is an Amended Agenda which adds Item H(8) and Item 12.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Trujillo, to approve the Amended Agenda as presented.

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

**7. APPROVAL OF CONSENT CALENDAR**

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

**Against:** None.

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – DIGITAL ALLY IN-CAR VIDEO CAMERAS FOR POLICE VEHICLES; MHQ OF NEW MEXICO. (POLICE CHIEF RAYMOND RAE)**
- b) *[Removed for discussion by Councilor Ortiz]*
- c) **REQUEST FOR CONCEPT APPROVAL OF RENOVATION OF EXISTING ARMY AVIATION SUPPORT FACILITY ON SANTA FE MUNICIPAL AIRPORT PROPERTY; NEW MEXICO NATIONAL GUARD DEPARTMENT OF MILITARY AFFAIRS. (JIM MONTMAN)**
- d) **REQUEST FOR APPROVAL OF ASSIGNMENT OF AMENDMENT NO. 1 TO SANTA FE MUNICIPAL AIRPORT AIRLINE TERMINAL LEASE AGREEMENT – LEASE SPACE AT SANTA FE MUNICIPAL AIRPORT; CITY OF SANTA FE AND AMERICAN EAGLE AIRLINES, INC., TO AMERICAN AIRLINES, INC. (JIM MONTMAN)**
- e) *[Removed for discussion by Councilor Chavez]*
- f) *[Removed for discussion by Councilor Chavez]*
- g) **REQUEST FOR APPROVAL –CITY OF SANTA FE SCHEDULE FOR 2012 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)**
- h) *[Removed for discussion by Councilor Chavez]*
- i) *[Removed for discussion by Councilor Chavez]*

- j) **CONSIDERATION OF RESOLUTION NO. 2011-65 (COUNCILOR BUSHEE). A RESOLUTION JOINING SANTA FE COUNTY TO STRONGLY URGE THE NEW MEXICO STATE LEGISLATURE TO AMEND THE LOCAL LIQUOR EXCISE TAX ACT TO INCLUDE NEW MEXICO COUNTIES WITH A POPULATION AND NET TAXABLE VALUE SIMILAR TO SANTA FE COUNTY, THE OPTION TO IMPOSE A LOCAL LIQUOR EXCISE TAX UPON APPROVAL BY SANTA FE COUNTY VOTERS; AND TO AUTHORIZE THE USE OF THE TAX PROCEEDS TO FUND SOCIAL SERVICE PROGRAMS TO SERVE PERSONS IMPACTED BY ALCOHOL AND DRUG ABUSE. (TERRIE RODRIGUEZ)**
- k) **REQUEST FOR APPROVAL OF SOUTHWEST ACTIVITY NODE PARK MASTER PLAN. (MARY MacDONALD)**
- l) **REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)**
- m) ***[Removed for discussion by Councilor Calvert]***
- n) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 11, 2012: BILL NO. 2011-45: AN ORDINANCE AMENDING SECTION 2-3.3 SFCC 1987, REGARDING THE QUALIFICATIONS AND SALARY OF THE MUNICIPAL JUDGE (MAYOR COSS). (JUDGE ANN YALMAN)**
- o) **REQUEST FOR APPROVAL OF THE CRITERIA FOR EVALUATING ALTERNATIVES UNDER THE TREATED EFFLUENT MANAGEMENT PLAN UPDATE. (CLAUDIA BORCHERT)**
- p) **REQUEST FOR APPROVAL OF NOMINATING PETITION VERIFICATION REPORT FOR CANDIDATES IN THE MARCH 6, 2012 REGULAR MUNICIPAL ELECTION. (YOLANDA Y. VIGIL)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 9, 2011**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of November 9, 2011, as presented.

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

## **9. PRESENTATIONS**

### **a) 2011 WINNERS OF THE COMMON GROUND ART EXHIBIT AND COMPETITION. (JULIE BYSTROM) (Postponed at November 9, 2011 City Council Meeting)**

Julie Bystrom introduced the winner of this year's competition, Will Karp. She said this formerly was called the poster contest, but due to the lack of demand for posters, it is now called the Common Ground Exhibit Competition.

Mr. Karp thanked the Mayor, Council and the Arts Commission for this honor and for giving local artists the opportunity to show their art.

Mayor Coss read a proclamation into the record declaring November 30, 2011, as Common Ground Day in Santa Fe, and presented a copy to Ms. Bystrom.

### **b) 2011 MIX MAKERS CHALLENGE WINNERS (KATE NOBEL)**

Mayor Coss, assisted by Kate Nobel, presented the awards to the winners of the 2011 Mix Makers Challenge, and asked the City's business partners to join him as well. The contest was for the best local products to get in stores for the holiday season. He noted there were 35 entrants, and 5 were chosen to receive awards.

Mayor Coss presented Muchas Gracias certificates to the City's business partners for their effort in this regard.

## **CONSENT CALENDAR DISCUSSION**

### **10 (b) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO LEGAL SERVICES AGREEMENT – PUBLIC DEFENDER SERVICES; BEA CASTELLANO LOCKHART. (RICHARD MARES)**

Councilor Ortiz said the amendments coming from the Finance Committee are incorrect. He said the Action Sheet from Finance didn't reflect that the amount of money on the extension would change as well as the term of the extension which is six months.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Wurzbarger, to approve this request, with an amendment to the agreement to say that the two year extension should be changed to six months, that the dollar amount requested should be reduced by 25%, with direction to staff that this contract will go out for RFP at the closure of the six months.



**CLARIFICATION OF THE MOTION BY THE CITY ATTORNEY:** Geno Zamora asked, "For clarification, I just wanted to make sure that what you meant was that it goes out for RFP in time to have the next contract in place at the end of the 6 months."

Councilor Ortiz said this is correct, noting this contract is only extended for a 6 month period, and there is a reduction in the amount of money for the contract, and the direction to staff is to begin the RFP process, so potentially a new contract will be in place after the RFP process.

**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.

**10 (e) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – 2012 WATER RATE EVALUATION SERVICES FOR COUNTY WHOLESALE SERVICES; STEPWISE UTILITY ADVISORS, LLC. (BRIAN SNYDER)**

Councilor Chavez said this for Amendment #4, so there may not be much the City can do to address his concern that StepWise is an out-of-state company from Colorado. He hopes at some point we can find companies in New Mexico to do this work. He said, "If we have to, let's start growing these companies here in the State, because I know we talked a lot about keeping the money here in the local economy. And I go through our packets, and sometimes we miss the mark, so I just wanted to pull it off to make that point."

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

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

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

**Against:** None.

**10 (f) REQUEST FOR APPROVAL OF PROPOSED CHANGE TO AVERAGE WINTER CONSUMPTION USED TO DETERMINE THE SEWER MONTHLY USAGE FEE FOR CUSTOMER AND NOT CONNECTED TO CITY WATER AND PROCEED WITH ORDINANCE MODIFICATION TO DECREASE MONTHLY USAGE FEE BASED ON NEW VALUE OF 3,600 GALLONS PER MONTH. (BRYAN ROMERO)**

Councilor Chavez said this is for customers not connected to City water. He asked if this is another PSA.

Bryan Romero said no, this is just an ordinance change, but StepWise did some analysis to determine the effects of this action. Responding to Councilor Chavez, he said StepWise did a lot of our utility rate evaluations.

Councilor Chavez asked if this was a separate contract from the previous one.

Bryan Romero said this was done under Amendment No. 3 of the contract.

Councilor Chavez said there's really not much we can do about this now, but hopes we can in the future to keep the money in the local economy.

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

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

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

**Against:** None.

**10 (h) REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT WASTEWATER MANAGEMENT DIVISION COMPOSTING FACILITY; MLH CRIPPLE CREEK SOLAR, LLC. (NICK SCHIAVO)**

Councilor Chavez said MLH Cripple Creek Solar is a company out of San Francisco.

Mr. Schiavo said Positive Energy, a local company, will be building the system and Cripple Creek will be doing the financing for the project. He said Positive Energy doesn't have the tax appetite to do the project, and the only way we can do the project is through a power purchase agreement. He said Positive Energy won the RFP and they selected who will be doing the financing.

Councilor Chavez asked if Cripple Creek will be doing the mechanics for this enterprise.

Mr. Schiavo said no. He said Positive Energy will be building, setting it up and maintaining it, while Cripple Creek will be doing the financing.

Councilor Chavez asked who will get the loan. He said the packet indicates "Wastewater Management Division will loan will loan Positive Energy and MCCS a portion of the funding that is necessary to construct a PV System." He asked the amount of the loan, the term of the loan and the interest rate on the loan. He said the packet indicates payment of principal and interest over the 20 year term of the loan, but there are no dollar amounts in the Memo in the packet.

Mr. Schiavo said each loan is slightly different, and this loan is for approximately \$260,000, the interest rate is fixed 2%, and the money is being loaned to MLH Cripple Creek in San Francisco for a term of 20 years.

Councilor Chavez said then Positive Energy will construct, own and operate the PV system at the compost facility, and Mr. Schiavo said this is correct.

Councilor Chavez asked if the loan is just for this one facility.

Mr. Schiavo said the \$260,000 loan, Item 10(h) is just for that facility.

Responding to Councilor Chavez, Mr. Schiavo reiterated that the cost is \$260,000, noting it is written in the contract along with the interest rate and the term, and the interest rate is a fixed rate of 2% for the term of the loan.

Councilor Chavez asked if the Wastewater Division is comfortable lending this money at that rate, and Mr. Schiavo said this is correct.

Councilor Chavez noted the amounts didn't "jump up at me," and there was no FIR in the packet, and the reasons for his questions about the loan, interest and payout.

Councilor Chavez asked how much of the components for the PV systems are produced in "the states."

Mr. Schiavo said most of the racking system will be purchased from UniRack out of Albuquerque, noting there is no one in Santa Fe who makes racking. He said the PV panels "more than likely will come from Asia."

Councilor Chavez said Asia is a broad area, but we do know they aren't produced in the United States.

Councilor Bushee said one contract is for 15 years and the other is for 20 years, and asked the reason and advantages in purchasing the system, commenting that there are no dollar figures. She asked if it is anything like the solar array at Buckman.

Mr. Schiavo said it is very similar to what we have at the BDD and Wastewater, but it still will be a power purchase agreement. However, instead of having a 3<sup>rd</sup> party provider to find investors who want to charge 6-8% interest, the City would be the body that loans the money at a 2% interest rate. This means we get better prices on our power purchase agreement.

Mr. Schiavo said, with regard to the 15 years for the Convention Center versus 20 years for the composting facility, former Finance Director Kathryn Raveling was unhappy with the 20 year term, and wanted a 15 year term for the Convention Center. He said he ran the numbers for 15 and 20 year terms. He said Exhibit B on page 34 of gives the buyout price at any point in the contract.

Councilor Bushee asked the reason Ms. Raveling was uncomfortable with the longer term, and Mr. Schiavo said he doesn't know.

Councilor Bushee asked if he checked with the "new Finance guy," about the longer term.

Mr. Schiavo said the numbers work with a 15 year term the way he set up the contract. He said the panels will last 25 years, noting the contract specifies that Positive Energy and Cripple Creek have to replace the inverter before year 15 before it is sold to the City. He said this is the only piece that really goes bad on these systems. He said, "I don't think it's a bad idea at all to pick it up for 15 years." He said if this is approved, the contract with PNM is for a 20 year term and provides an 8¢ per kWh REC from the utility, so it does make sense to purchase it. He said the City can purchase the facility anytime after 10 years and it makes financial sense for the City.

Councilor Bushee said, "I kind of liked the system we had where other people were setting it up for us and loaning the money and all that. But I thought you said previously at another meeting those were not available any longer."

Mr. Schiavo said PNM has a program that provides renewable energy credits, but the available credits have been "eaten up and reduced," and now we've worked our way down from 15¢ per kWh to 8¢ per kWh for these systems. He doesn't believe there are any available RECs left in the size facility the City wants to build. He said the only way to make this work to the best advantage of the facilities is for the City to loan the money – they get a better interest rate, and they give us a better rate per kWh.

Councilor Bushee said, "Then it is cost effective to you to do it this way." Mr. Schiavo said most definitely, and both systems will cash flow positive in year one and get better over time.

Councilor Bushee asked if he will be proposing to do this with other facilities.

Mr. Schiavo said, "Because of PNM's program disappearing, the only one I'm going to try is a resolution that Councilor Calvert may introduce this evening, and that would be a partnership between New Energy Economy and the City of Santa Fe. New Energy has offered to give the City \$40,000, and, if approved, the City would match it with \$40,000, and the City would build a PV system at Fire Station No. 3."

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve this request, with the observation that we should be thrilled to be getting 2% interest, since most of our investments are producing only 0.1% at this time.

**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.

**10 (i) REQUEST FOR APPROVAL OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT SANTA FE COMMUNITY CONVENTION CENTER; MLH CRIPPLE CREEK SOLAR, LLC. (NICK SCHIAVO)**

Responding to Councilor Chavez, Mr. Schiavo said the cost of this system is roughly \$260,000 with a 2% fixed interest rate.

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

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

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

**Against:** None.

**10 (m) CONSIDERATION OF RESOLUTION NO. 2011- 66 (COUNCILOR DOMINGUEZ, COUNCILOR WURZBURGER, COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR ROMERO). A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO LOCAL PREFERENCE SECTION 15.4 OF 2011 EDITION OF THE CITY OF SANTA FE PROCUREMENT CODE. (ROBERT RODARTE**

Councilor Calvert said he pulled this item to offer a slight amendment on page 4 of the Resolution.

**MOTION:** Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2011-66 with an amendment on page 3, line 1, as follows: "2. *Development of guidelines, training and pre-qualification meetings that will assist local contractors and local sub-contractors in meeting pre-qualification requirements, and working together to bid on City capital improvement projects.*"

**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.

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**END OF CONSENT CALENDAR DISCUSSION**

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11. **CONSIDERATION OF RESOLUTION NO. 2011- \_\_\_\_ (MAYOR COSS). A RESOLUTION SUPPORTING THE EFFORTS OF THE COMMUNITY, LABOR AND FAITH ORGANIZATIONS, THE NEW MEXICO ATTORNEY GENERAL, THE NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS, AND THE UNITED STATES DEPARTMENT OF LABOR TO ELIMINATE THE PRACTICE OF WAGE THEFT IN NEW MEXICO.**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dominguez, to postpone consideration of this Resolution to the Council meeting of December 14, 2011, until it is reviewed by the Business and Quality of Life Committee.

Councilor Calvert asked to be added as a sponsor.

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

12. **CONSIDERATION OF THE REQUEST OF THE GOVERNING BODY TO REVIEW THE DECISION OF THE PLANNING COMMISSION IN CASE #2011-88, ENTRADA CONTENTA FINAL SUBDIVISION PLAT AND VARIANCES, WITH RESPECT TO THE NAMING OF LAS SOLERAS DRIVE WEST OF CERRILLOS. (COUNCILOR DOMINGUEZ)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Trujillo, to approve this request.

**DISCUSSION:** Responding to Councilor Bushee, Mayor Coss said this item was included in the Amended Agenda that was on our desks.

Councilor Calvert asked if there is anything that goes with this, and Councilor Ortiz said there is nothing in packet.

Councilor Dominguez said this isn't to change the name, we are just asking the City to reconsider the approval by the Planning Commission.

Councilor Calvert asked what we are voting on.

Mayor Coss said this is just a vote to reconsider.

Councilor Bushee said she would have liked to have something in writing, commenting there was nothing on her desk.

Councilor Ortiz said this is just a procedural motion, so we can decide yes or no.

Councilor Bushee would like a discussion of the reasons we should reconsider, commenting "I know nothing about this without something to read."

Councilor Dominguez said we can discuss it now, or when we reconsider the action. He said the Planning Commission took action to name a road by Walmart, to name the entire road from the east side of Cerrillos to the west side of Cerrillos one street name. He said the request is to reconsider that action by the Planning Commission, the name change, "so we could name one side Las Soleras Drive, and a different name on the other side of the street. The purpose is because there is a potential that people could get confused, and with the health facility going on the east side, if the street goes all the way to the west side, they could get confused and go somewhere they're not supposed to, and really, just disagreement with staff's recommendation."

Councilor Ortiz said then if we vote yes on this, we would hear the merits and have a discussion on this one issue.

Councilor Dominguez said this is correct.

Responding to Councilor Bushee, Councilor Dominguez said the Planning Commission made a recommendation to go with staff's recommendation with which he disagrees.

Ms. Vigil asked if there will be another motion to set a date for hearing.

**SUBSTITUTE MOTION:** Councilor Wurzbarger moved, seconded by Councilor Ortiz, to approve this request, and to hear this item at the next Council meeting.

**DISCUSSION ON THE SUBSTITUTE MOTION:** Councilor Dominguez asked if we are in conformance with the timelines that have been established.

Mr. Zamora said within 30 days of the Planning Commission's decision, you have the opportunity to call it up for reconsideration – you are calling it up by this motion and there will be reconsideration in the future. He said pursuant to Section 14-2.2, "If within 30 days of any final order or determination by the Planning Commission, the Governing Body decides to review any such Order or determination, notice of proposed review shall be provided in the manner prescribed by 14-3.1(H)." He said, "So you would call it up this evening and then staff would make sure it complies with the notice provisions of Chapter 14." Therefore, you don't need to set it for the next available meeting.

**FRIENDLY AMENDMENT:** Councilor Wurzbarger would like to amend the motion that the meeting date in January will be determined by staff in accordance with the requirements just explicated by Mr. Zamora.  
**THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COUNCIL.**

**CONTINUATION OF DISCUSSION ON THE SUBSTITUTE MOTION:** Councilor Chavez asked if anyone else objected to the naming of this street.

Councilor Dominguez said it was brought up at the Planning Commission, so there were numerous people who brought up the name, including the members of the Planning Commission.

Councilor Chavez said, "But they approved it anyway."

Councilor Dominguez said yes.

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

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

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

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

There were no matters from the City Manager.

**14. MATTERS FROM THE CITY ATTORNEY**

**EXECUTIVE SESSION**

**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.**

Councilor Wurzbarger asked if this is the standard report, or if it is something different.

Mr. Zamora said it is the standard report.

