



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2011
CITY COUNCIL CHAMBERS

AMENDED – ITEM #1-2 AND ITEM #1-4

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 12/13/11 TIME 2:05 pm

SERVED BY _____

RECEIVED BY [Signature]

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 30, 2011.
9. PRESENTATIONS
 - a) Employee of the Month for December 2011 – Keith Wilson, MPO Senior Planner. (5 Minutes)
 - b) 2011 Boys Soccer City Champions Trophy Presentation – Capital High School. (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Donation of One (1) Fire Department Vehicle (Type 1 Fire Engine) to the Penasco Volunteer Fire Department. (Robert Rodarte and Fire Chief Barbara Salas)
 - b) Request for Approval of Amendment No. 8 to Professional Services Agreement – Santa Fe Trail Project at Camino Alire to NM 599; Weston Solutions, Inc. (Formerly Resource Technology, Inc. or RTI). (Brian Drypolcher)
 - 1) Request for Approval of Budget Increase – Project Fund.



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- c) Request for Approval of Budget Increase from Railyard GRT Fund Into Santa Fe Railyard. (Bob Siqueiros)
- d) Request for Approval of Lease Agreement – Parking Area on Lot 33, Block 43 of N.L. Kings Official Map Located Within the 700 Block of Paseo De Peralta; Paseo Parkers, LLC. (Edward Vigil)
- e) Request for Approval of Procurement Under Cooperative Agreement – One (1) Backhoe and One (1) HD Loader for Wastewater Division; Adobe Truck and Equipment. (Bryan Romero)
 - 1) Request for Approval of Budget Increase – Wastewater Fund.
- f) Request for Approval of Amendment No. 1 to Professional Services Agreement – Reservoir Infrastructure Improvements - Phase I for Water Division; Santa Fe Engineering Consultants, LLC. (Robert Jorgensen)
- g) CONSIDERATION OF RESOLUTION NO. 2011-_____.
A Resolution Relating to a Request for Approval of First Quarter Budget Adjustments for Fiscal Year 2011/2012 Ending September 30, 2011. (Cal Probasco)
- h) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss and Councilor Calvert)
A Resolution Adopting the City of Santa Fe Updated ADA Transition Plan and Self Evaluation. (Joseph Lujan)
- i) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- j) Request for Approval to Publish Notice of Public Hearing on January 11, 2012:
 - 1) Bill No. 2011-46: An Ordinance Amending Section 14-8.14(E)(1) SFCC 1987 so that for a Period of Two Years, the Impact Fees for Residential Developments Shall be Reduced by 100%; and Making Such Other Necessary Changes. (Councilor Wurzbarger, Councilor Ortiz and Councilor Dominguez) (Matthew O'Reilly)



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- 2) Bill No. 2011-47: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax (Subordinate Lien)/Wastewater System Refunding Revenue Bonds, Series 2012b in an Aggregate Principal Amount Not to Exceed \$16,500,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax (Subordinate Lien)/Wastewater System Variable Rate Revenue Bonds, Series 1997b; Providing that the Bonds will be Payable and Collectible From the Net Revenues of the City's Wastewater System and Certain Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement in Connection with the Bonds; Providing for Redemption of the Series 1997b Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (Dr. Melville Morgan)
- 3) Bill No. 2011-48: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2012a in an Aggregate Principal Amount Not to Exceed \$40,000,000 for the Purpose of Defraying the Cost of (1) Public Projects Related to Public Utilities, Public Works, Parks and Recreation, and Community Services as Authorized By Law and the City's Home Rule Powers and (2) Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2004; Providing that the Bonds will be Payable and Collectible From the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement and an Escrow Agreement; Providing for Redemption of the Series 2004 Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (Dr. Melville Morgan)



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- 4) Bill No. 2011-49: An Ordinance Amending Section 7-4.2 SFCC 1987 Regarding the Administration of the Residential Green Building Code; Repealing Exhibit A to Chapter VII SFCC 1987, Santa Fe Residential Green Building Code; and Adopting a New Exhibit A to Chapter VII SFCC 1987, Santa Fe Residential Green Building Code, to be Consistent with the National Green Building Standard. (Councilor Calvert) (Katherine Mortimer)
 - a) A Resolution Repealing Resolution No. 2009-42, Resolution No. 2009-73 and Resolution 2010-63 that Adopted and Amended the Administrative Procedures for the Santa Fe Residential Green Building Code; and Adopting Updated Administrative Procedures for the Santa Fe Residential Green Building Code to be Consistent with the National Green Building Standard. (Councilor Calvert) (Katherine Mortimer)
- 5) Bill No. 2011-50: An Ordinance Amending Section 25-1.3 SFCC 1987 to Exempt State Educational Institutions from Being Required to Comply with Chapter 14 SFCC 1987 (Land Development Laws) when Applying for City Water and Making Other Such Changes as are Necessary (Councilor Romero, Mayor Coss, Councilor Trujillo, Councilor Calvert and Councilor Dominguez) (Matthew O'Reilly and Brian Snyder)
- k) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss and Councilor Calvert)
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 at November 30, 2011 City Council Meeting)
- l) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss)
A Resolution Recognizing the Gift of a Bronze Statue 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.
(Sabrina Pratt)