**MOTION:** Councilor Calvert moved, seconded by Councilor Romero, that the Council go into Executive Session for 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 Romero, Councilor Trujillo and Councilor Wurzburger.

**Against:** None.

The Council went into Executive Session at 5:45 p.m.

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

**MOTION:** At 5:55 p.m. Councilor Calvert moved, seconded by Councilor Wurzburger, 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, Romero, Trujillo and Wurzburger voting for the motion and no one voting against.

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

Yolanda Vigil, City Clerk, said she certified 5 candidates yesterday to be the first participating candidates to receive public campaign financing funds: Patti J. Bushee, Peter N. Ives, Bob Sarr, Christopher M. Rivera and Carol Robertson Lopez.

#### **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 , is incorporated herewith to these minutes as Exhibit "1."

##### **Councilor Chavez**

Councilor Chavez introduced a Resolution granting City staff the authority to prepare an agreement between the City and the Railyard Corp and Warehouse 21 to permit Warehouse 21 to apply the excess services it provides to offset ground lease payments to the Railyard Corp that are in arrears and for future ground lease payments and to forgive amounts due to the City from the Railyard on account of such offsets. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

### **Councilor Romero**

Councilor Romero introduced a Resolution supporting the 2012 Farm Bill priorities as a means to securing a regional food system that is just and accessible for all residents of the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3"

Councilor Wurzburger said she would like to cosponsor the Resolution.

### **Councilor Bushee**

Councilor Bushee introduced the following:

1. A Resolution granting City staff the authority to prepare the necessary documents for the conveyance of approximately 2.5 feet of property along the southerly boundary line and approximately 8 feet of property along the easterly boundary line of 1115 Hickox Street, known as lot 13, block 2 of the Agua Fria Addition, the Tune Up Café. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4"
2. A Resolution adopting the 2011 Industrial Revenue Bond policy for the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5"
3. An Ordinance amending Article 24-9 SFCC 1987, regarding the City's Vehicle Forfeiture Ordinance. Councilor Bushee said Councilor Trujillo has agreed to cosponsor the Ordinance amendment. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

### **Councilor Ortiz**

Councilor Ortiz wished St. Michael's luck on Saturday when they play Lovington for the State Football championship, at the Santa Fe High stadium.

### **Councilor Trujillo**

Councilor Trujillo said on December 11, 2011, beginning at 1:00 p.m., at Ft. Marcy, there will be open trials for anyone who is interested in trying out to play for the Santa Fe Fuego.

### **Councilor Wurzburger**

Councilor Wurzburger said they will be reporting on the trip to Korea at the next meeting.

### **Councilor Dominguez**

Councilor Dominguez had no communications.

### **Councilor Calvert**

Councilor Calvert said he attended the grand opening of the new location of Luchesse on the Plaza several weeks ago, and the Luchesse staff were complimentary of City staff, and their help and cooperation in getting the new store opened. He said they specifically mentioned Georgia Urioste, David Rasch and City Manager Robert Romero.

Councilor Calvert introduced the following:

1. A Resolution directing staff to review the possibility of entering into a public-private partnership with new energy economy to fund and construct a photovoltaic system at Fire Station No. 3. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."
2. A Resolution directing staff to explore the National League of Cities Service Line Warranty Program, administered by Utility Service Partners, Inc., as an option for property owners in the City of Santa Fe to purchase water and sewer line protection. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."
3. A Resolution supporting federal legislation to enact the *Sensible Accounting to Value Energy Act* (the "Save Act"). A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

### **Mayor Coss**

Mayor Coss thanked Councilor Wurzbarger for turning on the Plaza lights on his behalf, and Councilor Calvert for attending the Luchesse event.

Mayor Coss introduced the following:

1. A Resolution directing staff to begin the process for the City to acquire St. Catherine's Indian School campus for the public purposes of historic preservation, promoting arts education in the City and leasing the property to the New Mexico School for the Arts, a New Mexico State Charter School. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

2. A Resolution recognizing the gift of a bronze statute from the Pueblo of Pojoaque and artist George Rivera to the Petry family in honor of Sergeant First Class Leroy Arthur Petry, a native Santa Fean and Medal of Honor recipient; accepting with gratitude the bronze statue as a donation from the Petry family to the City; and supporting the placement of the statue on the southeast lawn of City Hall, along Lincoln Avenue. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."
3. An Ordinance creating a new Subsection 28.8 of the City of Santa Fe purchasing manual ("Purchasing Manual") to establish provisions for community workforce agreements pursuant to Article 9.02 of the City Charter and Section 11-13 SFCC 1987. Mayor Coss said the Ordinance amendment is cosponsored by Councilors Dominguez and Romero. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

**END OF AFTERNOON SESSION AT 6:05 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 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**

**David McQuarie, 2997 Calle Cerrado**, said he is here to talk about the Transition Plan, under which a public entity may not deny the benefit of activities, etc. [inaudible]. He said the reason he brings this up because the City was to upgrade the intersection of Alameda/Paseo de Peralta for safety and it did not. He said the DOJ specifically states that the head of the entity is responsible, who is Robert Romero. He may designate a department head, because some of these barriers are not physical, and may come under safety and may come under Police or the City Engineer. He said the City needs to pay attention. [Inaudible] Something about the grievance procedure. [Inaudible] The other part is a person with disabilities, and the appeal is heard by the City Manager. He said appeals from the H-Board are heard by the Council. He said persons with disabilities are being discriminated against.

**Tom Agard, 2218 Brillante**, said City staff has proposed amendments to City Ordinance 2006-16, section 23-7. He said the amendments as presented to the Youth Sports League in October 2011, propose user fees per sport for every child that participates in organized youth sports to play on athletic fields and parks. He said tonight the City is considering \$50 million in bond issues. He said, "I urge you to please find the funds to allow our children to play for free on well maintained fields, and abandon this poorly written City Code."

## **G. APPOINTMENTS**

There were no appointments.

## **H. PUBLIC HEARINGS**

### **1) PROPOSED BOND ISSUES: (COUNCILOR DOMINGUEZ) (ROBERT ROMERO)**

- a) CONSIDERATION OF RESOLUTION NO. 2011- 67 (COUNCILOR DOMINGUEZ, MAYOR COSS, COUNCILOR TRUJILLO AND COUNCILOR ROMERO). A RESOLUTION AUTHORIZING A TWENTY MILLION DOLLAR (\$20,000,000) GROSS RECEIPTS TAX REVENUE BOND ISSUE FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, DESIGN AND IMPROVE INFRASTRUCTURE, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES; IMPROVE WATER SECURITY; ENHANCE PUBLIC SAFETY; AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE.**

*Items H(1)(a) and (b), and H(1)(b)(1) and (2), and H(1)(c) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A copy of a letter dated November 25, 2011, to the City of Santa Fe Council Members, from Winona Nava, President/CEO of Guadalupe Credit Union, supporting the proposed G.O. bond, is incorporated herewith to these minutes as Exhibit "13."

A copy of a Memorandum dated October 6, 2011, to the Finance Committee, from Dr. Melville L. Morgan, Director, Finance Department, regarding *Outline How the GRT Revenues Will or Will Not Support the CIP Bonds*, is incorporated herewith to these minutes as Exhibit "14."

### **Public Hearing**

Mayor Coss gave each person two minutes to speak to this issue

### **Speaking to the request**

**Kathryn Downing**, said she is a League certified instructor with the League of American Bicyclists, and a BTAC "groupie," and member of many of its subcommittees. She said BTAC has worked extremely hard, and along with the Metropolitan Planning Organization ["MPO"], has put in many hours to come up with a very detailed plan of how to use the portion of the bond funds for bicycle infrastructure and recreation, and the \$5 million aggregate from both bonds has been designed to create the greatest

infrastructure of connectivity possible with the least amount of money. She said BTAC has recommended that it be adopted in whole, rather than building a single expensive project that doesn't create connectivity throughout our entire City. She said Santa Fe received Bronze Level Bicycle Friendly City, and congratulated the Council on its courage in making all of the "moves to get us to that point." She said the League has invited her to look at how to get to Silver, and among them were the adoption of the MPO's \$5 million plan for how to spend the bond monies. She encouraged the City Council to endorse that plan.

**Susan Odeseus, Member Justice and Peace Committee of St. Bede's Church, Board Member of Interfaith Worker Justice as well of Founding Chairman Interfaith Community Shelter.**

She said she has attended a lot of Council meetings, and sees everything they have to go through in making decisions. She said, in particular, when there was talk of curtailing bus service, she saw how important bus service on a regular basis is important bus service is to low wage workers, other works, and the homeless. She wrote a letter to The Santa Fe New Mexican, pointing out the importance of bus transportation and not curtailing it. She received an overwhelming number of phone calls saying increased bus service is needed. She said she hopes bus transportation will be part of the bond. She said as a citizen she supports the bonds. She asked that we don't have buses with 500,000 mileage running on Santa Fe streets.

**Owen Conley, 733 Dunlap, Chair, Chainbreakers Santa Fe,** said he works for affordable transportation and accessible transportation. He is here to support the CIP bond proposal to replace aging buses because our community members are too important to risk their jobs and lives over unreliable public transit. He said, "Transportation is a right. We need to keep that in mind. As we all know, you can't get to work if you can't get to work, so it's the idea we want you to please support working families in our community."

**Patricio Larragoite, 812 Cleveland, member of SF Coalition for Good Government, and concerned citizen,** said he is here to speak in general opposition to the General Obligation bond and CIP bond issues. He said the City needs to have a five-year financial strategic plan in place to guide the City of Santa Fe, that indicates the growth index of when, where and why we need to increase taxes, commenting that the G.O. bond does increase taxes to people. He said this obligation affects his children and possibly his grandchildren which is unacceptable without a financial plan in place. He said, "I urge members of this Governing Body to vote this bond issue down at this point in time, until we have a better grasp of the financial strategic plan it can present to the voting citizens of Santa Fe."

**Houston Johansson, 514 Rio Grande,** said he has strong commitment for bonds because of his deep commitment to the community and a strong desire to see Santa Fe grow and prosper today and into the future. He said things are difficult for many members of the community. There is not enough economic opportunity and the future doesn't look much brighter. He said, "However, we have a tremendous opportunity right now, to begin reversing this downward trend. These bonds give us the opportunity and the means to grow these jobs and the economy now, while setting the stage for future long term growth. These bonds do this by making needed investments in public safety, enhancing our use of renewable

energies, expanding broadband internet access, expanding our bicycle trails and much now. Put together, all these things help to strengthen our economy and it helps ensure that the quality of life that we enjoy today, we can continue to enjoy it for years to come. I know that supporting these bonds is difficult in these times when everywhere you go, it seems people want to talk about cuts, cuts and more cuts. I know it can be tempting to get into national trends and play it safe. But this is the City different, so I say let us do things differently. Let us set an example for the rest of the nation, and show them that there is a different path to take. Let us show them what can happen when a community comes together and invests in its future. Let us begin tonight leading our community and our nation into a new era of prosperity. I urge this Council to pass these bonds and help brighten Santa Fe's future."

**Ray Baca, Executive Director, New Mexico Building & Construction Trades Council**, which represents all of the construction labor unions in New Mexico. He said, although he does not live in Santa Fe, he does represent hundreds of construction workers who live in the area. He said the Council is in strong support of the bond issues for two reasons. First, they will build and/or refurbish much needed building projects across the City, and bring much needed job relief. The unemployment rate for construction workers in New Mexico is 30%. He said jobs are needed here and throughout the State. He said the Council urges the Governing Body to approve these bonds and push them forward to the voters.

**Brad Perkins, 3 Camino Pequeno**, said he doesn't know whether or not he is in favor of the bonds, because he doesn't have enough information and there isn't enough transparency on the subject. He ask if anyone knows what the City's total debt load is right now. He asked if anyone knows what the annual interest charge is to the City's budget to support this debt.

Mayor Coss said the Council is just hearing testimony and not answering questions at this point.

Mr. Perkins asked the total principal payment that has to be made on the outstanding debt. He asked if anybody knows what the City's bond rating is right now, or credit rating. He asked if anybody knows the impact the proposed bond issues are on that credit rating.

Mayor Coss again told Mr. Perkins the Council is just taking testimony.

Mr. Perkins said this information is essential. He said, "I can't begin to think what good things can be done with the money without thinking about the risks that it lays on the City and the citizens of the City. I don't think any of you live in a cave, and if you're paying attention to what's happening in the world, and Europe, and even the United States, you know that the capital City of Pennsylvania has declared bankruptcy. I don't mean this City will, but we need to know more about the financial side of these programs and how it stacks up against our current outstanding debt levels. I think that information should be put together, displayed in the newspaper and made available to citizens of Santa Fe so we can decide what the situation is, financially."



**John Dressman, 5 Cerro Gordo Road**, said he is speaking as a representative of the Santa Fe Downtown Merchants Association, that's speaking in favor of the historic Santa Fe Plaza. He said the bond issue from 2008 left a structure defacing the Plaza, a 7 ft. 3 in. tall electric utility box. He said at that time, after construction, assurances were made that something could be done about this. He said the Historic Design Review Board, Downtown Merchants Association and other groups asked that it disappear, but it has not. He said there are 26 items for parks improvement in this bond issue, at \$3 million, but there are no funds for the Plaza Park. He said there is \$420,000 for a water feature suggested by Councilor Trujillo for the Ragle Park area, but no definition of what a "water feature" is. He said he contends that unless a priority is set for fixing the error made on the Plaza 2½ years ago, as opposed to adding a water feature to an already developed park, that "you won't get the support of the 70 members of the Downtown Merchants Association for the bond issue." He understands there may be a movement to ameliorate the situation, to put a little money trying to reduce the electric box in size. However, we had that same discussion more than 2 years ago, and "we thought it was a little bit like putting lipstick on a pig. We really want to get rid of the pig, and the only way to do that is to actually spend the money as the Historic Design Review Board said – make it disappear."

**Bernard Archuleta, Agent for Labor Local 16**, said although he doesn't live here he does support Labor Local 16. He said we are in a deep hole of unemployment. By passing these bonds, the City will help increase our tax base and help everyone in the area, and requested that the Council pass it on to the March 2012 election.

**George Hannaley, Chainbreakers Collective Cooperative**, said he is here to speak in favor of the projects generally covered by the bond, specifically public transportation, for the usual reasons. He personally uses the bus and a bicycle to get around, for social and ecological reasons – global warming, pollution, resource wars. He said, "The whole thing isn't rocket science and seems like a no brainer. I just hope the people who do decide on allocation of public funds, which we don't, which I guess is you, I hope you use the minimum amount of brains necessary and vote for public transportation."

**Stephen Mays, Co-Coordinator of Move on Santa Fe**, representing many many people in Santa Fe, said he and all of their members strongly support the bond issue. He said of course we need to do something for our community. We need to pay it forward for our children. He said, "We don't need to double down on failure and we don't need to slice and dice language what's in this, and worry about some inflexibility here and there which I've heard in other Committee hearings. I think we have a professional City staff that takes care of all that. I believe in the vision that's been shown and the projects that we need, and so we strongly urge you to vote yes tonight so all of the people in Santa Fe can have a choice to vote on this in our democracy."

**Mitch [inaudible] Co-Coordinator, Santa Fe Move On**, said he is in support of this bond issue and asked the Governing Body to put it on the Ballot. He said some of the previous speakers "stole my thunder," but he can live with that. He said Ray Baca is someone we should listen to, because he represents a segment of our population that has really been hit by the bad economic picture, and

represents a lot of people who have lost their jobs, so he has a major point to make when he makes his statement. He said, "The other person I'd like to follow up on is Dr. Larragoite who made the point that we need a long term financial plan, which I think, with staff, we're well positioned to do that. That would put a lot of us at ease in terms of what the picture is now and where we are going. So, the bottom line for me is that I think there were good arguments raised, both pro and con, and I definitely am on the pro side. But I think if this goes to a vote of the public, it's going to give us all an opportunity to look at this dialogue a little big closer, and I think we'll all be smarter and a little better off for doing that."

**Jess Santaria, Pacific Southwest Region District Council for Labor**, said he is here to speak in support of both bonds, which will bring residents some revenue and actually create jobs, like Mr. Baca said. He said he knows the decision the Governing Body has to make is hard, and people have entrusted them to make these hard decisions, and the opportunity to seize the moment is now. He said, "I know it says several times, Opportunity Bond," and urged Council support of the bonds.

**Elisia Martinez, Dunlap Street**, said she is in support of the bond proposal to replace the aging buses. She said people who rely on public transportation should have the safety and consistency that new buses would provide.

**Alejandra Falucca, Business Manager, Guadalupe Credit Union**, provided a copy of a letter which was sent to the Council via email [Exhibit "13"]. She said the Credit Union strongly support these bonds. She said they opened a branch on the southside in March, but there are no parks or other recreation facilities in the area, but they continue to see growth. She said they have 12,000 members in Santa Fe, and at the Airport Road branch, since March 2011, they have had 2,400 new accounts, \$19 million in deposits and \$32 million in loans. This means if more jobs are created and the area continues to develop we will see more growth.

**John Hendry, President, NM Federation of Labor**, said he is here to support the bonds. He said this will give 3 months to talk about this and to have an honest and credible discourse. He said by putting this to the voters, it gives the opportunity to discuss the essence of this turn, and the essence of this turn is the elected officials, and the essence of this turn is \$10.30 living wage for which he thanks the Governing Body. He said this about moving on with Santa Fe, dealing with situations here in town and not waiting for the Governor or the federal government to do something about it. He supports sending this to the voters and said they will do the work to convince the people this is a wise use of our resources.

**Jennifer Garcia, 2123 Paseo de Vista, the new President of the Northern Central Labor Council**, of Northern New Mexico, which represents all of labor and the Nortenos from up North. She supports this bond because it is about putting Santa Fe first, putting working families to work. She asked everyone who supports this bond and putting Santa Fe first to please stand. She said this is about putting people to work and putting Santa Fe where it needs to be. She asked the Governing Body to support these bonds.

**Mike Gomez, Marketing Representative, Local 49**, said New Mexico is the 6<sup>th</sup> worst construction State in the country right now. He said construction families are losing their houses, their cars and losing hope. He said this bond would give families hope for a future where they can make sure their kids are fed, and he is in support of the bond, and hopes the Council will consider it very strongly.

**Gretchen Grogan, 2677 Chelsea Lane, Member of BTAC**, said she would echo Kathryn Downing's comments, and ask the Council to support the G.O. bonds, specifically the list of trail projects put together by the MPO, which would make the difference in trail connectivity for all residents, noting they spent the last 18 months talking to all stakeholders throughout the City. She asked the Council to support the CIP bond, specifically the amendments approved by Finance Committee which included \$250,000 for sharrows and other on-road bicycle improvements. She said there are 380 total sharrows throughout the City. She said she and another BTAC member assessed the sharrows over the summer, and found that fully half are no longer visible, and 1/4 of those which are visible need to be replaced immediately. She said BTAC feels strongly that we need to protect the City's investment in the sharrows by reinvigorating that program. She said, in addition to the League of American Cyclists giving Santa Fe bronze designation as Bicycle Friendly Community, the International Mountain Biking Association is bringing its Annual Summit to Santa Fe in 2012. She said it will bring 700 cyclists. She said Santa Fe is starting to get energy as a bicycle destination. She would love to see the Council pass these bonds which she feels would keep that energy going.

**Tomas Rivera, Chainbreaker Collective**, an environmental and justice organization with 200 dues paying members, of whom are mostly transit dependent bus riders and bicyclists. Mr. Rivera read testimony from **Matthew Trujillo, 2863 Corte Court**, "I support the bond proposal to support aging buses because public transportation, if correctly maintained, is essential to the economy and the safety of the public and buses. Mr. Rivera read testimony from **Lillia Diaz, 1C Montoya Circle**, "Many people depend on buses and we deserve a fleet that is new and reliable. People depend on these buses to get to work and to school. If buses are old and unreliable, that impedes their ability to get where they need to go." He said both of these people support the bond.

Mr. Rivera translated for **Alva Leyba, 3154 Jemez Road**. Ms. Leyba said he is here to ask for new buses. She said sometimes the buses break down, come late and it makes her late to work. She said some of the buses have no heat, and they want expanded services, especially on weekends because a lot of people work on the weekends.

Mr. Rivera translated for **Jasmine Munoz**, who asked the Council to please, please buy new buses and extend hours on the weekend so she doesn't have to walk all the way to the mall from her house.

Mr. Rivera translated for **Elias Morales, Chamisa Apartments, Apartment #12**. Mr. Morales said he is asking for extended service. He rides a bicycle, but sometimes it gets a flat and he has to ride the bus. He said he is a member of Chainbreakers, and they work to help kids get new bicycles and to fix up

their bicycles, and thought it would be good to come and ask the Council for extended service. He said, "That's all Mr. Mayor and hopefully God will help you make the correct decision."

**Robert M. Paul, 2729 Varela**, said he is here to talk about the issues concerning the City's public transit, noting he also is a member of the Chainbreaker Bicycle Cooperative. He said the public transit infrastructure is really important to many different people in many different ways, and people depend on this system and have come to rely on it. He asked the Council to consider not curtailing services in the future and consider that a well maintained system in Santa Fe is of the utmost importance. The current problems are an aging bus system, noting some buses have 500,000 miles on them, bus maintenance and bus safety. He said services need to be improved and need to be reliable, and it is imperative to do this to keep up with current and future demand. He said when the cost of gasoline increases, the ridership increases, noting it is up and down. He said upgrading the system, if this bond passes, will save the City a lot of money in the future.

**Bruce Wetherby, Rosario Hill, Immediate Past President, Central Labor Council**, noted that Jennifer Garcia is the new president. He said he comes from the construction industry, has worked in government and has served as an elected official. He said for the past two years he has made it a point to use public transportation, noting he has a monthly bus pass which is affordable. He said we have to start looking at rebuilding America. He said this City has tried to do this, and he appreciates the leadership of this Mayor and Council over the past several years to keep us at the forefront of an economy that is dwindling all around the country, commenting we have been keeping our head above water here. He said we need to do this to move forward, and we can't give in to people who want to plan and wait. He said we can't afford to wait any longer, and we need to put this to the voters. He is now a worker and is not a leader in the labor community, and he is happy to be part of the 99% in this country. He believes this is an important thing for us to do. He would like to see that the bond gets on the ballot, and hopes the Councilors will support them as well.

**Kathy Towns, 1014 Macara, member of the Board for AFSCME Local 477, State Employees Union and Secretary/Treasurer for the Northern New Mexico Central Labor Council, and a member of working America**. She said she had to work late this evening, and is happy she had to park really far away, because it meant the Chambers would be full of people. She said this is an important issue for a lot of people, and there is a great cross-section of people in attendance, commenting that dialogue is ultimately very important. She is here in support of the bonds, mainly because she is part of the working people group. She said it is very important on the Southside where she lives, and those services are very important. She said, "As one of the other gentlemen said, I would like for you to look up toward the sky and get the best advice possible in considering this, because I think it's ultimately important, and I'm in favor of it."

**Mike Swisher, New Mexico Wants to Work**, a program that works with families which have been out of work for some time. He said although the bonds are great for the City, he is more concerned with the jobs these projects will bring, commenting there is a tremendous need for jobs. He reiterated there is a

30% unemployment rate in construction jobs throughout the State. He said the resources are slim, and his job is to try to get resources for these unemployed families. He said, for example, he administers the Emergency Food Shelter Program for the State set-aside for several counties. He said last year the program received \$200 million in federal funds, and this year received \$120,000 million. He said last year Santa Fe County got \$65,000 and this year \$14,000, which is typical state-wide. He said these funds are to provide assistance for rent and food families. The resources aren't available and we just need jobs. He encouraged the Council to support both bond issues.

**Shelley Robinson, 122 Barranca Drive**, encouraged the Governing Body to vote yes on the CIP Bond and the GO Bond for the March ballot, specifically in support of parks and trails. She is a bicycle commuter and advocate for a bicycle friendly City, and urged the Governing Body to support their funding needs to continue to build a progressive, healthy, safe and attractive infrastructure for all who ride bicycles in Santa Fe. She is a member of BTAC and knows what a great achievement it is that Santa Fe has received bronze status Bicycle Friendly City designation from a national organization – we're on a roll. She said there is also the guidance of a comprehensive master bicycle plan done by the MPO which outlines the funding needed to achieve Phase 1, noting this funding is included in the two bonds. The bonds will ensure that we can continue this important work for all bicyclists.

**Richard Ellenberg, 1714 Canyon Road, speaking individually, and not on behalf of any organization**, said it is important that City, like any business, maintain its infrastructure, and commented that we have lost a lot of State and federal funds as a result of the current economy. It is important to do everything possible to continue to invest in our infrastructure to keep it up and running. He said Mr. Perkins and Mr. Larragoite spoke about transparency and clarity in terms of getting financial information and its importance in being able to get this bond issue approved in March. He said it is important, if we are asking the taxpayers to approve the proposed bond, to spend the funds on Santa Feans.

**Glen Wikle, 2006 Conejo Drive, appearing as an individual**. He thanked the Chainbreaker people for their advocacy, and that they are working for solutions other than automobile based transit. He said he wants to speak about the need for infrastructure for high speed communications. He said he works for a technology firm which works with very large data bases and move data in/out of Santa Fe on a regular basis. He said the fastest way for him to get a data set is via FedEx. He said there is an issue in sending hard drives because they get lost or are damaged or are delayed which costs money. He said the solution for the many small firms is higher speed – ultra fast – internet connection. He said it is available in the center of Albuquerque for about \$70 per month, however in Santa Fe it costs \$1,200 to \$1,400 per month, which his business can't afford and the reason they're using FedEx. Santa Fe is a technology friendly City in many ways, but not for this. He said if the City could help to bootstrap and market and introduce competition by approving this part of the bond, it will make Santa Fe a more technology-friendly City and small technology companies can grow without the need to move out of town.

**Kate Nelson, 130 Huddleston Street**, said she is here to support the CIP bond and the GO bond, specifically to ensure that much needed funding is available for the public transit system. She said we all have access to access our City and if we don't have a way to get where we need to go, "how are we supposed to be a part."

**Stefanie Beninato** said she is against both bonds for general reasons, one of which is the City has not done a complete and independent audit to see if there is money sitting around that no one remembers. Also, she doesn't know the percentage of increase in property taxes, and it's really important to know that "so we all can do the math and not rely on the Mayor's math which was off by 90% the last time he gave us an estimate.". She said she can't support something that's vague and people keep hoping you will do this or that project. It seems it's premature because we don't have that information. She said she can't support the bonds because there is still talk about doing away with impact fees and that should be used to pay for the southside Fire Station rather than raising everybody's property taxes. She said there are recreational fees which could be imposed on youth, but you raised Seniors' rates by 600%, so we could have more parks funds. She said 4 permanent positions were created from the last bond proceeds, which is okay as long it is a limited job length. However, she is distressed for the need for \$750,000 to pay for permanent already hired employees of the Parks Division out of the Parks Bond and thinks that should be coming from the General Operating Fund and not from the bond. These are long term employees and we shouldn't be passing bonds to support those positions. She said for these and other reasons she can't support these bonds.

**David McQuarie, 2997 Calle Cerrado**, said he does not support the bonds. He said it will cost \$70 per year for a \$300,000 house. He said persons with disability will have a difficulty in paying the additional taxes. He asked what is the overall fiscal plan for the City, and what can the City afford to spend. He asked how many jobs will be created with these bond proceeds for persons with disabilities. He said unemployment is at 70% for persons with disabilities.

**Carlos Felix Pacheco**, said his point is that we need jobs. He said "I've been bonded in. I've bonded out, and bonded out of bonds." He said he is thankful for the freedom in America which allows us to speak in this wonderful chambers. He said his feeling is that we need these bonds and we need to invest in the City.

**Reverend Holly Beaumont, Director, New Mexico Affiliate of Interfaith Worker Justice**, a national network of people of faith that stand with and advocate for workers and their families. She said they have just launched a new project which is committed to finding ways to create solid, good, just jobs. She said it may seem counter-intuitive to spend more money when we're in the middle of a budget crunch. However, bond issues aren't about spending money, they are about investing money in the people of this community to create jobs that help us to generate income for government which also stimulates our business community. She commended the Council for taking this risk. She said to those who think this is misguided, she would say, "People who don't remember their history are doomed to repeat it." And if we look at our own history in this Country, the only way we've pulled ourselves out of depressions like this one is by doing exactly what you're proposing, so thank you."

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

Councilor Dominguez thanked City staff and the Finance and Public Works Committees for the work they have done on the bonds. He said he especially wants to thank the public for its participation. He said there have been 5 public hearings during the Committee process. He said "I'd like to say there has been overwhelming support for the bonds." He said very few, if any, have spoken against these initiatives.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Resolution No. 2011-67, Item H(1)(a), and to accept the recommendation of the Finance Committee, to increase the amount from \$21 million to \$22 million, to include \$1 million for broadband, which takes \$1 million from the G.O. Bond and puts it in the CIP Bond.

**DISCUSSION:** Councilor Chavez said he wanted to point out that there are two items, and the \$22 million CIP bond won't be on March ballot, and asked if this is correct.

Mayor Coss said this is correct.

Councilor Chavez said the G.O. Bond will be on the ballot, but the CIP Bond won't be on the ballot, because we do "that as a matter of conducting business every two years. Every two years, we issued A CIP bond until the economy turned bad, and we held off, which was the right thing to do." He said we were cautious in how we moved forward. He said we haven't issued a CIP Bond for the past 3 years, so we're playing catch up, and that's okay. He said he wanted to take a few minutes to explain that so we're all clear and to touch a little on some of the questions that were asked regarding our financial liability as it relates to issuing the CIP Bonds.

Councilor Chavez read Paragraphs 1 and 2, page 1 of a Memorandum from Dr. Melville Morgan, Finance Director [Exhibit "14"], which states in part:

*"Historically, the City Council has engaged in the issuance of ½% CIP GRT bonds every two years. While we have five outstanding bond series, the last of which will not be retired until 2035, through careful financial management, we have been able to meet obligations and maintain the flexibility of being able to issue new bonds. This remains the case. However, given the continuing financial concerns and challenges of our City, state, nation and the global economy, careful management and financial prudence would be recommended. It should be noted that issuing bonds to stimulate projects and provide work for citizens is a noble goal. Maintaining that goal over time and over the life of the bond series may be a challenge because the risk remains that the more debt incurred inside the fund, the less flexibility will be available in future years."*

*"The ½% CIP GRT was designed to support debt service, however, in recent years, many programs and recurring obligations like the Golf Course, the Genoveva Chavez Center, Parks Maintenance, and the Southside Library have been included in this fund because there was simply no other place to provide for this recurring continuing service."*

Councilor Chavez said a question was raised earlier about the outstanding debt service, and quoted from Paragraph 3, page 1 of the Memorandum [Exhibit "14"]:

*..... outstanding debt service per year is \$11,869,266 with a retirement of the 2008 bond in 2012 in principal and interest of \$7,300,00. The amount of CIP/GRT revenue budgeted for 2011-2012, given transfers in, transfers out and projected expenditures is projected to be \$14,375,000."*

Councilor Chavez quoted from Paragraph 1, page 2 of the Memorandum:

*"It is important to note that this could reduce the flexibility in issuing bonds in future years depending on the schedule developed and approved, but at this time it would offer us a great deal more positive cash flow and keep our ½ % CIP GRT debt service reasonable in order to continue to sustain the other recurring costs that exist inside it."*

Councilor Chavez said he is pointing out that the information is here, and what we're doing, if we keep doing it, may not be sustainable. We may not continue to do this much longer unless we identify the operation and maintenance money that we need for these facilities, to maintain the parks and everything else.

Councilor Wurzbarger said her recollection is that part of the Memorandum contained an analysis as to how we could have 3 options for safely funding [the bonds] in those recommendations. She said Councilor Chavez only read the first 2/3 of the Memo. She asked Councilor Chavez to read all 3 options to the public so that they can understand that we not only had a delineation of the possible risks, which he has done, but there was also delineation of the options from the staff perspective as to how we could proceed with this.

Councilor Chavez, read from the table at the bottom of page 2 of the Memorandum [Exhibit "14"]: *Option 1 \$20 million for a term of 15 years, CIP/GRT debt service would be \$12 million and the availability for the next bond would be for 2014/2016/2018; Option 2 \$22.6 million for a term of 14 years would be \$12.4 million; and Option 3 would be \$24.3 million for 14 years, with debt service of \$12.4 million."*

Mayor Coss said he would point out that Councilor Dominguez's amendment would put us at the \$22 million, which was Option 2 in the Memorandum.



Councilor Wurzbarger read Paragraph 4 from the Memorandum [Exhibit "14"], as follows:

*"The bottom line is the question about whether or not we can afford to engage in a new bond issue given the weak global and national economy, and whether or not it would be prudent to do so."*

Councilor Wurzbarger said she would comment later on that matter on which the Council has been subjected to over the few months. She continued to read from Paragraph 4 of the Memorandum [Exhibit "14"]:

*"The answer is in two parts: Yes, City Council can afford to issue a new bond series; but, through the issue careful and wise strategies need to be employed to manage the funds and the amount of debt service in future years."*

Councilor Bushee asked if we should deal with the \$1 million for the Interfaith Shelter, saying at one point it was "included in one of these, and I just want to know where that is or isn't at this point."

Robert Romero said the City used cash from the CIP fund to pay for that at the time, and there is still a balance in the fund. He said we went through the process and that was taken off the list because it's been paid for.

Councilor Bushee said she thought they used reserves and required that it be paid back.

Mr. Romero said it is CIP GRT funds and during this process, the payback on that \$1 million.....

Councilor Bushee said, "Wait, wait, wait. You're saying... and this is making me crazy, Robert... when did we decide to not have to be paying that back."

Mr. Romero said, "I believe during this process, this was on the last list and sometime...."

Councilor Bushee said, "It was on the list.... but never did we vote not to pay that back."

Mayor Coss said he thought that was done at Public Works.

Councilor Bushee pointed out that wasn't done at Council.

Mayor Coss said it is before the Council now.

Councilor Bushee said it disappeared when it got to Finance. She said, "I'm just asking where is that going to come from. You can't... we already... that was the condition of the approval of that... moneys that didn't exist in the first place. We said, okay when we do a CIP bond, we'll pay it back, so is there some other fund... you can't just say it went away at Public Works."

Mr. Romero said, "Again, it was paid for with reserves in the CIP fund. At this time, the Council could choose to add \$1 million to this bond, or replace something and put that money into reserves, or not do anything at all."

Councilor Bushee said, "This is the transparency issue that people talk about here. I'm just concerned.... I wanted to see this CIP bond go through. I think it has things we need, I just.... you can't now make a million dollars that was part of the condition of approval of that original expenditure disappear. We said we would pay it back when we issued another CIP bond."

Councilor Bushee continued, "I was trying to find out where.... at one point it was on one of these lists and then it went away. And I would also like to be clear, before we get to the one about the old Parks Bond, that the maintenance monies that are either out of this \$2 million or another one are covered... that \$750,000 is built-in in here."

Mr. Romero said it is built in.

Councilor Bushee said, "Okay. That and the \$2 million line item."

Mr. Romero said yes.

Councilor Bushee said, "So now, all that is outstanding for me is where the \$1 million payback for the Interfaith Shelter, at the very least, is discussed here. That was a condition."

Councilor Dominguez said, "As the Chairman of the Public Works Committee, I would like to defer to Councilor Wurzbarger, or I can..."

Councilor Wurzbarger said, "You can defer to me. And I'm not throwing a curve here, but as soon as Councilor Bushee said that, I looked at Councilor Ortiz and said, yes, what did we do with that. So, let's just discuss this for a few minutes to get clarity on what has happened with respect to the payment, the repayment of that money, because I as well am not clear on that and I apologize."

Councilor Dominguez said, "Initially it was on the list at one of the meetings we had at Public Works, the payback. And at that time we decided, instead of including it in this CIP, we had enough money in the previous CIP to fulfill that obligation. And so, it went forward to Finance without that, as being a recommendation."

Councilor Bushee said, "We didn't have the money at the time and it was a condition of approval of the purchase of that..."