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11. CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Calvert)
A Resolution Supporting Federal Legislation to Enact the *Sensible Accounting to Value Energy Act*. (The "Save Act"). (Katherine Mortimer)
12. CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Romero, Councilor Dominguez, Councilor Wurzbarger and Councilor Calvert)
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. (Katherine Mortimer)
13. **Case #2011-125**. – Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Norman Lagasse as Agent for Ida A. Rajotte from the October 6, 2011 Decision of the Summary Committee Approving a Lot Split for a Parcel of Land Located at the Corner of Camino Carlos Rey and the Arroyo de Los Chamisos. (Kelley Brennan)
14. **Case #2011- 126** – Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Mark Graham from the October 26, 2011 Issuance of Building Permit #11-2071 for Construction of a Stucco Wall and Coyote Fence at 4555 Camino Placitas. (Kelley Brennan)
15. **Case #2011-64**. Ft. Marcy 14 Upgrade Project. Public Service Company of New Mexico (PNM), is Presenting an Accounting to the Governing Body Pursuant to Section 14-6.2(G)(7) SFCC 1987, for the Undergrounding of Approximately 11,700 Linear Feet of Electrical Lines Between Bishop's Lodge Road and Hyde Park Road. The Governing Body may (1) Direct the Applicant to Seek Approval of the New Mexico Public Regulation for an Additional Fee to be Paid by all City Customers to Cover the Cost of Undergrounding; or (2) Allocating City Funds to Cover the Cost or Partial Cost of Undergrounding; or (3) Authorizing the Applicant to Construct the Aboveground Electrical Lines. (Dan Esquibel and Marcos Martinez)
16. MATTERS FROM THE CITY MANAGER



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CITY COUNCIL CHAMBERS

17. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard; with Railyard Company LLC, Pursuant to §10-15-1(H)(8), NMSA 1978, and Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC in Accordance with §10-15-1(H)(7), NMSA 1978.
 - b) 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.
18. Action Regarding the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard; with Railyard Company LLC, and Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC. (Geno Zamora)
19. MATTERS FROM THE CITY CLERK
20. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS



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- H. Presentation of Proclamation – St. Elizabeth Shelter Day. (Deborah Tang)
(5 Minutes)
- I. PUBLIC HEARINGS:
- 1) Request for Approval of the Rodeo de Santa Fe Indoor Arena Project Participation Agreement for a Feasibility Study. (Mayor Coss) (Fabian Trujillo)
 - 2) **Case #2011-106. Appeal.** Sommer Karnes & Associates, LLP, Agent for Mark and Beth Jernigan, Appeals the August 23 and September 13, 2011 Decisions of the Historic Design Review Board in Case #H-11-079A Designating the Main House and the Guest House at 1041 Camino Cruz Blanca as Significant. (David Rasch and Kelley Brennan) **(Postponed to January 11, 2012 City Council Meeting)**
 - 3) CONSIDERATION OF BILL NO. 2011-25: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Ortiz)
An Ordinance Amending Section 11-2.2 SFCC 1987 and Creating a New Section 11-2.6 SFCC 1987 Limiting General Fund Personnel Costs.
(Dr. Melville Morgan) (Postponed at August 10, 2011 City Council Meeting) **(Withdrawn by Sponsor)**
 - 4) Request from Mirador Gallery for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Alcohol at Mirador Gallery, 616 Canyon Road, which is Within 300 Feet of the Santa Fe Monthly Meeting of Friends Quaker Church, 630 Canyon Road and the Acequia Madre Elementary School, 700 Acequia Madre. The Request is for an Art Reception/Christmas Eve Party to be held on December 24, 2011 from 4:30 p.m. to 11:30 p.m.

J. 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 #1-2

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 12/12/11 TIME 9:45pm

SERVED BY _____

RECEIVED BY Tina Z. Dominguez

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SERVED BY _____

RECEIVED BY Pina Z. Dominguez

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- i) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- j) Request for Approval to Publish Notice of Public Hearing on January 11, 2012:
 - 1) Bill No. 2011-46: An Ordinance Amending Section 14-8.14(E)(1) SFCC 1987 so that for a Period of Two Years, the Impact Fees for Residential Developments Shall be Reduced by 100%; and Making Such Other Necessary Changes. (Councilor Wurzbarger, Councilor Ortiz and Councilor Dominguez) (Matthew O'Reilly)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2011
CITY COUNCIL CHAMBERS

- 2) Bill No. 2011-47: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax (Subordinate Lien)/Wastewater System Refunding Revenue Bonds, Series 2012b in an Aggregate Principal Amount Not to Exceed \$16,500,000 for the Purpose of Defraying the Cost of Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax (Subordinate Lien)/Wastewater System Variable Rate Revenue Bonds, Series 1997b; Providing that the Bonds will be Payable and Collectible From the Net Revenues of the City's Wastewater System and Certain Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement in Connection with the Bonds; Providing for Redemption of the Series 1997b Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (Dr. Melville Morgan)
- 3) Bill No. 2011-48: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2012a in an Aggregate Principal Amount Not to Exceed \$40,000,000 for the Purpose of Defraying the Cost of (1) Public Projects Related to Public Utilities, Public Works, Parks and Recreation, and Community Services as Authorized By Law and the City's Home Rule Powers and (2) Refunding, Paying and Discharging the Outstanding City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2004; Providing that the Bonds will be Payable and Collectible From the Gross Receipts Tax Revenues Distributed to the City; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement and an Escrow Agreement; Providing for Redemption of the Series 2004 Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing All Ordinances in Conflict Herewith; and Related Matters. (Dr. Melville Morgan)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2011
CITY COUNCIL CHAMBERS