Councilor Dominguez said this was the process it went through.

Councilor Wurzbarger said it was paid back, so we never saw it at Finance and the reason we're surprised by it. She said, "Point of clarification directed to Councilor Dominguez. So it was paid back through a decision by Public Works from reserves in the current capital improvement program. Is that correct. Whether we agree or not, that's where we are right now."

Mr. Romero said yes.

Councilor Bushee said, "Not to throw a kink in here, but I don't want another million dollars tacked onto this thing. I think we've got plenty, but paying it back out of reserves was not the condition that we approved."

Mayor Coss said, "Let me try another way of explaining it. When the \$1 million was approved to acquire the Resource Opportunity Center, there were projects in the CIP that money had been allocated to. A lot of those projects have now been finished, or we can see how much they will cost when they are finished. We have always, always had a CIP allocation, because our staff is very good, and some of the project we estimate at one price, and when they're done, they come in lower. And then you have the CIP reallocation. Right now there is \$600,000, I think in the CIP reallocation. If we pay back \$1 million, there will be \$1.6 million in the CIP reallocation. But not paying it back doesn't jeopardize any of the projects that the CIP, 3 years ago, was intended to pay for. So, essentially, efficiency in implementing those projects saved \$1.6 million over what was budgeted 3 years ago, and we can put a million back and just have it there, but it's not needed to complete a project that was anticipated in the old CIP."

Councilor Bushee said, "Mayor, I'm very familiar with what we call the 'fishes and loaves' fund, the CIP reallocation fund, but, in all honesty, you just said we're not paying it back."

Mayor Coss said, "I'm saying at Public Works, the decision was made, why have \$1.6 million in reserves when you have all these needs that just grew again tonight. I mean, if the Council wants, you can pay it back and you'll have \$1.6 million instead of \$600,000 in that fund."

Councilor Bushee said, "The condition was put on the purchase."

Mayor Coss said, "It was put on by the Council and it can be changed by the Council."

Councilor Wurzbarger said, "I'm uncomfortable that we didn't hear it at Finance, but I understand what you've done, and to have it just sitting there in CIP, the \$1.6 million, isn't worthwhile. I'm uncomfortable with it not being heard by Finance, but having said that, what Public Works decided to do with respect to this, in fact it was repaid. It's no longer there as something that's owed, and we still have that balance there to move forward with the projects that are proposed. I am comfortable with that moving forward, rather than putting \$1 million there and thinking about how we're going to do it."

Councilor Chavez said he remembers this conversation well, and he didn't support the proposal to buy the building because we didn't have the money, and we were going to have to pay it back. And we're discussing that now – how did we – and reallocation. He said, "Again, if we're going to tell the public that

we're going to issue bonds and we're going to do this, then we should do that, and not... I mean, reallocating money, moving money around, really, it's hard to follow. It's hard for the public to follow. It's hard to know where that money is being spent, on what and where."

Councilor Chavez continued, "And so, we didn't have the money at the time. We knew that when we did issue the next series of CIP bonds, that million dollars would have to come off the top, or be accounted for somewhere in that process. We've come up with... apparently, we've come up with another way to pay that, but that is not the best way to be managing our City funds, or to manage this program. It's just not... It's confusing for the public and it's even confusing up here. So, I think you need to rethink how we fund these projects in the future."

Councilor Bushee said she didn't finish her point. She said, "I support the CIP Bond, and I was the one who asked for the Memo from our new Finance Director to make sure we could actually sustain that bond with the debt service we currently have. And I feel comfortable with Dr. Morgan's projection that, you know, we've grown it a little more, and it's starting to make some of us feel a little uncomfortable, but all of those projects are worthy, and we have been behind in our CIP infrastructure. But the million dollars for the 'shell game,' that should not happen the way it's happening, and it really should come back to Finance and be discussed, and I'm going to ask that the Chair consider putting that on."

Councilor Bushee continued, "I will support this bond tonight, but I say that's partly why we've had difficulty. It started with the old Parks Bond and how we were going to shift the salaries here and there and that's not the kind of process I can support, so... but I do support this bond tonight."

Councilor Ortiz said, "By supporting this Bond tonight, in the way that it's been crafted, what we're doing is we're perpetuating the same kind of *status quo* that some of these City Councilors are railing against now. I will say, that by adding another \$2 million into a bond issue, and this is for the City employees that are out there, we're adding another \$400,000 in debt service that has to be repaid. That \$400,000 is coming out of the General Fund. That General Fund is what pays your salaries and what pays your benefits, and we know, from the couple of budget cycles that we've been going through, that that budget exercise has been exercised in avoiding the realities of the situation here at City Hall."

Councilor Ortiz continued, "And I will say, from being here 3 months ago, that the reason we didn't go out to bonds, the reason why we didn't deal with CIP Bonds was because the then Finance Director, and this administration, with the support of the Council who passed the budget at the time, decided that they needed to take as much of those monies that could have been allocated for a CIP issue, and used that to pay for our General Fund to pay for our operating budget. That's why we didn't pass a CIP Bond from the General Fund three years ago."

Councilor Ortiz continued, "The one sentence [in the Memo] that no one here has explained, is the other recommendation the new Finance Director has said, exclusively, including this option that puts in another \$2 million of additional projects into CIP are contingent or dependent on the reallocation of the expenditures budgeted for the ½ % GRT. Those budgets include the Southside Library and GCCC operation and

maintenance. And those come out to about \$1.3 million, or Dr. Morgan is it higher, like \$1.6. It's like \$1.6 or \$1.8. What the Finance Director is saying is the only way we can do a CIP reallocation is if we use all of the GRT to pay the debt service, and the only way we can do that is to come up with another \$1.6 million plus the \$400,000 being tacked on because it's \$22 million, for a couple of pet projects. That \$2 million is \$2 million that we didn't have last year that we don't have now that is going to be short of making significant cuts. It's going to be another tax increase or another tax proposal that's going to be coming from some members of this Governing Body. That is an idea that hasn't been talked about. That's an idea that, when you see what happens with our CIP, and you see it here with this discussion that we will have at Finance, as to whether or the Government decides that they want to see come out of reserves or not. That's what we do all the time."

Councilor Ortiz continued, "Just today, the Mayor dropped the Resolution that talks about giving staff the authority to begin the acquisition and purchase of the St. Catherine's property. The only place that property's going to be purchased is from reallocation monies from some of these projects that get done here, or from a property tax increase. Those kinds of questions, down the line, are questions that a future Governing Body will have to answer to the public, because that's the stage we're setting here today, by going forward with a \$22 million CIP operation. We had a possibility, we had a good and active discussion at Finance Committee about whether or not we wanted to take out some of these projects and substitute in some of these projects. The decision was made just to tack it on."

Councilor Ortiz continued, "We never got any clarification on what exactly were the costs of some of the other items that are in CIP. The \$4 million for street, not repaving, but just for street rehabilitation. We never got the details on the \$2 million for dirt road improvements. All of those items, we didn't get a list of those roads. They're not in our packet."

Councilor Bushee said we did, and Councilor Ortiz asked what page they are on, and Councilor Bushee said hers were on the desk, noting there is "a whole pile right at the beginning."

Councilor Ortiz continued, "Because if we were really serious about this bond cycle, we would have cut back on some of the items that were cut. We're not doing that. Instead, what we are doing, we're going to adopt this CIP project and we're adopting it specifically with the Finance Director telling us we have to come up with another source of revenue for all those operating costs that are now being tucked into the ½% GRT CIP. Those amounts are going to mean either serious crunch and deliberations, or more than likely, another property tax idea that is going to be floated to support next year's fiscal year. That's not to be taken lightly. That's not to include any of the jobs that I've heard people talking about."

Councilor Ortiz continued, "You know the New Deal was about creating jobs and creating programs because it was detailed and it was specific and it had a particular dollar amount to it, and it guaranteed putting people to work. This CIP issue, I would say that at least 50% is going to be spent internally, that is it is going to be spent to buttress General Fund positions and General Fund work. It's always been that case. And so, by going at \$22 million and not \$20 million, we are risking another \$400,000 in debt service. I think that's untimely."

Councilor Ortiz continued, "I think that if we wanted to reassess our priorities within the CIP, we should do that now, since we didn't do it at Finance. We should absolutely have a discussion about this item that has been raised by Councilor Bushee, because that kind of item has been going on for as long as I've been on the Council – for 12 years. It's been going on every quarter when we do a reallocation and we do a CIP line item where we reallocate what is in our balances to other projects to balance our account, and that's how it's always been here. He said this CIP issue perpetuates that practice, and we cannot, whatever side you're on, in terms of whether you want jobs increased and therefore a tax increase, or you want to see some kind of fiscal constraint. We can't continue on the path we're always continuing. But all this is doing is perpetuating the *status quo*, a *status quo* that's unacceptable and that is in some ways a sort of break from the reality that we're seeing at the State and National level. And so, unless we can rearrange some of these CIP items, I can't support this particular item, and I promise you that discussion and that item on the decision of the Public Works Committee to use \$1 million in reallocations, will be on the Finance Committee Agenda."

Councilor Bushee said she has had angst about increasing the bond by another \$2 million, and would like to be assured that the \$1 million for broadband gets worked in. She asked if we could take \$2 million from Parks & Medians in the CIP bond, take out the broadband when we get to the G.O. Bond and just keep it at \$20 million. She said Councilor Ortiz is right and they should never have been operating out of the CIP fund, but it was done to keep it going on that side of town, and the service is needed. She said, "That's what's difficult, but we look through this and there's not one thing. And I don't agree with you in that we got a very detailed list and it's in this packet and it was at Finance from Robert about the paved and the unpaved rehabilitation. He stood up at Finance and said he could spend 3-4 times that in paving rehabilitation. We know we've been kicking the can down the road so to speak, but I really do believe we need to do these things, and perhaps we just tack the other \$2 million onto the G.O. Bond and remove the \$2 million that's in the other and at least it brings it back down to twenty and we don't have to worry about the other \$400,000."

Councilor Bushee continued, "We still have to deal with the 1.6 and the 1.8, we haven't, and it's a reality check. I have the same concern about... I want to see, you know... the voters vote in a new fire station but I want to see it staffed and I want to work with our Finance Director to.... we've got to figure out a way to do that. You can't put that out to the voters and say, yeah, we're going to get you some trucks and a fire house on the south side of town, it's really needed, and then not staff it. So, we've got to have other discussions. I know we need to send this to the voters soon, but on the CIP, we don't send it to the voters. And I only raise that \$1 million because I can't abide things disappearing, you know, from one committee to the next."

Councilor Romero said the choice when we voted on the homeless shelter was yes or no, and we voted to move forward with that and we postponed the debt. Whether or not it came back to Finance, where we get confused is that word reserve. What we had was projections on what something cost, and then the reality of the actual cost, and then it is up to us to decide how to use the funds left over the projections. She said reserve isn't the correct word. She said Public Works looked at the \$1 million and what we chose to do which was to buy the homeless shelter, but we didn't add it to the CIP bond to take it into the future. We took care of it from the "reality check of dollars that were left over from projected amounts of money." It is

money left over from projections, noting we ask staff to make the best projections they can make, and what is left over isn't reserves and it's our choice to determine how to spend those funds, and this case the choice was the homeless shelter. She said she isn't in favor of putting it into the bond when it's already taken care of. She said they reconciled the fund and made the decision to pay for the homeless shelter.

Mayor Coss said, "I want to comment on the \$20 million versus the \$22 million. Because I think first, to say that you haven't had the details when the details are in our packet, and we're on the 6<sup>th</sup> or 7<sup>th</sup> public hearing, people perceive things differently, but the details are in the packet. I wanted to say, yeah, we've been doing it this way. We've been passing the CIP Bond since the mid-1980's. That's how we built the Genoveva Chavez Center. That's how we built the Southside Center. It's how we fixed up the Plaza. It's how we've done so many of the projects for this community that has made Santa Fe a great community."

Mayor Coss continued, "Now Councilor Ortiz says that we raided this fund to balance the budget, but I want to point out that we've cut about \$5 million in expenditures from our General Fund budget in the last three budget cycles. We still used \$3 million in reserves in the last cycle to balance the budget, but that was independent of the CIP. We're paying off one of these CIP Bond issues, so I don't think it's accurate to say that we have to cut our operating budget \$1.8 million next year if we pass a \$22 million CIP Bond. And I'm going to ask Robert if I'm understanding this right, or incorrectly."

Mr. Romero said that is correct. There is a bond that is expiring this year, so the debt service to pay the old bond will now pay this bond, so we're in basically the same situation we were in last year, commenting he doesn't know what year the bond was sold.

Mayor Coss said, "Then it's absolutely true – the use of the ½% for the Southside Library, the Municipal Recreation Complex and the Genoveva Chavez Center. And we looked at this very carefully when Public Works was putting this together, and we can do \$22 million with existing revenues without cutting \$1.8 million, or anything out of next year's operating budget. And we can provide some projects that are very much needed and very well detailed and have been through 6 public hearings now."

Councilor Ortiz said, "Mayor, on that point, we have in this \$22 million, because these were amendments that got put forward at the Finance Committee, an amount of \$800,000 for Affordable Housing. Where's that detail in this packet; \$200,000 for a Solar Loan Program, where's that information in this packet; 230,000 for Paseo de Peralta which is some project we have on the basis of an MPO member that can be done for that amount, where's that detail in the packet; and \$250,000 for road sharrows based on the testimony on some members of the BTAC Committee. So, those details, the details that you say that we have in this item are not here on the jump between \$20 and \$22 million. And we had these amendments that came forward at Finance Committee."

Councilor Ortiz continued, "So to say that we have the details here to make a decision, is to say that we're going to continue to just go along with what we need to have to go along with. In just the last 6 years, we went from... well not 6 years, 8 years, we went from a policy in which a Finance Director said we could not have positions in the CIP Budget, that was told to me directly, and then two years later, that very same

Finance Director, in order to balance the City budget, started tucking in positions. We now have how many City... is it full time permanent positions that get funded out of CIP, Robert. We have the sign shop, we have the signal shop, we have Parks people..."

Mr. Romero said, "We pay for the project management people in CIP that have always been paid for. We pay for the Southside Library people."

Councilor Ortiz asked if the Engineers are paid out of that.

Mr. Romero said, "Yes. The Engineers get paid out of it, they always have. The Southside Library staff gets paid out of that. We do supplement the GCCC budget to the tune of \$700,000, so you could say that could be used for staff or for other causes at the GCCC."

Councilor Ortiz said, "The Finance Director said, because he has said this, not just put it down in writing, we need to find other sources for the expenditures that are now in the ½% GRT CIP. Where are those other sources going to come from."

Mr. Romero said, "Again, I believe it is a discussion we've had between Council and staff. It would be nice if sometime we could get those costs out of CIP, but at this point, we can still afford to do this bond and have them in CIP. I think he's echoing what we've been saying for many years, that at some point it would be better for the CIP fund if we could get those costs out of the CIP GRT, but at this time I don't believe it's critical, but it would be better for the CIP Fund if we did that."

Councilor Bushee said, "Robert, it's not we always have, it's probably we always have since you were the Director of Public Works and City Manager, but we haven't always taken positions out of CIP for operational."

Mr. Romero said, "We have, I believe, when the Council approved that we could use that money to pay for positions."

Councilor Bushee said, "Yes, we've been doing it, but we shouldn't keep doing it and that's why we're in this situation now."

**MOTION TO AMEND:** Councilor Bushee moved, seconded by Councilor Wurzbarger for purposes of discussion, to amend the motion to remove the line item Parks & Medians in the amount of \$2 million, and "approve the CIP Bond with all the additional broadband, and Affordable Housing and all the things in there, and just move that line item Parks and Medians over to the G.O. Bond under Parks, and then we're down to \$20 million and we won't have to grapple on another almost half million dollars when we hit budget time."

**CLARIFICATION OF THE MOTION:** Councilor Ortiz asked for a clarification of the motion. Councilor Bushee said, "It's the same thing as on this left, except we're now taking \$2 million out and putting it over in the G.O. Bond and it's down to \$20 million."



**DISCUSSION ON MOTION TO AMEND:** Councilor Ortiz asked which \$2 million.

Councilor Bushee said it is the \$2 million for Parks & Medians which we're going to try to put over in the G.O. Bond under Parks.

Councilor Ortiz said, "Then you're keeping in your amendments what you proposed at Finance."

Councilor Bushee said, "I don't care how you rearrange it. This just seems easier. I think we should get back to the \$20 million. And I know Councilor Wurzbarger also wants to see the Broadband in this bond. And I know others wanted to make sure the Affordable Housing Down Payment Assistance.... and that cannot go out to a G.O. Bond because it's not bricks and mortar. So, I think the easiest one to put in there is that Parks and Medians that can be used, just easily transitioned over into the Parks Bond section of the G.O. Bond. I am saying you are correct, Councilor Ortiz, in that we shouldn't be compounding a situation that's not sustainable."

Councilor Dominguez said he has a problem or concern with the motion. He said in talking about maintenance, we talk about maintaining our infrastructure, and this does that. Keeping this money in Parks & Medians does that without any second thought, really. It just happened to be this and staff making sure that it happens. It's part of our regular operations, and he doesn't support taking it out because it's one of the things we have to do as well, as well as part of the cost of doing business and being sure we maintain this City and keep it as beautiful as it is.

Councilor Bushee said, "The list says its \$400,000 for Park Improvements, \$96,000 for MRC improvements and \$20,000 for security cameras and \$1.5 for labor for Parks which can be allowed to be used. We've had that discussion. It's not maintenance and it's actually easily moved over. I think it's an easy way to keep us from getting further in the hole on the operational side of CIP. It's like living on your credit card, the way we're operating."

Councilor Calvert thinks that's a big gamble, as much as he supports the G.O. Bond. He said if you put this in the Parks G.O. Bond and it doesn't pass, you have immediately created a \$1.5 million hole in the General Fund by the next year. He doesn't think this is a good proposition.

Mayor said, "I just want to comment on Councilor Bushee's 'the situation that we're in' phrasing. The situation that we're in, is that we can do a \$20 million CIP Bond, we could do a \$22 million CIP Bond, without raising the GRTs or any other tax, without cutting the current operating budget. And you know, an amendment to the Parks increases the size of the G.O. Bond, increases the size of the property tax."