- 4) Bill No. 2011-49: An Ordinance Amending Section 7-4.2 SFCC 1987 Regarding the Administration of the Residential Green Building Code; Repealing Exhibit A to Chapter VII SFCC 1987, Santa Fe Residential Green Building Code; and Adopting a New Exhibit A to Chapter VII SFCC 1987, Santa Fe Residential Green Building Code, to be Consistent with the National Green Building Standard. (Councilor Calvert) (Katherine Mortimer)
 - a) A Resolution Repealing Resolution No. 2009-42, Resolution No. 2009-73 and Resolution 2010-63 that Adopted and Amended the Administrative Procedures for the Santa Fe Residential Green Building Code; and Adopting Updated Administrative Procedures for the Santa Fe Residential Green Building Code to be Consistent with the National Green Building Standard. (Councilor Calvert) (Katherine Mortimer)
- 5) Bill No. 2011-50: An Ordinance Amending Section 25-1.3 SFCC 1987 to Exempt State Educational Institutions from Being Required to Comply with Chapter 14 SFCC 1987 (Land Development Laws) when Applying for City Water and Making Other Such Changes as are Necessary (Councilor Romero, Mayor Coss, Councilor Trujillo, Councilor Calvert and Councilor Dominguez) (Matthew O'Reilly and Brian Snyder)
- k) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss and Councilor Calvert)
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 at November 30, 2011 City Council Meeting)
- l) CONSIDERATION OF RESOLUTION NO. 2011-_____. (Mayor Coss)
A Resolution Recognizing the Gift of a Bronze Statue 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.
(Sabrina Pratt)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2011
CITY COUNCIL CHAMBERS

11. CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Calvert)
A Resolution Supporting Federal Legislation to Enact the *Sensible Accounting to Value Energy Act*. (The "Save Act"). (Katherine Mortimer)
12. CONSIDERATION OF RESOLUTION NO. 2011-_____. (Councilor Romero, Councilor Dominguez, Councilor Wurzburger and Councilor Calvert)
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. (Katherine Mortimer)
13. **Case #2011-125**. – Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Norman Lagasse as Agent for Ida A. Rajotte from the October 6, 2011 Decision of the Summary Committee Approving a Lot Split for a Parcel of Land Located at the Corner of Camino Carlos Rey and the Arroyo de Los Chamisos. (Kelley Brennan)
14. **Case #2011- 126** – Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code §14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Mark Graham from the October 26, 2011 Issuance of Building Permit #11-2071 for Construction of a Stucco Wall and Coyote Fence at 4555 Camino Placitas. (Kelley Brennan)
15. **Case #2011-64**. Ft. Marcy 14 Upgrade Project. Public Service Company of New Mexico (PNM), is Presenting an Accounting to the Governing Body Pursuant to Section 14-6.2(G)(7) SFCC 1987, for the Undergrounding of Approximately 11,700 Linear Feet of Electrical Lines Between Bishop's Lodge Road and Hyde Park Road. The Governing Body may (1) Direct the Applicant to Seek Approval of the New Mexico Public Regulation for an Additional Fee to be Paid by all City Customers to Cover the Cost of Undergrounding; or (2) Allocating City Funds to Cover the Cost or Partial Cost of Undergrounding; or (3) Authorizing the Applicant to Construct the Aboveground Electrical Lines. (Dan Esquibel and Marcos Martinez)
16. MATTERS FROM THE CITY MANAGER



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2011
CITY COUNCIL CHAMBERS

17. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) Discussion of the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard; with Railyard Company LLC, Pursuant to §10-15-1(H)(8), NMSA 1978, and Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC in Accordance with §10-15-1(H)(7), NMSA 1978.
 - b) 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.
18. Action Regarding the Purchase, Acquisition or Disposal of Real Property by the City of Santa Fe, Office Space Lease Agreement, 500 Market Street, Suite 200 at the Railyard; with Railyard Company LLC, and Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant Involving Railyard Company, LLC. (Geno Zamora)
19. MATTERS FROM THE CITY CLERK
20. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
DECEMBER 14, 2011
CITY COUNCIL CHAMBERS

- H. Presentation of Proclamation – St. Elizabeth Shelter Day. (Deborah Tang)
(5 Minutes)
- I. PUBLIC HEARINGS:
- 1) Request for Approval of the Rodeo de Santa Fe Indoor Arena Project Participation Agreement for a Feasibility Study. (Mayor Coss) (Fabian Trujillo)
 - 2) **Case #2011-106. Appeal.** Sommer Karnes & Associates, LLP, Agent for Mark and Beth Jernigan, Appeals the August 23 and September 13, 2011 Decisions of the Historic Design Review Board in Case #H-11-079A Designating the Main House and the Guest House at 1041 Camino Cruz Blanca as Significant. (David Rasch and Kelley Brennan)
 - 3) CONSIDERATION OF BILL NO. 2011-25: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Ortiz)
An Ordinance Amending Section 11-2.2 SFCC 1987 and Creating a New Section 11-2.6 SFCC 1987 Limiting General Fund Personnel Costs.
(Dr. Melville Morgan) (Postponed at August 10, 2011 City Council Meeting) **(Withdrawn by Sponsor)**

J. 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
December 14, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 30, 2011	Approved	5
<u>PRESENTATIONS</u>		
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2011 BOYS SOCCER CITY CHAMPIONS TROPHY PRESENTATION – CAPITAL HIGH SCHOOL	Postponed to 01/11/2012	5
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<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 11, 2012 BILL NO. 2011-50: AN ORDINANCE AMENDING SECTION 25-1.3 SFCC 1987, TO EXEMPT STATE EDUCATIONAL INSTITUTIONS FROM BEING REQUIRED TO COMPLY WITH CHAPTER 14 SFCC 2987 (LAND DEVELOPMENT LAWS) WHEN APPLYING FOR CITY WATER AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Approved w/amendment	6-8

ITEM

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CONSIDERATION OF RESOLUTION NO. 2011-74. A RESOLUTION RECOGNIZING THE GIFT OF A BRONZE STATUE 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; AND SUPPORTING THE PLACEMENT OF THE STATUE ON THE SOUTHEAST LAWN OF CITY HALL, ALONG LINCOLN AVENUE

Approved w/direction to staff

8-9

END OF CONSENT CALENDAR DISCUSSION

CONSIDERATION OF RESOLUTION NO. 2011-75. A RESOLUTION SUPPORTING FEDERAL LEGISLATION TO ENACT THE *SENSIBLE ACCOUNTING TO VALUE ENERGY ACT*. (THE "SAVE ACT")

Approved

10

CONSIDERATION OF RESOLUTION NO. 2011-76. 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

Approved

10

CASE #2011-125. – REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF NORMAN LAGASSE AS AGENT FOR IDA A. RAJOTTE FROM THE OCTOBER 6, 2011 DECISION OF THE SUMMARY COMMITTEE APPROVING A LOT SPLIT FOR A PARCEL OF LAND LOCATED AT THE CORNER OF CAMINO CARLOS REY AND THE ARROYO DE LOS CHAMISOS

Denied

11

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CASE #2011-126 – REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF MARK GRAHAM FROM THE OCTOBER 26,. 2011 ISSUANCE OF BUILDING PERMIT #11-2071 FOR CONSTRUCTION OF A STUCCO WALL AND COYOTE FENCE AT 4555 CAMINO PLACITAS	Approved	12
CASE #2011-64. FT. MARCY 14 UPGRADE PROJECT. PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), IS PRESENTING AN ACCOUNTING TO THE GOVERNING BODY, PURSUANT TO SECTION 14-6.2(G)(7) SFCC 1987, FOR THE UNDERGROUNDING OF APPROXIMATELY 11,700 LINEAR FEET OF ELECTRICAL LINES BETWEEN BISHOP'S LODGE ROAD AND HYDE PARK ROAD. THE GOVERNING BODY MAY (1) DIRECT THE APPLICANT TO SEEK APPROVAL OF THE NEW MEXICO PUBLIC REGULATION FOR AN ADDITIONAL FEE TO BE PAID BY ALL CITY CUSTOMERS TO COVER THE COST OF UNDERGROUNDING; OR (2) ALLOCATING CITY FUNDS TO COVER THE COST OR PARTIAL COST OF UNDERGROUNDING; OR (3) AUTHORIZING THE APPLICANT TO CONSTRUCT THE ABOVEGROUND ELECTRICAL LINES	Vote to take no action this evening and preserve right to participate	12-16
MATTERS FROM THE CITY MANAGER	None	16
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	16-17
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	17
ACTION REGARDING THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY BY THE CITY OF SANTA FE, OFFICE SPACE LEASE AGREEMENT, 500 MARKET STREET, SUITE 200 AT THE RAILYARD; WITH RAILYARD COMPANY, LLC, AND REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC	Approved City Attorney's Recommendation	17-18

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY CLERK	None	18
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	18-24
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	25
PETITIONS FROM THE FLOOR		25
<u>APPOINTMENTS</u>		
Santa Fe City & County Advisory Council on Food Policy	Approved	26
Capital Improvements Advisory Committee	Approved	26
<u>PRESENTATIONS</u>		
PRESENTATION OF PROCLAMATION – ST. ELIZABETH SHELTER DAY		27
<u>PUBLIC HEARINGS</u>		
REQUEST FOR APPROVAL OF THE RODEO DE SANTA FE INDOOR ARENA PROJECT PARTICIPATION AGREEMENT FOR A FEASIBILITY STUDY	Approved as amended	27-28
<u>CASE #2011-106. APPEAL. SOMMER KARNES & ASSOCIATES, LLP, AGENT FOR MARK AND BETH JERNIGAN, APPEALS THE AUGUST 23 AND SEPTEMBER 13, 2011, DECISIONS OF THE HISTORIC DESIGN REVIEW BOARD IN CASE #H-11-079A, DESIGNATING THE MAIN HOUSE AND THE GUEST HOUSE AT 1041 CAMINO CRUZ BLANCA AS SIGNIFICANT</u>	Postponed to 01/11/2012	28
CONSIDERATION OF BILL NO. 2011-25: ADOPTION OF ORDINANCE NO. 2011-____. AN ORDINANCE AMENDING SECTION 11-2-2 SFCC 1987 AND CREATING A NEW SECTION 11-2.6 SFCC 1987, LIMITING GENERAL FUND PERSONNEL COSTS	Withdrawn by Sponsor	28