Councilor Bushee said it doesn't if you remove the \$1 million in broadband.

Mayor Coss said, "It still makes it a bigger bond question on the other side. By taking out the broadband and the Affordable Housing and putting it in here, it lowers the overall impact of the G.O. Bond property tax if they pass."

Councilor Bushee said, "You already have the votes. I know what you're doing on the G.O. Bond and this one. I'm trying to make this make economic sense."

Mayor Coss said all he is saying is that he believes it makes economic sense at \$22 million. He said, "You could make it zero and put \$14 million back into the operation budget, but we wouldn't fix our roads and we wouldn't fix our buildings and we wouldn't get bogged down on the Affordable Housing money. I just thought I would address what Councilor Ortiz said. \$200,000 for a Solar Loan Program that's been going on for several years and you see plenty of detail around that. About the Affordable Housing Program that's been going on for 15 years – where's the detail about that. About sharrows that we put in and now we can hardly see it on the streets, there's plenty of detail about that. But you can always say there is no detail and perception is perception."

**VOTE ON THE MOTION TO AMEND:** The motion to amend failed to pass on the following roll call vote:

**For:** Councilor Bushee, Councilor Chavez and Councilor Ortiz.

**Against:** Councilor Calvert, Councilor Dominguez, Councilor Romero, Councilor Trujillo and Councilor Wurzbarger.

**Explaining her vote:** Councilor Wurzbarger said, "I'm going to vote no because I think it has the potential to create a bigger problem in the future..

**Explaining her vote:** Councilor Bushee said, "The same supporters of the G.O. Bond are going to be concerned in this budget cycle. Unfortunately, we won't have Councilor Ortiz here with his wisdom to remind us to not add another \$400,000 to the operational costs of a CIP Bond and we will have to take it out from somewhere, so yes."

**VOTE ON THE ORIGINAL MOTION:** The motion was approved on the following roll call vote:

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

**Against:** Councilor Ortiz and Councilor Bushee.

**Explaining his vote:** Councilor Chavez said, "I'm going to vote yes, but when the discussion first started, we talked about keeping it to a lower dollar amount, and we were more comfortable with \$19-\$20 million. That discussion I remember. I guess I'm not being heard in the back, so I'm not going to start again, so I apologize. But we did try to keep the dollar amount... the initial discussion that I remember at Public Works was caution and we tried to stay within the range of \$19-20 million. That's what we were more comfortable with. But in this series of the few public meetings that we did have, there were a couple of people from the public that came forward and simply added things to that list, and they stuck. So now the dollar amount has grown. That's really not the way we

should be doing things. That's why we're in this situation that we're in. It's been pointed out. I think I tried to point out earlier that what we're doing is not sustainable. The reoccurring money cannot continue to come from our CIP bonds or G.O. Bond. It just can't. We've gotten away with it too long, but we're not going to be able to continue too much longer. I'm going to vote for this now, because we've been holding back on doing this, and I hope that we can keep some of our workers employed. The CIP, this is a very narrow list. It's not going to cast the net very broad, but let's see what we can do to keep the buses running and at least keep our streets maintained and our parks maintained. That's the minimum we can do. So I vote yes."

**Explaining his vote:** Councilor Dominguez said, "I would say that much we're talking about tonight I don't disagree with, but it's my feeling that much of that needs to be taken care of during the budget cycle, during our budget hearings, because that is a lot of what we're talking about, so I vote yes."

**Explaining his vote:** Councilor Ortiz said, "Well fidelity to the *status quo* of things to minimize what are very tough decisions in very tough and difficult times, is very admirable in deciding on votes like this, but it is foolish and it is not sound financial decision-making and it's not wise business decision-making and that's what we're doing here, which is what we've always done here, and so I don't pity the next Governing Body for making very hard decisions in the face of some of the decisions that are being made tonight, and I vote no."

**Explaining her vote:** Councilor Bushee said, "You know I started out this evening very in favor of the Bond, but through the discussion and the way we've been doing business, I don't think we should do it up to the tune of \$22 million, so I'm going to have to vote no."

- b). **CONSIDERATION OF RESOLUTION NO. 2011-68 (COUNCILOR DOMINGUEZ, MAYOR COSS, COUNCILOR TRUJILLO AND COUNCILOR ROMERO). A RESOLUTION CALLING ON THE CITY OF SANTA FE AND THE COMMUNITY TO SUPPORT FUNDING IN THE AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) FOR MUNICIPAL CAPITAL PROJECTS THAT WILL CREATE JOBS, PROVIDE FOR ECONOMIC DEVELOPMENT OPPORTUNITIES, IMPROVE WATER SECURITY, ENHANCE PUBLIC SAFETY AND PROMOTE A HIGH QUALITY OF LIFE FOR THE RESIDENTS OF THE CITY OF SANTA FE; AND PROPOSING A \$30,000 GENERAL OBLIGATION BOND ISSUE FOR APPROVAL BY THE VOTERS OF THE CITY OF SANTA FE AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN CONJUNCTION WITH THE MARCH 6, 2012, REGULAR MUNICIPAL ELECTION.**

- 1) **REQUEST FOR APPROVAL OF GENERAL OBLIGATION BOND QUESTIONS. (KATE NOBLE)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Wurzbarger, with respect to Item H(1)(b)(1) that the Governing Body approve the \$5 million allocated for public safety as described in the portfolio.

**DISCUSSION:** Responding to a question from the Council, Councilor Dominguez said the detail will come at some point, just generally speaking for the question, it says articulated in the packet.

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

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

**Against:** Councilor Chavez,

**Explaining her vote:** Councilor Bushee said, "On this question, I'm glad you separated them out separately. Yes. And I just... and I want to make sure you educate the voters that we're not staffing this building and we absolutely need to look for those funds. By the time this thing's built we better have it up and running."

**MOTION:** Councilor Dominguez moved, seconded by Councilor Romero, with respect to with respect to Item H(1)(b)(1) that the Governing Body approve the \$14 million allocated for Parks and Trails Bond with the following conditions: 1) that \$2 million be allocated for the grade separated crossing at Alameda and St. Francis Drive; 2) \$4 million be allocated to fulfill the highest priority projects, identified by BTAC and MPO; and 3) the remainder to be allocated as described in the portfolio regarding Parks, \$5 million for the first phase of the SWAN Park and \$3 million to implement the recommendations brought forth by POSAC.

**DISCUSSION:** Councilor Bushee said the folks that have been doing all this work sent you a recommendation, the MPO sent you a recommendation on the Trails. To have one Councilor that wants a crossing at Alameda and St. Francis and to use \$2 million other than all the other, we leveraged so many connections through that work, the \$5.5 million. There's no way you should, at this point, after having been through committees and having people come through all those public hearings and telling you, standing up for all those things, and now revert it back to one Councilor wants this so we're going to go ahead and do it this way, this is exactly why people are furious over the fact that this is not a bottom-up process. It is a total top down process, and I can't support that at this point.

Councilor Calvert said he appreciates all of the hard work of the MPO and the BTAC. He said, "I do note that a lot of those folks who serve on those committees, and I appreciate their service, are very adept bikers and do not feel the need for a grade separated crossing across St. Francis. We've had proposals for three at one time, but you know, we're asking for one of those grade separated crossings on this for those people who are not as adept, who are less.... we've already had one resident of our District Councilor Bushee, who was killed in the crosswalk on St. Francis. I think we're talking about public safety for all of the people in the City and it makes sense to have crossings across St. Francis that are grade separated. And we have one at Arroyo Chamiso for safety reasons and we need another on the north side for the same reasons. And I

think it will make that trail connectivity on the River Trail better and safer for both pedestrians and bicyclists, and I think the list I saw from the MPO just happened to come in at \$6 million, the list I saw, and I think any list where you ask people how you would spend \$6 million and they can give you a list to fill it up. We actually need all of those on a priority basis I guess I have some question over."

Councilor Calvert continued, "I think that the St. Francis grade separated crossing at Alameda can be done for less than \$2 million and the rest could go toward prioritization of the BTAC-MPO list."

Councilor Chavez said he appreciates Councilor Calvert's openness in advocating for safety at a particular intersection. He said, "Your intersection of concern is St. Francis and West Alameda. My safety concern is St. Francis and Cerrillos, and I don't see one being more important than the other. So, you're really disrespecting me in the process that BTAC has put out, because I've been to BTAC meetings and the public has discussed both at-grade safety improvement and they've both been waiting to be on the list. So, I can't support this motion either."

Councilor Dominguez said he just wants to point out that BTAC is still getting \$4 million for its priorities it identifies on its list. He said it is going to cost \$15 million to build the SWAN Park, but he will compromise to take a little less and not take it all. He thinks what we've come up with is a compromise. It's been discussed at Committee, it's been brought up many times, and it's not like this is the first time. He said he looks forward to the safety conditions which are going to improve just via the \$4 million that will be allocated. He said, "I will say that some of that \$4 million is going to be used to connect the south side to the rest of the City. It's not going to be nearly the kind of connections that exist in other parts of the community. But, nonetheless, it's going to create some of that connectivity and there's still a lot of work that needs to be done with that." He thanked the members of the Council who serve on those committees and the work they've done. He said, "It is what it is."

Councilor Bushee said, "It just points out the horse trading that goes on up here, and I'm glad this goes to the voters, but I have to tell you the details do not go to the voters. The reason the voters gave us the \$30 million the last go-around was it was a grass roots process. Volunteers went out and pitched projects. It went through committee after committee and it was sold to the voters and it got approved. Never once have we discussed a crossing at Alameda, at MPO or BTAC or anywhere else. I'm probably the one who rides a bike most often of these Councilors and I live off West Alameda. And sure, but do you want to stop... it just, it shows the process here. We've had myriads of discussions about trying to cross at St. Francis and connecting our Railyard, our new projects, making sure we're safe at the busier worst intersections. We've spent a long time... we were trying to improve what you were sending out to the voters and getting BTAC excited by taking the MPO project the professional staff had put together. It leveraged a lot of little projects that connected throughout the town, all over town."

Councilor Bushee continued, "BTAC is a very diverse committee. We have people from all over the Districts in the City. We try to make the projects happen for the least amount of money. It's just insane at this level now that we'll say, yeah I have to keep my 5 votes. Usually they come in with 5 or 6 and we horse trade. And I don't get to horse trade really, I'm outside of this corral, but I will say that it's really unfortunate the

way we're doing things tonight and I'm going to have to vote against it. The two projects I probably care the most about are in this bond and have spent the most time on, but that's okay. That's how it goes. The voters will get to see this."

Mayor Coss said, "I would just add onto that. You said one Councilor. I'll say one Councilor and one Mayor and one River Commission and one Watershed Association would like to see the River Trail extended under St. Francis Drive and on up into the Alameda area. When you put together a bond issue that's going to be, between the two of them, about \$4 million, yep, there's some give and take. There's different people representing different constituencies. And then you can get up here in front of the cameras and characterize it as horse trading if you want to, but we voted for the Santa Fe River Master Plan in 1996, and we said we would run that trail under St. Francis. And now we're not going to do it because the Bicycle BTAC community says they don't prioritize it. Well, the people prioritized it. The Watershed Association prioritized it. The River Commission prioritized it, and a lot of people on this Council prioritized it. We still, in the give and take or the horse trading as you would call it, took \$6 million that you were seeking. We had Councilor Chavez's overpass at the Acequia Trail. We took that out, so he doesn't have his 5 votes. We're trying to leave one of the crossings in and trying to come up with... BTAC asked for \$6 million. Between these two bond issues we're giving them \$4.275 million and so we're going to vote no because they got \$4.275 million instead of \$6 million."

Mayor Coss continued, "You can characterize the process all you want, but we're not giving you exactly what you want. But the people of Santa Fe asked for this crossing almost 20 years ago. BTAC has done great work and this Council has responded to it by putting in \$4 million to start addressing \$6 million worth of priorities. I saw it as a win-win. But I also saw when you're putting together the needs of the whole community and the interests of the whole community, some tradeoffs get made. And I think \$2 million for the underpass and \$4 million for the BTAC priorities is a pretty good tradeoff."

Councilor Ortiz said at Finance this was the only question he supported because it was the only question that had details surrounding it, and it was the only one that had a vetting process. He said, "I would say, unequivocally, that the crossing at Alameda and St. Francis is not on my priority list, and the fact that it has the Watershed and the River Commission's stamp of approval probably makes it go down a notch or two from my perspective."

Councilor Ortiz continued, "I will say that back before Councilor Bushee decided to be on an island on this Governing Body, I suppose, there was a fair amount of horse trading at the last minute on the Parks Bond, where \$3 million got put on the Parks Bond for the trails in the northwest quadrant where there was no plan, where nothing happened, where the master plan came two years after the voters passed it. It was the request of one Councilor, and in order to get unanimous support... even Councilor Chavez supported it I think, there was trading. That kind of top-down compromise works at a local level. It should work at a State level. It should absolutely work at a National level."

Councilor Ortiz continued, "And so the only question that I support really and that I'm going to vote for now, because I know the details is this question. And so, it doesn't matter the kind of characterization that you

want to call it – top-down, not grassroots or whatever – all of the Councilors on this Governing Body, at different points in time made these kinds of compromises, and the fact that some Councilors do not have those relationships any more, is a function of those Councilors' relationships with the Governing Body and not some kind of nefariousness to what is actually compromised in the political process. And, so I support this question and I'm going to vote for this question, number one, I still have questions about, but let's not be too critical about compromise."

Councilor Bushee said, "Let's just be clear though about this bond. It started out with a price tag and then the projects came before it. It wasn't like this was the same process as that last Park Bond by any means, Councilor."

Councilor Ortiz agreed, saying, "By no way."

Councilor Bushee said, "By no... not even. It started out, well let's call it an Opportunity Bond, put the price tag out there and see how many projects we can stick special interest to, so people will go out and vote for this. That's pretty much what we have. And I referred to it as horse trading, because it's at the last minute we're sitting there going all right, and apparently Councilor Calvert really wanted to get that crossing, which is fine. I would love to see a crossing there some day. Is it a priority. I'm just voicing what I can voice which is tonight, right now. It's going to go to the voters. I would hope that they would get the details. You may have lost an advocacy group to go out there and sell that part of your bond. That's all I'm saying."

Councilor Ortiz said, "Rupert did a lot of work and good presentations."

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

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

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

**Explaining her vote:** Councilor Bushee said, "I'm going to vote no just because of the process."

**MOTION:** Councilor Dominguez moved, seconded by Councilor Romero, with respect to with respect to Item H(1)(b)(1) that the Governing Body approve the \$3,800,000 for Sustainable Environmental initiatives as shown in the portfolio.

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

**For:** Councilor Romero, Councilor Trujillo, Councilor Wurzbarger, Councilor Calvert, Councilor Dominguez,

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

**Explaining her vote:** Councilor Bushee said, "Here's my mini speech. Thank you and I hope my voice lasts. I spend a lot of time reading about the economy, and I've bored some of my colleagues to death with my mission of helping to understand the big picture. I have actually no confidence at this point in my life in the federal government saving us. I have absolutely no confidence in the State government saving us. And that leaves this up to us. As a person who owned a construction company and has not worked for 2½ years now, I understand the impact of [inaudible]. I agree with those who said these bonds would give us the opportunity to make our economy work and grow for people in Santa Fe. Now, my mini speech is this, an important part of this is that the only way that this is worth voting for is if we collectively work and you hold our feet to the fire and we work with the City Manager and our accounting and our procurement director to make sure that these jobs stay in Santa Fe. Otherwise, we are wasting our efforts. We are paying our taxes to people who live and spend the money in Albuquerque. This will not work. We cannot put this condition on the bond, I understand that. But we have to do some real due diligence to better understand what we can do as a home rule City to change our procurement rules, and that was the purpose of the Resolution that we all passed earlier. But I can tell you that we are going to need your support on this process, and with that, I vote yes."

**Explaining her vote:** Councilor Bushee said, "Again. I think there should be 3 questions. I think the third question should be about economic infrastructure and I do not see Question No. 3 as doing that, so I'm going to vote no on that one."

**Explaining his vote:** Councilor Dominguez said, "I will say that I have these three questions, or this G.O. Bond as an opportunity to invest in our City. And really, even with the direction we've given staff tonight, or the Resolution that we passed regarding the local preference, that's part of the effort to continue to do that. We cannot count on the feds and the State anymore. And as far as the future, I think this does address some of the future needs that we have, and it's part of creating a good environment for the future of our community. I know for the first issue, there are some people who can't support it for principle reasons and that's something that I can respect. I think, in the G.O. Bond, it becomes much more political and there's many ways that you can look to not support it. And as far as I'm concerned, that really reeks of, I guess Washington politics, for lack of a better term, because that's what's going on over there. And I think that what this is, is a really democratic process and this gives the voters an opportunity to vote on what it is that they want. And having said that, I vote yes."

**Explaining his vote:** Councilor Ortiz said, "This third question is well intentioned and it's supposed to make us all feel good, because we're all good, progressives up on the Council and because this is a buzz word that we spread about in the City, but this question is flawed. And it's flawed because it's an amalgam of three different kinds of projects under the one title of sustainable environment. And for that reason, I think it should be defeated. I think we have a proper nexus between the three projects and the kinds of monies that we're going to allocate, and we should have done more



homework on this, and as Councilor Bushee said, we should have come up with the title and number and then projects to fit the bill. And so this question, while well intentioned, while sounding good, is an amalgam of 3 different things. It should have been broken up to go to the public, or it should have had more work to it, so this isn't ready for prime time. I've got to vote no."

Yolanda Vigil said the Council now needs to go back and vote on the Resolution (H(1)(b)).

Councilor Bushee asked if we want to vote on Question #5.

Councilor Calvert said it isn't being proposed.

Councilor Romero said there are only 3 questions.

Councilor Bushee asked if the other projects are going away.

Mayor Coss said the broadband was moved into the CIP Bond and there is no motion to approve the multi-modal center, so there will just be 3 questions.

Councilor Bushee asked the total amount of the G.O. Bond, and Mayor Coss said approximately \$22 million. Councilor Bushee asked what this would mean in terms of the property tax.