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REQUEST FROM EL MIRADOR GALLERY FOR
A WAIVER OF THE 300 FOOT LOCATION
RESTRICTION AND APPROVAL TO ALLOW
THE DISPENSING/ CONSUMPTION OF
ALCOHOL AT MIRADOR GALLERY, 616
CANYON ROAD, WHICH IS WITHIN 300 FEET
OF THE SANTA FE MONTHLY MEETING OF
FRIENDS QUAKER CHURCH, 630 CANYON
ROAD AND THE ACEQUIA MADRE
ELEMENTARY SCHOOL, 700 ACEQUIA
MADRE. THE REQUEST IS FOR AN ART
RECEPTION/CHRISTMAS EVE PARTY TO BE
HELD ON DECEMBER 24, 2011, FROM 4:30 P.M.
TO 11:30 P.M.

Approved w/direction to staff

28-29

ADJOURN

29

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 14, 2011**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Wurzbarger, on December 14, 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

Yolanda Vigil, City Clerk, said staff would like to add an Item 9(c) to the agenda, for remarks from newly appointed Public Regulation Commissioner Doug Howe. She said staff is requesting postponement of 9(b) to the next meeting of the City Council on January 11, 2011, Item I(2) on the evening agenda will be postponed to the Council meeting of January 11, 2011, and Item I(4) has been added to the agenda, which is a request from Mirador Gallery for a waiver, noting it is on the Amended Agenda.

Mayor Pro-Tem said there has been a request with regard to Item 15, the PNM upgrade.

Geno Zamora said the Council can address that when we get to that agenda item.

Mayor Pro-Tem Wurzbarger said it can be addressed "if you choose to allow public comment at that point, which I understand has been requested of the Mayor who is not here, so we don't have to make that decision now. Okay. We'll make that decision later."

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

Absent for the vote: Councilor Calvert.

- a) **REQUEST FOR APPROVAL OF DONATION OF ONE (1) FIRE DEPARTMENT VEHICLE (TYPE 1 FIRE ENGINE) TO THE PENASCO VOLUNTEER FIRE DEPARTMENT. (ROBERT RODARTE AND FIRE CHIEF BARBARA SALAS)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 8 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE TRAIL PROJECT AT CAMINO ALIRE TO NM 599; WESTON SOLUTIONS, INC. (FORMERLY RESOURCE TECHNOLOGY, INC., OR RTI). (BRIAN DRYPOLCHER)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- c) **REQUEST FOR APPROVAL OF BUDGET INCREASE FROM RAILYARD GRT FUND INTO SANTA FE RAILYARD. (BOB SIQUEIROS)**
- d) **REQUEST FOR APPROVAL OF LEASE AGREEMENT – PARKING AREA ON LOT 33, BLOCK 43 OF N.L. KINDS OFFICIAL MAP, LOCATED WITHIN THE 700 BLOCK OF PASEO DE PERALTA; PASEO PARKERS, LLC. (EDWARD VIGIL)**

- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – ONE (1) BACKHOE AND ONE (1) HD LOADER FOR WASTEWATER DIVISION; ADOBE TRUCK AND EQUIPMENT. (BRYAN ROMERO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WASTEWATER FUND.**
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – RESERVOIR INFRASTRUCTURE IMPROVEMENTS – PHASE I FOR WATER DIVISION; SANTA FE ENGINEERING CONSULTANTS, LLC. (ROBERT JORGENSEN)**
- g) **CONSIDERATION OF RESOLUTION NO. 2011- 71. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2011/2012, ENDING SEPTEMBER 30, 2011. (CAL PROBASCO)**
- h) **CONSIDERATION OF RESOLUTION NO. 2011-72 (MAYOR COSS AND COUNCILOR CALVERT). A RESOLUTION ADOPTING THE CITY OF SANTA FE UPDATED ADA TRANSITION PLAN AND SELF EVALUATION. (JOSEPH LUJAN)**
- i) **REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)**
- j) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 11, 2012:**
 - 1) **BILL NO. 2011-46: AN ORDINANCE AMENDING SECTION 14-8.14(E)(1) SFCC 1987, SO THAT FOR A PERIOD OF TWO YEARS, THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100%; AND MAKING SUCH OTHER NECESSARY CHANGES (COUNCILOR WURZBURGER, COUNCILOR ORTIZ AND COUNCILOR DOMINGUEZ). (MATTHEW O'REILLY)**
 - 2) **BILL NO. 2011-47: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX (SUBORDINATE LIEN) WASTEWATER SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 2012B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,500,000, FOR THE PURPOSE OF DEFRAYING THE COST OF REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX (SUBORDINATE LIEN)/ WASTEWATER SYSTEM VARIABLE RATE REVENUE BONDS, SERIES 1997B; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE NET REVENUES OF THE CITY'S WASTEWATER SYSTEM AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT IN CONNECTION**

WITH THE BONDS; PROVIDING FOR REDEMPTION OF THE SERIES 1997B BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DR. MELVILLE MORGAN)