Mayor Coss said if it was \$70 on a \$300,000 home, it will be something less than \$70 per year, but we will get that information for sure.

Responding to Councilor Bushee, Mayor Coss said two questions would be deleted from the Resolution.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Trujillo, with respect to Item H(1)(b), to adopt Resolution No. 2011-68, as amended.

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

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

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

**Explaining her vote:** You know, I want to vote for 1 and 2 at this point, but I don't want to vote for 3, so no."

- 2) **CONSIDERATION OF RESOLUTION NO. 2011- 69 (COUNCILOR DOMINGUEZ, MAYOR COSS, COUNCILOR TRUJILLO AND COUNCILOR ROMERO). A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 6, 2012, IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION FOR THE PURPOSE OF VOTING ON THE ISSUANCE OF GENERAL OBLIGATION/BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$30,000,000; DESCRIBING THE PURPOSES TO WHICH THE BOND PROCEEDS WOULD BE PUT; PROVIDING THE FORM OF THE BOND QUESTION; PROVIDING FOR NOTICE OF THE ELECTION; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.**

**RESOLUCION CONVOCA UNA ELECCION EXTRAORDINARIA QUE TENDRA LUGAR EN LA MUNICIPALIDAD DE SANTA FE EL DIA 6 DE MARZO, 2012, CONJUNTAMENTE CON LA ELECCION MUNICIPAL ORDINARIA CON EL FIN DE VOTAR SI SE EMITIRAN BONOS DE OBLACION GENERAL EN SUMA PRINCIPAL AGREGADA DE \$30,000,000; SE DESCRIBEN LOS PROPOSITOS PARA LOS CUALES SE DEDICARAN EL PRODUCTO; DISPONIENDO LAS FORMAS DE LAS CUESTIONES DE LOS BONOS; DISPONIENDO LA NOTIFICACION DE LA ELECCION; SE PRESCRIBEN OTROS DETALLES EN RELACION CON DICHA ELECCION Y BONOS; Y SE RATIFICA LA ACCION TOMADA PREVIAMENTE EN RELACION CON LO DICHO.**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Romero, with respect to Item H(1)(b)(2), to adopt Resolution No. 2011-69, as amended, to include the 3 questions which were approved for a total amount of \$22,800,000.

**DISCUSSION:** Councilor Chavez said there was an amendment sheet in the packet regarding the time frame for the build-out.

Ms. Vigil said that is on page 11 of the Council packet, and provides, "The City should reasonably expect to encumber 5% of the proceeds within six months of the date of issuance of the bonds and to complete the projects within three years of the date of issuance of the bonds."

Councilor Chavez questioned whether three years would be sufficient to complete the projects.

Robert Romero said, "We more than likely wouldn't do the entire bond right away. We would just bond out for the projects that are ready to go soon, and we would do the rest later. So, I think three years from the issuance of the bond is okay."

Responding to Councilor Chavez, Councilor Dominguez said that amendment is already incorporated into the proposed Resolution.

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

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

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

**Explaining her vote:** Councilor Bushee said, "As grateful as I am that they are going to the voters, I think that we could have done better work on the questions, particularly #3, and so I vote no."

**Explaining his vote:** Councilor Chavez said, "I'm going to vote no. I think I'm consistent. I've been concerned about the impact, not on those property owners that can pay the property tax, but on those people that don't own property but will still be impacted where it is a pass through. I have concerns about working families, those on fixed incomes and this could be of impact on them, so I vote no."

**Explaining his vote:** Councilor Calvert said, "Well I guess there's always room for improvement, I don't care who you are, even if you've been here for a long time, so I vote yes."

**c) UPDATE ON PARKS BOND AND REQUEST FOR APPROVAL OF  
REALLOCATION OF BOND FUNDS. (FABIAN CHAVEZ AND ISAAC PINO)**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Romero, to approve Option 2 set out in the Memorandum dated November 21, 2011, to the Mayor and Council, from Isaac J. Pino, Director, Public Works Department, which is in the Council packet, noting there is \$750,000 available, in the following manner, \$500,000 utilized for the SWAN Park Engineering & Design, \$100,000 utilized for security cameras in parks and trailheads throughout the community, \$50,000 utilized for the Botanical Gardens and \$100,000 utilized for Plaza improvements including efforts to reduce the size, not eliminate, the utility box on the Plaza.

**CLARIFICATION OF THE MOTION:** Council Wurzbarger asked for clarification if the cameras were for the parks and trailheads and not just for parks. Councilor Dominguez said this is correct – for parks and trailheads.

Councilor Calvert said, "I guess I had been led to believe that we were not going to reallocate the \$750,000 this evening. I guess that was my misperception."

Councilor Dominguez said we did reallocate at the Finance Committee so we could bring it to the Governing Body for approval.

Councilor Calvert said he had hoped this would go back to Public Works "since we never saw this accounting of the reallocation."

Councilor Dominguez said the details are that \$500,000 will be used for the SWAN Park Engineering & Design, \$100,000 will be utilized for security cameras in parks and trailheads throughout the community, \$50,000 utilized for the Botanical Gardens and \$100,000 utilized for Plaza improvements, including efforts to reduce the size, not eliminate, the utility box on the Plaza.

Councilor Chavez said we didn't finish the summary on the \$30 million G.O. issue because there were some questions we were waiting for. He said we've discussed a summary on how those funds were spent. He also had issues about funds which were spent out-of-state. He said we had the same discussion on the last \$30 million bond we issued, and we haven't received all of this information. We really don't know the total fiscal impact/benefit for that \$30 million bond. He said we can see some of the improvements, but we know there's always room for improvement. He said we wanted to know "percentage wise, dollar amount, how much of that money was spent here in town." He said perhaps we'll know the next time around, since we've been asking these questions.

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

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

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

**Explaining his vote:** Councilor Ortiz said, "The only reason we have this money to reallocate was because of the diligence of all the people who put together the bond so we had concrete, finite numbers with a project schedule and the extraordinary efforts of Ben, Fabian and Jackie and other people in Parks who stayed on these projects and did the work. And yes, having their salaries tucked into this, but doing the work to get the projects done, and every park project as far as I know is one time, scheduled to be on time and is all coming in under budget, and that's why we have this reallocation. This is largely because of those staff people that we have this ability to reallocate, and so I vote yes. And thank you staff for doing that."

**Explaining her vote:** Councilor Romero thanked staff that made this all possible in a 3 year span, which met expectations, and said, "So I vote yes."

**Explaining his vote:** Councilor Trujillo said he also thanks staff as well. He said, "But Councilor Dominguez, the only one I do have a problem with is number 4, \$100,000 for the box on Plaza. I know we've improved the plaza extremely over the years. It is part of the community as well. But

here we're talking about this box again. And I can honestly tell you, I've gone to the Plaza so many times and when I talk to tourists who are visiting our town – you know what that big box is there, most of them say they wouldn't have noticed it unless he mentioned it. He said, "Even us locals don't notice it. I cannot see spending as much as \$300,000 on it. You know how many pocket parks I could build in District 4 for that amount of money. A lot of them. I'm going to vote yes on this, but I do have my reservations about spending that kind of money on something that's already there."

**Explaining her vote:** Councilor Bushee said, "Yes on this option. I like it better than the direction we were taking before. But I will say if you just make it general \$100,000 for the Plaza, you're not going to get a lot to fix that thing. So is it just generally for the Plaza." Councilor Dominguez noted it was \$100,000 for Plaza including reducing the size of the box, not eliminating it. He said his motion is clear that it is to improve the Plaza and what we can to reduce the size. Councilor Bushee said, "Okay, I'll vote yes."

***BREAK 9:45 P.M. TO 9:55 P.M.***

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**MOTION:** Councilor Ortiz moved, seconded by Councilor Calvert, to hear Item H(7) next on the Agenda and approve the Amended Agenda as amended.

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

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- 7) **CONSIDERATION OF BILL NO. 2011-42: ADOPTION OF ORDINANCE NO. 2011-37. AN ORDINANCE REPEALING ARTICLES 14-1 THROUGH 14-4 SFCC 1987 AND ADOPTING NEW ARTICLES 14-1 THROUGH 14-4 SFCC 1987; REPEALING SECTION 14-5.1 SFCC 1987 AND ADOPTING A NEW SECTION 14-5.1 SFCC 1987; REPEALING SECTIONS 14-5.3 THROUGH 15-5.5 SFCC 1987, AND ADOPTING NEW SECTIONS 14-5-3 THROUGH 14-5.5 SFCC 1987; REPEALING SECTIONS 14-5.7 THROUGH 14-5.10 SFCC 1987 AND ADOPTING NEW SECTIONS 14-5.7 THROUGH 14-5.10; REPEALING ARTICLES 14-6 THROUGH 14-7 SFCC 1987, AND ADOPTING NEW ARTICLES 14-6 THROUGH 14-7 SFCC 1987; REPEALING SECTIONS 14-8.11 THROUGH 14-8.16 SFCC 1987 AND ADOPTING NEW SECTIONS 14-8.11 SFCC 1987 THROUGH 14-8.16 SFCC 1987; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (GREG SMITH)**

*A copy of Proposed Amendments to Bill No. 2011-42, Repealing and Adopting Various Articles of Chapter 14 (Staff Amendments) is incorporated herewith to these minutes as Exhibit "15."*

A Memorandum prepared November 18 for November 30, 2011 meeting, with attachments [pages 2 through 580 of the Council packet], to Mayor and City Council, from Greg Smith, Director, Current Planning Division, regarding Chapter 14 Development Code Rewrite Amendments (Bill No. 2011-42), is incorporated herewith to these minutes by reference, and copies of the packet can be obtained from the City Clerk.

Matthew O'Reilly thanked everyone who assisted in this effort including former and past chairs of the Planning Commission, the members of the subcommittee and consultant Chris Graeser who has been an incredible asset, commenting that it took the Subcommittee 2½ years to complete this effort. He said Greg Smith has been the hero in this process, and the person who took this on and spent most of his time on this effort for the past two years.

Mr. O'Reilly said the County just completed a similar project, spending more than \$900,000, and the City did this for a tiny fraction of that amount, did it in-house with the input of a lot of the members of the community and the Planning Commission. He said, "This was Gregg Smith's baby. He was the only one who had been here long enough and had the institutional memory to know where the conflicts and errors were, over 350 of them, in the Code."

Greg Smith thanked Mr. Reilly, saying this was a team effort and he was the funnel for the policy direction from the Planning Commission, the Planning Commission Subcommittee, feedback from the Public Works Subcommittee, noting a couple of Councilors worked on this and he reviewed their feedback as they went through the process.

Mr. Smith said each of the Councilors has reviewed the staff presentation on the changes and summary of the various policy issues and the matrix attached to the Staff Report listing the more than 300 individual changes which have been made. He said, unless otherwise directed by the Council, he, Mr. Graeser and the Land Use Director will stand for questions after the Public Hearing.

Mr. Smith said in addition to the Staff Report, the matrix and the bill which are in the Council packet, there are also 200 amendment sheets prepared by individual Councilors, noting the Staff amendment has been revised slightly and a copy of that document, with yellow highlighting indicating some technical tweaks from the Traffic Engineer, was put on the Councilors' desks prior to the Council Meeting [Exhibit "15"].

### **Public Hearing**

**Marilyn Bane** said, "You have no idea how much I sympathize with you, having gone through this, and how much I envy that you all have had the opportunity to meet one-on-one with Matthew O'Reilly and Greg Smith. I would like the opportunity, because I did sit in on some of these meetings, perhaps 6 months worth, maybe 8 months worth. And I will tell you, half the time, I wasn't even sure what we were talking about. It was a hugely, hugely complicated set of things which you know if you've gone through them."

Ms. Bane continued, "There are some things I think are different than I had seen now. The public has not seen a presentation of this. You all have met one-on-one. I had thought that you would have a study session where maybe the public could sit in on it, and that hasn't happened. I think that was probably much more efficient. However, the end result to it is, again, here we are again. At Finance, when they were going to make a presentation, there were only two Councilors there, so that didn't happen."

Ms. Bane continued, "And I just wish there was an opportunity, as I always do, wish that there was an opportunity for the public to understand at least the bigger issues, not the housekeeping issues obviously. And I would be wrong not to thank Matt and Chris and Greg for the huge amount of work that they did and the huge thought processes that we discussed while I was there, so I join everyone in thanking them. But, if there would be an opportunity, if not tonight, another time, for there to be a chance for discussion if the public had some questions on different things. That would be very helpful. Thank you."

**Stefanie Beninato, 604-604 ½ Galisteo** said "I too agree with what Marilyn Bane had to say. There needs to be some more public education and input. Although they had subcommittee meetings that were open to the public, I don't think many people actually came and sat through these things, much of which was technical. And I do think there have been some major changes, particularly with the centralization of power within the staff and taking it away from boards, which I think citizens should be aware of in knowing what's been going on and how it's been changed. Having attended the Network, the Neighborhood Network meetings, and heard about changes over the past several years, I think it would be a very fruitful time to give people a chance to know really how Chapter 14, which affects so many people, is going to change, particularly in terms of appearing before boards, what powers boards have now, as opposed to the head of the Land Use Department, etc., which I think are some of the major policy issues which have not been openly discussed and that citizens are unaware of. Thank you."

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

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Romero for purposes of discussion, to adopt Ordinance No. 2011-37 with the amendments which are in the Council packet, and with the staff amendments handed out this evening [Exhibit "15"].

**DISCUSSION:** Councilor Romero said she seconded for discussion purposes. She said the small Land Use Subcommittee started to look at this 3½ years ago, so she has had the opportunity to look at a lot of information that has come forward. She asked Mr. O'Reilly to speak to the issue of centralization of power which has come from several people, commenting she didn't see it that way and saw it differently.

Mr. O'Reilly said there has been no centralization of power, and no power has been taken away from committees and given to staff. He said the Chapter 14 project is best described as a cleanup. He said there were references to all kinds of different staff members scattered throughout Chapter 14, some heads of divisions which no longer exist. He said all of those, at one time or another, probably reported to the Land Use Director. He said to make this simple and clean, rather than specifying lots of individual staff

members, we just replaced Land Use Director for that. He said they could also have used "staff," but all staff in the Land Use Department ultimately report to the Land Use Director who ultimately is responsible for any staff decision. So that was just a cleanup of language. He said, "To the person who doesn't peruse Chapter 14 on a daily basis, it may have seemed that way, but that's really what it was."

Councilor Romero said her guess is that more amendments will be coming forward in the future, and said, for example, FEMA issues, pointing out that this is an organic document which is always subject to change.

Mr. O'Reilly said the strength and weakness of the Land Development Code is that it has become a fluid document over the years. He said this document is cleaned up, but it is not perfect. He said, like any ordinance adopted by the City, over time staff will find things that were missed, problems or conflicts, and staff anticipates, as we start using it, we will be bringing those back to this body, including where there are comments from a federal body and we have to make a change.

Councilor Romero asked what would be a reasonable amount of time to use the document before bringing back changes, and Mr. O'Reilly said approximately 12 months.

Councilor Chavez asked if staff will review this regularly, or will reviews be done every 6-12 month, as a matter of practice, to clean up.

Mr. O'Reilly said Chapter 14 is a living document, which is used every single day. He said staff will be identifying "hiccups, things that are wrong on a daily basis." He said staff doesn't anticipate a specific timetable for review, but over the next year staff probably will find things that don't work so well, or things that are missing, and we'll bring those to Council for its consideration.

Councilor Chavez said there is an amendment currently going through the Committee process to exempt educational facilities from having to comply with the ENN, and asked how that amendment would fit in this ordinance.

Mr. O'Reilly said that ordinance is an amendment to an existing ordinance, and it applies to State educational facilities, commenting he needs to ask Mr. Smith if it is an amendment to Chapter 14. He said if it is an amendment to Chapter 14, it would be incorporated into this when everything is codified.

Councilor Bushee asked why this was sent just to the Planning Commission, and asked why the decision to get rid of the BCD DRC wasn't sent to both Historic Design and the Planning Commission.

Mr. O'Reilly said, "We generally don't send land use ordinances anybody other than the Planning Commission."

Commissioner Bushee asked why the decision to eliminate the BCD DRC wasn't sent to the Historic Design Review Board for review – why would it go to the Planning Commission alone, when a lot of what was dealt with at BCD DRC has to do with style.



Mr. O'Reilly said the Historic Design Review Board reviews project that fall under the Historic Ordinance, and not under any other ordinance. He said a land use ordinance is taken to the Planning Commission and to the appropriate Council committees, and those generally aren't taken to any other body. He said, "One of the things that is made clear in this rewrite is that, if we're rewriting the Historic Ordinance, the H-Board has jurisdiction over those changes. If we're rewriting the Archaeological Ordinance, the Archaeological Committee gets to have jurisdiction over those changes, because those are what they specialize in. But we generally don't bring land use ordinances in front of the Historic Design Review Board, or the Archaeological Committee or the Board of Adjustment."

Council Bushee said a lot of the issues have to do with, for example, height, and it doesn't make sense to send it just to the Planning Commission.

Mr. O'Reilly said then she is speaking about land use projects. He said the H-Board's purview and expertise, for example, is applying the Historic Preservation Ordinance, and that Ordinance currently is being rewritten, and has been worked on for about two years by an H-Board subcommittee. He said that Ordinance isn't included in what is before the Council this evening, and will come forward as a separate item, and probably won't go to the Planning Commission and will just go to the H-Board and then to Council.

Mr. O'Reilly said it is staff's recommendation that cases which would have gone to the BCD DRC should go to the Planning Commission. He said most projects in the BCD DRC also are in the Historic District, so the H-Board and Planning Commission will act on those projects. He said, "So, it's really just a substitution of the Planning Commission for the BCD DRC and we're not eliminating the H-Board's ability to review those projects."

**CLARIFICATION OF THE MOTION WITH RESPECT TO PROPOSED STAFF AMENDMENTS:** Mr. O'Reilly asked if the motion includes the yellow highlighted staff Amendment Sheet which was handed out [Exhibit "15"], and Councilor Wurzbarger 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 Romero, Councilor Trujillo and Councilor Trujillo.

**Against:** None.

**Explaining her vote:** Councilor Wurzbarger said, "Yes. And I would like to give direction to staff to work with the public in terms of information and give them the opportunity in terms of a presentation [inaudible]."