- 3) BILL NO. 2011-48: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2012A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$40,000,000 FOR THE PURPOSE OF DEFRAYING THE COST OF (1) PUBLIC PROJECTS RELATED TO PUBLIC UTILITIES, PUBLIC WORKS, PARKS AND RECREATION AND COMMUNITY SERVICES AS AUTHORIZED BY LAW AND THE CITY'S HOME RULE POWERS, AND (2) REFUNDING, PAYING AND DISCHARGING THE OUTSTANDING CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2004; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT AND AN ESCROW AGREEMENT; PROVIDING FOR REDEMPTION OF THE SERIES 2004 BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DR. MELVILLE MORGAN)
- 4) BILL NO. 2011-49: AN ORDINANCE AMENDING SECTION 7-4.2 SFCC 1987, REGARDING THE ADMINISTRATION OF THE RESIDENTIAL GREEN BUILDING CODE; REPEALING EXHIBIT A TO CHAPTER VII SFCC 1987, SANTA FE RESIDENTIAL GREEN BUILDING CODE; AND ADOPTING A NEW EXHIBIT A TO CHAPTER VII SFCC 1987, SANTA FE RESIDENTIAL GREEN BUILDING STANDARD (COUNCILOR CALVERT). (KATHARINE MORTIMER)
 - a) A RESOLUTION REPEALING RESOLUTION NO. 2009-42, RESOLUTION NO. 2009-73 AND RESOLUTION 2010-63 THAT ADOPTED AND AMENDED THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE; AND ADOPTING UPDATED ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO BE CONSISTENT WITH THE NATIONAL GREEN BUILDING STANDARD (COUNCILOR CALVERT). (KATHERINE MORTIMER)
- 5) *[Removed for discussion by Councilor Bushee]*

- k) **CONSIDERATION OF RESOLUTION NO. 2011-73 (MAYOR COSS AND COUNCILOR CALVERT). 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 at November 30, 2011 City Council Meeting)**
- l) ***[Removed for discussion by Councilor Trujillo]***

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – NOVEMBER 30, 2011

MOTION: Councilor Dominguez moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of November 30, 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) **EMPLOYEE OF THE MONTH FOR DECEMBER 2011 – KEITH WILSON, MPO SENIOR PLANNER.**

Councilor Romero read the letter of nomination into the record, noting Mr. Wilson was nominated by Mark Tibbets. Mayor Pro-Tem Wurzbarger, assisted by Councilor Romero, presented Mr. Wilson with a plaque and a check for \$100 from the Employee Benefit Committee. She thanked him for his dedicated service to the City.

Councilor Bushee said she has worked with Mr. Wilson on several projects through various Committees, and said he is a great staffer and gets things done.

- b) **2011 BOYS SOCCER CITY CHAMPIONS TROPHY PRESENTATION – CAPITAL HIGH SCHOOL. THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND POSTPONED TO THE NEXT COUNCIL MEETING ON JANUARY 11, 2012**
- c) **REMARKS BY THE NEWLY APPOINTED PUBLIC REGULATION COMMISSIONER, DOUG HOWE, DISTRICT 3.**

Douglas J. Howe, PRC Commissioner, District 3, said he is honored to have been chosen to serve on the Public Regulation Commission, District 3, which includes the City of Santa Fe. He appreciates the opportunity this evening to introduce himself to the Governing Body and those in

attendance. He resides in Santa Fe, commenting that District 3 is fairly large, reaching from the "northern part of the City of Albuquerque, through the City of Santa Fe and includes almost all of north central and northeastern New Mexico." He has spent the past 30 years of his working career in the energy industry, noting he worked during a time of profound change, from an industry based on oil, coal and nuclear to one increasingly based on renewable resources and natural gas. He has the opportunity to turn his 30 years of experience back into public service, which was what motivated him to become involved.

Commissioner Howe said the PRC is a low profile, high impact State institution, which sits in judgment on every issue affecting electricity, natural gas, oil and gas pipelines, water and sewer, telecommunications, transportation and insurance in New Mexico. He said there are 5 Commissioners, each serving a different District, noting 3 of 5 votes decides any issue before the PRC, commenting it could however be appealed to a higher court. He said most recently the PRC has been the focus of some very negative attention, with an understandable loss of credibility in the public eye.

Commissioner Howe said, "I want to assure you that I'm completely dedicated to working with others to restore faith and confidence in this important institution. I have had considerable discussions with the non-profit group Think New Mexico about their proposals to amend the State's Constitution for reforms of the PRC. I completely support their proposals which will be introduced at the next Legislative Session. And I want to strongly urge you and the members of the public here to contact your State Senators and Representatives and urge your support for reforms as well. I'm going to promise you that I'm always going to be available to you, the Commissioners and the public in general to discuss any issues that are important to you, to the business of the City and the City itself."

Councilor Bushee welcomed Commissioner Howe, and asked him to turn the PRC into a low profile organization.

Vice-Chair Wurzbarger thanked him for attending, and said she hopes he can use his leadership to help support the goals that we have made very clear in Santa Fe with respect to alternative energy and becoming a more sustainable community.

CONSENT CALENDAR DISCUSSION

10. j) REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON JANUARY 11, 2012:

- 5) BILL NO. 2011-50: AN ORDINANCE AMENDING SECTION 25-1.3 SFCC 1987, TO EXEMPT STATE EDUCATIONAL INSTITUTIONS FROM BEING REQUIRED TO COMPLY WITH CHAPTER 14 SFCC 2987 (LAND DEVELOPMENT LAWS) WHEN APPLYING FOR CITY WATER AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR ROMERO, MAYOR COSS, COUNCILOR TRUJILLO, COUNCILOR CALVERT AND COUNCILOR DOMINGUEZ). (MATTHEW O'REILLY AND BRIAN SNYDER)**

Councilor Bushee said she raised the issue at Finance, and she understood what the Committee wanted to move forward was a different title than the one here, which was to exempt all State Educational Institutions. She asked if staff came up with that language, noting she didn't see any. She asked Mr. Zamora to delineate what the one line change would allow for. She understands it is aimed solely at the Community College's potential new higher education and learning institution, and wants to be sure that any change does not waive the requirement for an ENN. What do the waivers include. She asked the City Attorney to look at the language that is being offered as a change, reiterating she believes the title needs to be changed.

Mr. O'Reilly said he is unsure it is necessary to change the title.

Councilor Bushee said she asked that question of the City Attorney, but would like Mr. O'Reilly to address what is changed, commenting she understood it would allow them to opt out of the requirements of Chapter 14 to follow the City's HOP Ordinance, for example. She wants to know exactly what the bill does and wants to ensure it does not exempt them from an ENN. She wants the attorney to respond to the title prior to publication, and also if it is permissible for the City to exempt only one institution.

Mr. O'Reilly said the Ordinance, as written, would exempt this kind of institution from all Chapter 14 requirements, including ENNs, except for development of water budgets and impact fees – “everything in Chapter 14, all 500 pages, they would be exempt from it, housing, ENNs, notifications, public hearings, everything, but for impact fees and development of water budgets.”

Geno Zamora, City Attorney said, “With regard to the title, and I'm looking in the packet here at the amendment proposed by Councilor Bushee, changing the title from State Educational Institutions to Public Post-Secondary Educational Institutions. I believe that's a legal change to include the types of institutions that I believe Councilor Bushee is looking to include, essentially public colleges, universities and community colleges, and technical colleges, etc.”

Councilor Bushee asked if that language needs to be reflected in the title of the bill that we are about to accept to publish.

Mr. Zamora said, “Although it's not a requirement, if you have that amendment ready for today, which you do, then I think the best practice is to go ahead and adopt that today. There is always an opportunity to make amendments at the actual hearing, but since you have this here today, I think it is appropriate to do so now.”

MOTION: Councilor Bushee moved, seconded by Councilor Romero for purposes of discussion, to approve this request to publish with the amended language change in the title of the bill.

DISCUSSION: Councilor Bushee said she has comments, but she will wait until we hear the bill.

Councilor Chavez said Councilor Bushee covered all of his questions, noting his primary concern was with regard to the ENN. He asked Mr. O'Reilly, in written memo form, to list the exceptions in the major categories – housing, ENN, etc., those that are more critical.

Councilor Romero asked Mr. O'Reilly to clarify that this is specific "to the State owned property, the land at the university. And the change we've made which is higher education, and the placement of that higher education institution at the university. If you could just note for the record, the surrounding property specific to that higher education center, please."

Mr. O'Reilly asked if she is speaking of the zoning of the surrounding property.

Councilor Romero said, "Not the zoning, as much as what is surrounding this property, because as I understand it, the only things that are around this property are other State buildings. I'm probably answering my own question, but what I was trying to have you or staff respond to, is this one of those unique situations that has placed a higher education institution within State property that is surrounded by other State properties, so there is no housing issue as I understand it."

Mr. O'Reilly said, "That is correct. This would be adjacent to the Santa Fe University of Art and Design on one side. I believe there is some State property to the west. There's some other State property to the east, and then across Siringo road is, of course, the Santa Fe High School. I think there are some residentially zoned property that is sort of on the southwest sort of side of this project. I don't have a map in front of me, but it is mostly institutional type properties surrounding this parcel."

Councilor Romero said, "So for properties that are not higher education, like this one, like perhaps development that might be with the Deaf School, that didn't exempt them. This is very specific to property that is adjacent to other State property, is that correct?"

Mr. O'Reilly said, "I don't think it speaks to adjacency, I think it talks more to the definition, the new definition that is on the amendment sheet. In terms of what that applies to, I think I would want to defer to the City Attorney about exactly what that applies to. My understanding is this language was crafted to target specifically this Santa Fe Community College higher education center."

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

10. I) **CONSIDERATION OF RESOLUTION NO. 2011-74 (MAYOR COSS). A RESOLUTION RECOGNIZING THE GIFT OF A BRONZE STATUE 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; AND SUPPORTING THE PLACEMENT OF THE STATUE ON THE SOUTHEAST LAWN OF CITY HALL, ALONG LINCOLN AVENUE. (SABRINA PRATT)**

A copy of an Action Sheet Item from the Public Works/CIP Land use Committee Meeting of Monday, December 12, 2011, is incorporated herewith to these minutes as Exhibit "1."

A copy of City of Santa Fe, New Mexico, Proposed Amendment to this Resolution, Petry Art Donation, submitted by staff, is incorporated herewith to these minutes as Exhibit "2."