**Explaining her vote:** Councilor Bushee said, "I'm going to vote for this. It's years of work, and I would like to add Jeanne Price to the list of folks that shepherded this and deserves a lot of credit. But I will say that you are going to want to reexamine just sending all these cases off to the

Planning Commission. In fact, the Planning Commission Chair stood up and said he thought the job should be shared between a certain kind of styles committee, it just doesn't have to be H-styles. So, maybe I'll look at some amendments to that effect. So, I will do that afterwards. Thanks."

Mayor Coss thanked Matthew O'Reilly, Greg Smith, Chris Graeser, Jeanne Price, Melissa Byers, the Planning Commission, and all those who worked on the Chapter 14 rewrite.

**2) CONSIDERATION OF BILL NO. 2011-35; ADOPTION OR ORDINANCE NO. 2011-38. (COUNCILOR ORTIZ AND COUNCILOR WURZBURGER). 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. (BRIAN SNYDER)  
(Postponed at October 26, 2011 City Council Meeting)**

Brian Snyder summarized the proposed Ordinance, and said he will stand for questions. He noted there is a proposed amendment from the River Commission in the packet.

**Public Hearing**

**Jerry Jacobi** said he is a member of the Santa Fe River Commission, which has been meeting monthly for the past 5 years, working with City staff and others to come up with recommendations as to how this should be handled. He said he was surprised to see an item on the October 26<sup>th</sup> Council Agenda that the Council was going to consider a bill regarding suspension of the Santa Fe River flow during water warnings and water emergencies, since you hadn't really seen our target flow recommendations in the Ordinance.

Mr. Jacobi continued, saying, "I do see your foresight, you are anticipating a resolution for the administrative procedures for the target flows in the Santa Fe River. This is something that should be presented to you soon. These are recommendations by City staff, the River Commission and members of the City at a couple of meetings, and we've come up with recommendations, like I say, you should be seeing soon."

Mr. Jacobi continued, "But we do share your concern for these water conditions, emergencies, warnings, but we should, now that we have the Buckman Direct Diversion on line, we have another secure source of water supply. Remember, earlier this year, you passed a Resolution for 300 afy to the River. This is the lowest level that we have recommended in our proposed ordinance that you will be seeing. But the 300 afy was released and was met without any real difficulties probably during one of the most extremely dry years that we've seen in the past several years. And this water did provide for the upper canyon seed area, the upper Nichols Reservoir as I call it, and I think one pulse did make it down past Siler Road. So we did let out 300 afy."

Mr. Jacobi continued, "The thing we're concerned with is that if you are to proceed with this bill, that, with the weather conditions, we have suggested that you amend the language in the proposal, to change the wording from 'shall be suspended,' to 'may be suspended' under those two conditions, the warning and the emergencies. The use of the word 'may' gives a little more opportunity for discussion. I would hope that we don't get to a critical point where our minimum 300 afy becomes necessary for survival of the City, because that's 73% of the City's water budget if you want to look at it that way, which is about a 10 days supply. So, anyway, I would like Richard Ellenberg... he's going to talk a little about this too. Thank you for your time.

**Richard Ellenberg, 1714 Canyon Road**, said, "The reason for proposing in the target flows that are coming forward from staff and the River Commission that there be a minimum of 300 afy released in most cases, is not to have water in the River. It is to protect the City's investment in foliage and trees. I'm specifically going back, a little history. We had two public hearings at Audubon with an *ad hoc* group that was put together. That was really a strong group. I was privileged to be in it. And some of those people knew a lot about water and trees and how it flowed, and what they needed to keep alive. We had two concerns to look at with regard to minimum and maximum flows. One was the concern for conjunctive use and resting our well fields over time. With to what staff recommended, we made some changes from what we had been thinking about in high flow times to allow more water to be built up to be used in other periods and rest the wells more, and recommended the 300 afy was something we could be comfortable with having put in the River, even in the driest times. The other question being asked, was what it would take to protect the trees. Now we're spending lots of money in various projects planting things, and a large part of the target flow used was aimed at a couple of surges to plant seeds, cottonwood seeds, etc., to spread a green belt all the way to 599, and the end of the presumptive City limits. Obviously some monitoring would be needed and some adjustments we'll probably need, once we've done the monitoring."

Mr. Ellenberg continued, "I think the opinion of the people in the room, that are in a much better position to know, I imagine, if we had anybody that knew, was that the target flows allow us to work at adopting a green belt all the way to the end of the presumptive City limits. And then the 300 afy is designed to be released in two surges, which in the opinion of the folks that knew a lot, would be enough to keep the green belt alive, even in dry times. You don't see a lot of that. Apparently, we learned very quickly, a lot of the water will flow underground, so the visible release is not a factor we were aiming at in this. It is the flow that we expect to happen underground that will reach all the way to the end of the presumptive City limits and keep the foliage alive."

Mr. Ellenberg continued, "That then is what went to the public hearings and that's where the 300 afy feet came from that you approved for this last summer. There is in process planning a detailed monitoring program that will include monitoring the water flow below the surface to see exactly how close we came to the projections of the experts and whether that will take some changes in modification to reach the target flow. The target flows in dry times [inaudible] to get there to have more in wet times. In good times, they are designed to keep water running through the City to help the tourist market and everything else, but the dry time flows are designed simply to protect the investment in trees."

Mr. Ellenberg continued, "Now, the ordinance in question, the emergency ordinance, seems to recognize the importance of protecting the City's investment, in that it has special rules for Parks. It's a very long paragraph about what parks should do in the orange and red times to try to protect the City's investment in trees having learned from our mistake in the early two thousands, where we lost a huge amount of value in trees to save some water in those times."

Mr. Ellenberg continued, "Now, the other thing we did here, is there is an emergency clause in the proposed target flows that will be coming to you that provides for discretion in the department in case of emergencies to cut off flows into the River. Now, under your orange and red proposals, they are set by a percentage when we can't produce enough water to meet our needs. That's not something we're likely to see in the near future. This summer we had an occasion where the Canyon Road Treatment Plant was off line, Buckman went off-line because of the silt in the Rio Grande River, and we still had enough water just from the wells to provide for all of our needs. So, the likelihood it's going to happen if we get into an orange or red occasion, it's going to be something very unusual and a multitude of things happening at once. It is very difficult to predict what the correct response would be for the River. The reservoirs may be full, they may be empty, the release may be sludge water that they can't process. So, we think it is better to use the word 'may' and leave that at the discretion of the administration at the time to determine, based on the type of emergency we're dealing with, and the actual conditions we were dealing with, what would be the appropriate course to take in the best interest of the City. So that's the reason... how we get to proposing the word 'may' rather than 'shall' in this proposed amendment."

### **The Public Hearing was Closed**

Councilor Ortiz said when the City adopted the initial Resolution allowing the flow, he realized that this issue would come up and that we needed to have some direction in our ordinance so that staff had clear guidance when that emergency comes up, what authority staff has as opposed to the authority of the River Commission. He said he finds some logic to the proposal to change the "shall" to "may" to use the permissive language in the case of a warning.

**MOTION:** Councilor Ortiz moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2011-38, with an amendment to accept Amendment #1 proposed by the River Commission as follows: "On page 4, line 10, delete "shall" and substitute "may" in lieu thereof."

**DISCUSSION.** Councilor Ortiz said he thinks the language for emergencies should remain "shall," and it should be proscriptive for staff. He said when we are in an emergency situation the City is saying that it has become so dry, using all of the resources in our City water system, the priority becomes for the public welfare to get drinking water into the system, not flows in the river, nor trees that have been planted as part of the beautification along parts of the River. He said we have been in emergency situations twice in the past 12 years, and believes we should remain with the "shall" language.

Councilor Ortiz said we lost the trees because we were applying a badly worded ordinance to ourselves to try and set the example in the community – the community had to sacrifice and so did we. He said it wasn't because we didn't have the resources and couldn't water, it was because we had a bad ordinance at the time that we had to follow.

Councilor Ortiz said when we did the BDD there was a lot of discussion that it was meant, along with the surface water coming through the River, to allow resting of the Buckman Well Fields. He said, to say that we are going to pump those wells so we can have target flows in the Santa Fe River, is a complete break from the City's water policy to 2007. He said he is totally in agreement that the Santa Fe River should be flowing in good years. He said we could put a question before the voters about putting in place an infrastructure to provide a green belt to 599 which talks about use of effluent with some conjunctive use of the Santa Fe River – get a price and sell it to the public. He said this is the kind of comment which is needed for the River, and perhaps this is what the River Commission should focus on, instead of guaranteeing water flows in the River in any given year.

**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, "I was hoping you'd separate the questions out, but I generally agree with the concept. I'm a little concerned that we may be over-reacting. I think we can have both. I think we can mine the aquifer and have the pulses that they worked out, but I will vote yes in this case."

**Explaining his vote:** Councilor Calvert said, "Yes. I'm concerned that, regardless of how it happened in the past in some of the Parks and stuff, we ended up sacrificing things that we lived to regret, and I'm afraid we might do that here, but I'll hope for the discretion and judgment of the staff on this, and vote yes."

*Councilor Wurzbarger departed the meeting*

- 3) **CONSIDERATION OF BILL NO. 2011-41; ADOPTION OR ORDINANCE NO. 2011-39 (COUNCILOR BUSHEE). 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 CRIMINAL ENFORCEMENT, PENALTY; AND ADMINISTRATIVE ENFORCEMENT. (ARIC WHEELER AND DR. MELVILLE MORGAN)**

Aric Wheeler said the amendments strengthen some of the language regarding law enforcement and create an administrative process by which the license can be repealed through the Business License section, noting this is also known as the Busker's License.

**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 Romero, to adopt Ordinance No. 2011-39, as presented, with the amendments that are in the Council packet.

**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.

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**MOTION:** Councilor Bushee moved, seconded by Councilor Romero, to hear Item H(8) next on the agenda, and to approve the Amended Agenda as amended.

**VOTE:** The motion was approved on a voice vote with two dissenting votes and Councilor Wurzbarger absent for the vote. [ STENOGRAPHER'S NOTE: The stenographer was unable to discern which two Councilors voted against the motion]

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- 8) **REQUEST FROM MARIBEL CORDONA, 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 DE VARGAS MIDDLE SCHOOL, 1720 LLANO STREET. THE REQUEST IS FOR THE FOLLOWING EVENTS: 12/2/11 – CHRISTMAS CELEBRATION; LUMA REPRESENTATIVES 8:00 P.M. – 12:00 A.M.; 12/9/11 – ANNUAL FUNDRAISING; SOMOS UN PUEBLO UNIDOS 6:00 P.M. - 11:00 P.M.; 12/30/11 – PRIVATE EVENT – QUINCEAÑERA; JOSE TAPIA 7:00 P.M. - 12:00 A.M.; AND 12/31/11 – NEW YEAR'S EVE; MARIA ESCAMILLA 8:00 P.M. – 12:00 A.M. (YOLANDA VIGIL)**

A Memorandum dated November 30, 2011, with attachments, to Mayor Coss and City Councilors, from Yolanda Y. Vigil, City Clerk, is incorporated herewith to these minutes as Exhibit "16."

The staff report was presented by Yolanda Vigil, City Clerk, noting all events will be required to have 4 security personnel in addition to the 5 employees of the M & J Event Center. She said there is a letter in the Council packet from Bobbie J. Gutierrez, Superintendent, Santa Fe Public Schools, stating they have no objections to these requests.

### **Public Hearing**

**Maria Bautista, 996 Camino Rizo, was sworn.** Ms. Bautista said she is concerned about this request. She said, "The Director of Alcohol and Gaming said to me that this is not the purpose for special permits. The purpose for special permits was set up so that you could have an event here or there in different locations. What we have going on here is an event that's going on every single weekend in the same location. I'd like to say that I'm talking about the events that you have listed here, events that have been held prior to this and events scheduled into 2012. All of these people here I know. They're my friends. I don't have anything against them. I'm talking about alcohol and not about people, so I want to make that very clear."

Ms. Bautista continued, "A Quinceanera doesn't need alcohol service when a young woman comes of age, it's like a Bar Mitzvah in a Jewish community or any other community that wishes to honor someone's coming of age. If a Quinceanera needs alcohol, go to a bar. I'm really, really beginning to see a pattern here at this one location. Because if you'll look at what they've scheduled here and what they're asking permission for, either grant a waiver forever or have them get a liquor license. Because what's going on is that there's a DJ in-house. There's a deal going on with Kelly Liquors, so when the application is made, the license-holder will be the liquor distributor and the individual that signs-off is the building owner, which leaves us kind of in limbo if somebody gets hurt. Who's responsible – Kelly or the building manager or the City Council. Who's going to grant the permit... well the waiver so they can get these permits."

Ms. Bautista continued, "There's two waiters that usually take care of the large crowd that go there and 4 security guards. Alcohol and economic development. We're back to that again. And, it's really

frustrating because in talking to the Governor's office, and in meetings we've had, the Governor's going to be getting a huge committee together of organizing communities and groups and governing bodies to participate in the revision of the anti-DWI laws and figure out how do we tie them up, how do we deal with penalties. Because just the other day, what did we have again. Another fellow who was arrested his 9<sup>th</sup> time, so we know there's a problem. I know you know there's a problem. Believe me we all know there's a problem."

Ms. Bautista continued, "So what I would like to ask of you is to establish a moratorium on waivers until we can get the law changed, and join the State in what it's doing. We're going to the Legislature, and we're having individuals throughout the State present on this to try to change the legislation and figure out why the State has no drinking and driving laws and then they send to you the applications for waivers and then they go to Bobbie to get her to sign off, Bobbie Gutierrez our Superintendent. It's just not a good policy. So please, I've asked you before, say no to this."

Ms. Bautista continued, "I don't have issues with these individuals as to what they're doing whatsoever, but if they can do it, then I'm going to go rent a warehouse. And I'm going to get my own DJ and I'm going to come to you every single weekend and ask for a waiver to do the same thing they're doing. I'm going to have a birthday party, we need alcohol. We're going to have a Quinceanera, we need alcohol. I could say that we're going to have anything. And I think at this point, we need to stop this, especially where kids are involved. Because, if you're going to tell me you're going to give alcohol to a 15-year-old young woman, something's wrong."

Ms. Bautista continued, "I also want to say that I want you to really look at this. I want you to really consider what's going on, and I want you to realize that this is a business without an alcohol license, that's selling alcohol, that only has 2 waiters and 4 security people that don't deal with the alcohol issue. I think that's in our neighborhood, right Ron. District 4."

**Nyira Gitana, 996 Camino Rizo, Santa Fe, 87502.** Ms. Gitana said, "Some of my letters may not have been as respectful as they could have been, but this issue of liquor and alcohol abuse is a passionate one for me, and I may have taken it out on the wrong people, so I apologize in advance. Nevertheless, I am mostly against these waivers that are constantly being presented to you to pass. And I've seen you over, and over and over again sit there with this unacceptable situation and say yes, yes, yes all the way down the line. Again, this individual, this request is from Maribel Cordona, but it's really from Kelly Liquors, because they're the ones that hold the liquor license. Once again, there's a Christmas celebration. I don't remember the Christ child being born in a brewery. Somos un Pueblos Unidos has an annual fundraiser. I guess they need to be a little loose to write the checks. Private event Quinceanera, once again, does a 15 year old need drinking at her coming out party, so to speak, with her 11 year old cousin down the way drinking as well. New Year's Eve. Of course we have to drink."

Ms. Gitana continued, "Once again, I'm asking you to seek some unencumbered part of your conscience and if just one of you could say no, just one of you, I would believe, like Virginia that yes, there is a Santa Claus. And I would like to quote Councilor Romero in her invocation 'Where God is, all is well.'"



I'm hoping that will be the case here. Another gentleman who was speaking to the bond issues, tell you the people entrusted you to make hard decisions. I know this is a hard decision, but once again, we're approaching the season of joy and giving and some frustration and stress I'm sure with shopping, but please for this Christmas season just say no."

**Shelley Mann-Lev, SF Public Schools, was sworn.** Ms. Mann-Lev said she is here as the Safe Schools Health Coordinator for the SF Public Schools. She said the Superintendent has attached a letter to the application, so she is not here to speak for or against that. She said Superintendent Gutierrez has said that the District will not object to this particular waiver, and what we're recognizing, and she feels is also becoming a burden too frequently over and over again to be asked for a waiver for this particular event hall. She said "we" hope as you look at this particular issue, that we can address it in a different way as we move forward. She said Superintendent Gutierrez has had some private discussions with the owner of the event space and looks forward to talking to her more and taking a look at how we can move forward to address this issue.

**Stefanie Beninato was sworn.** Ms. Beninato said she is against this waiver because it is repeatedly asked, every two weeks. She said it seems to her this business should go forward and get some of license, even a private club license, which is easier to obtain than an establishment full liquor license. She said, "In essence, this business is serving liquor as a part of its business plan and therefore it should be up-front about what it's doing and do it legitimately, rather than coming through the back door every two weeks to get waivers. I think you would be in a stronger position. We talked about this when the Super Walmart was under discussion, and there was this idea that there are too many liquor establishments on the south side of town, and should be limited. There needs to be a rationale for doing that. So there needs to be some kind of plan put into place which limits liquor establishments in an area and perhaps the number of waivers to any business any given year, so we don't have this constant, really running a liquor business, but not being up front about it. Again, I think, having a rationale, having a plan about liquor distribution and dealers within this City would be something important to address the problem and would be Constitutionally defensible, because you would have a plan, you would have a rationale. It wouldn't be on a case-by-case basis which could be interpreted as subjective and not rational."

**Maribel Cardona was sworn.** Ms. Cardona thanked the Council for its support. She said even in these hard times, she is willing to take a risk. She said they are trying to follow the rules and regulations for the City and the State. She is from Mexico, and she wants to be in compliance with all the laws and regulation of this country. She said she met with the State and with the City, and she thanked Yolanda Vigil for trying to help them understands the laws and regulations. She asked the Council for their continued support. She said they don't require liquor every weekend, but most of the time the people are requesting liquor. She said she her family went to the liquor classes to see how they can manage this in a proper way so people won't be drunk at the event center. They are trying to be sure everything is fine. She said people don't need to be drunk to have a good time. She said their business needs to be clean. She asked for the Council's continued support until they can find a permanent liquor license.

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

Councilor Trujillo said they are requesting a waiver to sell liquor at a Quinceanera, noting he previously approved such a request for Miss Latina, after he spoke with her about the age of the participants which is 21, with which he has no problem. However, he does have a problem with a Quinceanera. He said, "I'm portrayed as the Councilor who likes alcohol..... but when it comes to something like this, I do have issues with a Quinceanera. I can understand every request but the Quinceanera." He asked if we can separate the requests and vote on them individually.

Geno Zamora said, "In this vote, you can include or exclude a particular event."

**MOTION:** Councilor Trujillo moved, seconded by Councilor Romero, to grant the request for a waiver for the Christmas Celebration, Luma Representatives on 12/1/11, the Annual Fundraising Event, Somos un Pueblos Unidos on 12/9/11 and the New Years Eve event, Maria Escamilla on 12/31/11, but not to grant the request for a waiver by Jose Tapia for the Quincenera on December 31, 2011.

**DISCUSSION:** Councilor Ortiz asked about these continuous waivers, noting one of the organizations requested and was given a permanent waiver. He asked if we could provide a blanket waiver.

Ms. Vigil said the City could give a permanent waiver, noting it was done for a Church on Grant Avenue and Georgia O'Keeffe. She said the schools requested that the City not issue a permanent waiver for M & J or for El Museo Cultural, and consider them on a case-by-case basis so they could review the request prior to consideration by the City.

Councilor Ortiz asked if there is anything this business can do.

Ms. Vigil said, as the Applicant mentioned, they could purchase a liquor license for that location, and that request would come before the Governing Body, and that time you could decide whether or not to grant a liquor license within 300 feet of a church or school.

Councilor Ortiz said they are using one particular supplier.

Ms. Vigil said the State has spoken with the Applicant and told them they can't use this vendor over and over, because that is having one license in two locations. She said this request initially was for 6 events, and it was sent to Alcohol and Gaming and they eliminated two requests right away. These were two other events by Luma, noting it is on the previous agenda.

Councilor Dominguez said there are two different vendors but there is one owner, and asked if this is correct – Kelly and DeArco's.

Ms. Vigil said this is correct, but these are two different licenses.

Councilor Dominguez said this is a loophole. He said we need to see how supportive the State is for these initiatives, because it really is a State problem in terms of State Policy. He said with regard to the applicant for a Quinceanera in September, he didn't have a problem with it because he didn't realize it was going to be an on-going issue. He said his problem isn't that it is a Quinceanera in the Application, but that they are essentially operating a bar, and they're just getting a special permit from a different vendor – they're essentially opening a bar there and this is his concern.

**FRIENDLY AMENDMENT:** Councilor Dominguez asked to amend the motion to direct the City manager to notify the Superintendent and the Board of Education about our concerns in writing. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, BUT NOT TO THE SECOND.**

**CONTINUATION OF DISCUSSION:** Councilor Romero said she agrees in principle, noting Somos is a non-profit which is counting on the funds from the fundraiser. She understands and agrees with Councilor Trujillo, saying a Quinceanera is, in essence, a birthday party for a 15-year old, and she is clear about that, but she is hesitant not to approve Somos. She said she will look at these issues later, but not for this situation.

Councilor Bushee said it does seem that this is an inappropriate use of a waiver and picnic license. She asked, if the nearby school has concerns, will it be happy that this business is applying for a beer and wine license. She doesn't want the applicant to think all they need to do is to apply for a license, if the School has objections. She said there have been very few businesses that have sold alcohol at this venue over the years. She said if we approve this request, we are sending a mixed message, because this isn't how waivers and licenses should be used. She is inclined to vote against these requests.

Councilor Dominguez said he is looking at the Somos un Pueblos website and it says nothing about this being a fundraiser and says it is a celebration. He said these are ongoing events and we'll probably continue to get requests for more events. He doesn't know what transpired with the Superintendent, and said she probably thought, as he did, it would be just one event. He said if the Governing Body wants to move forward with the current motion, he will vote against it. He said we need to put the onus on the State and let the State approve these applications, because that's where it will be appealed. He said we don't have to accept the applications, so the State can approve it if it wants to.

Mayor Coss said we are put in a position many times to send lots of mixed messages. However, as he sees this particular business, the City has done more variances for this business than we ever did for El Museo or Site Santa Fe or any of the other non-profits for community events. He has attended lots of Somos un Pueblos events, and they never had alcohol before, and doesn't think alcohol would be a make or break for this event. However, he doesn't want to treat them differently than anyone else on the list. He said we are in a position where a business is using a loophole, and they've done so many of these "it really is time to say if you want a beer and wine license, go through that process." He said this really isn't working as the law intends or the Governing Body would like to see. He said, however, voting against it

now is a mixed message because we voted in favor before. He said they should apply for a license, and we can make our decision and let the School Board have its say then. This is too many request, too many times in a row for a for-profit enterprise.

**FRIENDLY AMENDMENT:** Councilor Dominguez again asked to amend the motion to direct the City manager to notify the Superintendent and the Board of Education about our concerns in writing. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**VOTE:** The motion, as amended, failed to pass on the following Roll Call Vote:

**For:** Councilor Romero, Councilor Trujillo and Councilor Ortiz

**Against:** Councilor Bushee, Councilor Chavez, Councilor Dominguez and Councilor Calvert.

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

**MOTION:** Councilor Dominguez moved, seconded by Councilor Bushee move to deny this request, and to direct the City manager to notify the Superintendent and the Board of Education about our concerns in writing.

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

**For:** Councilor Calvert, Councilor Dominguez and Councilor Bushee.

**Against:** Councilor Trujillo, Councilor Ortiz and Councilor Romero.

**Absent for the vote:** Councilor Chavez and Councilor Wurzburger.

The resulting vote was a tie, and the Mayor voted in favor of the Motion to Deny.

- 4) **CONSIDERATION OF RESOLUTION NO. 2011-70. CASE #2010-173. CORAZON SANTO GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR ANASAZI MVJV LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 2.41± ACRES OF LAND FROM RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE) TO TRANSITIONAL MIXED USE. THE PROPERTY IS LOCATED SOUTH AND WEST OF THE INTERSECTION OF AGUA FRIA AND HARRISON ROAD. (DONNA WYNANT)**

*Item H (4), (5) and (6) were combined for the purposes of presentation, public hearing and discussion, but were voted upon separately.*

A copy of a Memorandum prepared November 17, 2011 for the November 30, 2011 City Council Meeting, with attachments, to the City Council, from Donna Wynant, Senior Planner, Current Planning Division, regarding Corazon Santo General Plan Amendment and Rezoning, is incorporated herewith to these minutes as Exhibit "17."

A copy of Donna Wynant's power point presentation, *Corazon Santo, General Plan Amendment, Rezoning to MU and Rezoning to R-6*, is incorporated herewith to these minutes as Exhibit "18."

A copy of the General Plan Amendment, Rezoning Plan and Master/Development Plan Submittal for 2.41 Acres – MU; and Rezoning Plan, Development Plan and Preliminary Plat Submittal for 6.17 Acres – R-6, is incorporated herewith to these minutes by reference, and copies are on file with and can be obtained from, the Planning and Land Use Department of the City of Santa Fe.

The staff report was presented by Donna Wynant via power point. Please see Exhibit "18" for the specifics of this presentation.

Councilor Romero said she spent some time with Ms. Wynant today on this case and was pleased to see Harrison Road become more of a neighborhood because of the way the houses face. She was surprised to see how long this project had been in the making. She said the good thing is that it creates a seamlessness with the adjoining neighbors. She said it seemed the ENN meetings were well attended and the staff worked hard to address all of the issues brought by the public. She said she is pleased with what she saw.

Councilor Calvert asked Ms. Wynant to give a brief view of the circulation for the project, using the map of the project and how it will work.

Ms. Wynant said the circulation essentially is that Harrison Road provides a north-south access. There is a right turn only in and out because of the proximity to the intersection "here." She said there is a median that controls for that. The access comes in either from Harrison and the movements there aren't restrictions and you can turn into Calle Corazon and make your way up Calle Corazon the north-south route – the main route through the development and right in/right out on Agua Fria. She said there is a 20 foot wide alley which will be signed.

Councilor Calvert asked if somebody is approaching from "that direction," and wants to get onto the project, they'll have to go down Harrison, come down Calle Corazon and all the way up Paseo Corazon to get there, and Ms. Wynant said this is correct.

Councilor Calvert said then the people in the back in the residential part might be subjected to a considerable amount of the other part of the project's traffic. He understands the right in/right out, but it will create more traffic on some of the other streets.

Ms. Wynant said yes, and a consideration there is that if you have that as a one-way pattern for the alley it is going to force a longer trip around, and people will have to consider the shortest distance between the entrance and their homes and the best way to get there.

Councilor Calvert said it will increase the traffic on Harrison without a doubt, and internally it will cause some as well. He asked John Romero to speak to the right turn in/right turn out, and if it comes with acceleration and deceleration type lanes to accommodate that.

John Romero, City Engineer, said one of the requirements within the amount of ROW available on Agua Fria is to construct and stripe a deceleration lane, but there is no acceleration lane. He said there are two reasons he wouldn't do an acceleration lane which are related. One is the proximity to Harrison Road. He said you can make deceleration lanes about any distance because they provide a benefit. But, if you can't provide the distance necessary to accelerate to the appropriate speed, then you shouldn't place one at all, so he wouldn't place one here.

## **Public Hearing**

### **Presentation by the Applicant**

**Monica Montoya, Agent for the Applicant, was sworn.** Ms. Montoya said Ms. Wynant did a good job explaining what their application consisted of. She said they put a lot of thought into the zoning which would be appropriate for the property, considering the zoning in the area and the land uses in this part of town. She said it is a very tricky part of town because they are dealing with industrial and residential uses in close proximity. She said Siler Road has very high industrial uses, and they considered this whole area as transitional use, noting the location of the property on the overhead map. She said the transitional use are those mixed uses and densities that separate low to medium residential uses from high industrial uses. She said the zoning all around the project is industrial to the west, mixed use transition which is one of the zonings they are proposing to the west. She said to the north and south of the project it is I-1 and to the east are varying densities, including 12 which is directly across the street. She said generally the zoning surrounding their property is higher than the zoning they are proposing.

Ms. Montoya said the final product this evening is the result of careful consideration of neighborhood input, staff input, Planning Commission input and Chapter 14 requirements. She said there were 3 ENN's and then they went into the homes, showed them what they were proposing, got input and as a result of that input have made some major design decisions to the project. She said they relocated driveways, placed walls on certain property perimeters. They agreed to keep a grotto which is located on their property which is very sentimental to one of the neighbors, and they are building around it. They are facing driveways in certain areas and placing second stories in the center of the development, reducing number of entrances off certain streets and many other things.

Ms. Montoya said they added a park as requested by the Planning Commission. They added a walking trail loop of almost one mile within the development which is stroller and wheelchair accessible.

She said one of the wonderful things about the development is that it is in close proximity to public transportation, shopping and eating, and it will be a wonderful addition to the local economy because it will feed the local shops. She said their main intent was to integrate with Harrison Road, so the front yards would be facing Harrison Road, not the back yards.

Ms. Montoya presented architectural renderings of what the homes will look like via the overhead. She said they are proposing a combination of pitched roofs and flat roofs, commenting they don't intend to be a cookie cutter development. There will be different architectural styles, and varying setbacks along the streets. They designed additional parking which is over and beyond the minimal parking required by Code, and will have 3 on-site parking spaces, and in addition off-site parking.

### **Speaking to the request**

**Daniel Vigil, 1103 Harrison Road**, was sworn. Mr. Harrison said he is on the corner of Harrison Road and Agua Fria, and he has been concerned about the traffic throughout the whole project, and this seems to be the best of what there is. He said on every plan there are setbacks, and they hope that works out well, but he does want to commend the project manager and the owner for working with them, commenting they have given quite a bit. He said during the planning process he had asked them to extend the sidewalk through the Baca property and wants to be sure that was done. This would allow people to walk down Harrison Road, noting there currently are no sidewalks and they walk in the middle of the road.

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

Councilor Romero said the sidewalk through the Baca property is an off site issue, and asked staff to speak to this issue, and Ms. Wynant said she does remember this coming up, and asked to defer to Ms. Montoya.

Ms. Montoya said it is an off-site improvement, and they have agreed to construct a sidewalk because it will benefit their residents as well, and gives additional walkway as well. She said there is ROW outside the Baca property, but they may have to ask the Bacas to give up part of their property to construct the sidewalk, but it is designated as right-of-way on plats, noting they have done the research. She said they are willing to construct it, if it is possible.

Councilor Romero said the key words are "if it is possible," and working with the Baca family.

Ms. Montoya said, "If it's totally within the right-of-way, then yes. Of course, we do want to be sensitive with the Bacas as well, so if it is possible, we will definitely build it."

**MOTION:** Councilor Chavez moved, seconded by Councilor Romero, to adopt Resolution No. 2011-70, approving Case #2010-173, Corazon Santo General Plan Amendment, with all conditions of approval as recommended by staff.

**DISCUSSION:** Councilor Dominguez said Avenida Corazon is a private access and utility easement that is one way, and asked how that will be enforced.

Ms. Montoya said through signage, noting the Traffic Engineer has asked them to place signage which they will do.

Councilor Dominguez asked if parking will be allowed on both sides of the easement.

Ms. Montoya said, "Within the properties."

Jay Bush, Project Architect was sworn. He said there will be no parking within the 20 foot easement, but there is off-street parking at the rear of those property.

Councilor Dominguez said then that is on Harrison and Paseo Corazon.

Mr. Bush said along the alley there is off street parking that is perpendicular to the alley, and then there is public, on-street parking along the two streets.

Councilor Dominguez said then the way that is configured is acceptable by staff in order to get emergency vehicles to the properties, because they can access the property from either Harrison or Paseo Corazon.

John Romero said he would have to defer to the Fire Department on this, but he believes it is.

Councilor Dominguez said the Staff Memorandum said the Fire Department had given its approval, but he wanted to make sure it is part of the record and that the applicant concurs with that concept.

Councilor Dominguez asked if there will there be phasing of the project.

Ms. Montoya said it has been designed as two separate projects, but the infrastructure will go in all at once.

Councilor Dominguez said then you will do the mixed use separate from the residential, and Ms. Montoya said this is correct.

Councilor Dominguez asked, on the residential, if any sort of phasing is contemplated. He said he is asking so people are aware that part of getting to the mixed use will be through Corazon Contenta or Paseo Corazon – will there be two phases.

Mr. Bush said they are planning to do the residential in several phases given the nature of the housing market right now, and as the market absorbs the housing, they will build additional units.

Councilor Dominguez said he presumes during marketing they will have the whole subdivision so people will understand where they're buying their house and what roads are being used for what.



Mr. Bush said all of the roads and the infrastructure will go in originally, but the development of the structures themselves will be phased.

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee and Councilor Wurzbarger.

- 5) **CONSIDERATION OF BILL NO. 2011-43: ADOPTION OF ORDINANCE NO. 2011-40. CASE #2010-174. CORAZON SANTO REZONING TO MU. MONICA MONTOYA, AGENT FOR ANASAZI MVJV LLC, REQUESTS REZONING OF 2.41± ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO MU (MIXED USE). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR MIXED USE FOR UP TO 24 RESIDENTIAL UNITS AND UP TO 24,000 S. FT. OF COMMERCIAL SPACE. THE PROPERTY IS LOCATED SOUTH AND WEST OF THE INTERSECTION OF AGUA FRIA AND HARRISON ROAD. (DONNA WYNANT)**

**MOTION:** Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2011-40, approving Case #2010-174 Corazon Santo Rezoning to MU, with all conditions of approval as recommended by staff.

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee and Councilor Wurzbarger.

- 6) **CONSIDERATION OF BILL NO. 2011-44; ADOPTION OF ORDINANCE NO. 2011-41. CASE #2010-175. CORAZON SANTO REZONING TO R-6. MONICA MONTOYA, AGENT FOR ANASAZI MVJV LLC, REQUESTS REZONING OF 6.28± ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLING UNITS PER ACRE) TO R-6 (RESIDENTIAL, 6 DWELLING UNITS PER ACRE). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR 40 RESIDENTIAL LOTS. THE PROPERTY IS LOCATED SOUTH AND WEST OF THE INTERSECTION OF AGUA FRIA AND HARRISON ROAD. (DONNA WYNANT)**

**MOTION:** Councilor Chavez moved, seconded by Councilor Romero, to adopt Ordinance No. 2011-41, approving Case #2010-175 Corazon Santo Rezoning to R-6, with all conditions of approval as recommended by staff.

**DISCUSSION:** Councilor Chavez thanked the applicant for working with the neighborhood. He said Harrison Road has had a difficult time with a lot of the new development going in, and we had some growing pains with La Cieneguita to the side of this project. He hopes this development will be better than what was there, commenting it's not the best, but hopes as it builds out it will fit in the neighborhood and not cause any problems.

Councilor Chavez said there are documents and diagrams in the Council packet, and in this case "you have signing and striping plan, so in this approval, we're approving everything that is in the packet."

Ms. Montoya said, "The details of the development itself, will be back before the Planning Commission for final plat approval."

Councilor Chavez said these are schematics, and asked if the Planning Commission has seen these.

Ms. Montoya said the Planning Commission gave preliminary approval, but they haven't been finalized yet.

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee and Councilor Wurzbarger.

## **I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:50 p.m.

**Approved by:**

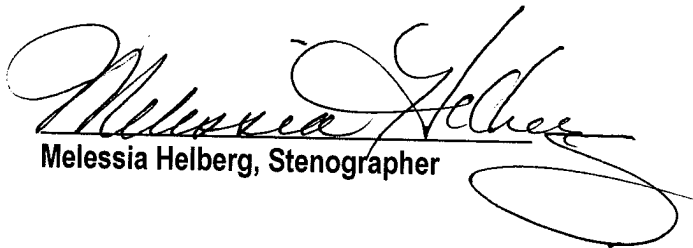
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**Mayor David Coss**

**ATTESTED TO:**

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

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**