Councilor Trujillo said one reason he wanted to pull this was to add a sponsor. He said an amendment was adopted at Public Works. He would like staff and the Arts Commission to work in collaboration with Sgt. Petry as to where exactly to put the statue, noting he understands Sgt. Petry would like it to be in front of the City Hall. He would like staff to contact Sgt. Petry when he is available and have that discussion.

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

DISCUSSION: Councilor Ortiz asked to recognize Mr. Petry's father as well as George Rivera, the artist who is creating the bronze statue honoring this great American hero.

Mr. Petry said he has had conversations with his son regarding the placement of the statue. The last time they discussed it was at the time of the parade. He said he understands his son preferred a site on the east side on Marcy Street which is where there was a sign. He said he understood it isn't the main sign which would be removed.

Mr. Petry said his son will be in Santa Fe on December 20, 2011, to do a fundraiser for the Boys and Girls Club, and hopefully "with his busy schedule I can squeeze him by here, have him take a look. At that time he'll be meeting with Mr. George Rivera that night as well."

Councilor Trujillo asked that Mr. Petry work with Sabrina Pratt. He said this is going to be a beautiful piece of artwork for the City.

Mr. Petry said his son always puts hand out to everyone, and everybody has told him they would like to meet his son and shake his hand. He said this is one way to give his hand, and a lot of people will want to hold that hand. He said the hand in the photograph will be polished chrome, the one that he lost. He said the circle on the bottom will represent President Obama who gave him the Congressional Medal of Honor, and the people who donated it which is the Pojoaque Tribe, George River the artist. He said this is a great project and he thanked the Governing Body on behalf of his son and his family for letting this happen.

Councilor Bushee said action was taken to name a section of, or a crossing, or perhaps a bridge off 599 for Sgt. Petry.

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.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2011-75 (COUNCILOR CALVERT). A RESOLUTION SUPPORTING FEDERAL LEGISLATION TO ENACT THE *SENSIBLE ACCOUNTING TO VALUE ENERGY ACT*. (THE "SAVE ACT"). (KATHERINE MORTIMER)

Councilors Bushee, Romero, Wurzbarger and Trujillo asked to be added as cosponsors of this Resolution.

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to adopt Resolution No. 2011-75.

DISCUSSION: Mayor Pro-Tem Wurzbarger asked to add Councilor Bushee, Councilor Romero, Councilor Trujillo, herself and Mayor Coss as cosponsors.

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.

12. CONSIDERATION OF RESOLUTION NO. 2011-76 (COUNCILOR ROMERO, COUNCILOR DOMINGUEZ, COUNCILOR WURZBURGER AND COUNCILOR CALVERT). 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. (KATHARINE MORTIMER)

MOTION: Councilor Romero moved, seconded by Councilor Bushee, to adopt Resolution No. 2011-76.

DISCUSSION: Councilor Bushee asked to be added as a sponsor, and noted the County passed a similar resolution last night.

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 Wurzbarger.

Against: None.

Absent for the vote: Councilor Trujillo.

13. **CASE #2011-125. – REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF NORMAN LAGASSE AS AGENT FOR IDA A. RAJOTTE FROM THE OCTOBER 6, 2011 DECISION OF THE SUMMARY COMMITTEE APPROVING A LOT SPLIT FOR A PARCEL OF LAND LOCATED AT THE CORNER OF CAMINO CARLOS REY AND THE ARROYO DE LOS CHAMISOS. (KELLEY BRENNAN)**

Mayor Coss arrived at the meeting

A copy of a Memorandum dated December 5, 2011, with attachments, to the Members of the Governing Body, from Kelly Brennan, Assistant City Attorney, regarding Case #2011-125, is incorporated herewith to these minutes as Exhibit "3."

Kelley Brennan, Assistant City Attorney, presented information from her Memo of December 5, 2011, to Members of the Governing Body, [Exhibit "3"]. Please see Exhibit "3" for specifics of this presentation.

Ms. Brennan said some of the Councilors may have received an email from the appellant, which basically repeats what it does in the application. However, if the Governing Body chooses not to dismiss the case, and have an appeal scheduled, this body will hear the appeal.

MOTION: Councilor Ortiz moved, seconded by Councilor Trujillo, to reject the staff's recommendation to dismiss this appeal, and schedule it for an appeal *de novo* before the City Council.

DISCUSSION: Councilor Bushee asked Ms. Brennan if she is saying that this email would be considered to be *ex parte*, and if we should reject it or not read it.

Ms. Brennan said, "Yes. I think that probably you should not review it, but I will say that it does not, in my view, really add a lot of new or different material to what is already in the packet, so I don't think it's prejudicial in any manner."

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

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

Against: None.

Mayor Coss assumed the duties of chairing the City Council Meeting

14. **CASE #2011-126 – REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE §14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF MARK GRAHAM FROM THE OCTOBER 26, 2011 ISSUANCE OF BUILDING PERMIT #11-2071 FOR CONSTRUCTION OF A STUCCO WALL AND COYOTE FENCE AT 4555 CAMINO PLACITAS. (KELLEY BRENNAN)**

A Memorandum dated December 5, 2011, with attachments, to Members of the Governing Body, from Kelley Brennan, Assistant City Attorney, regarding Case #2011-126, is incorporated herewith to these minutes as Exhibit "4."

Kelly Brennan, Assistant City Attorney, presented information from her Memorandum of December 5, 2011, to the Governing Body, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to approve the recommendation of staff in this Case.

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.

15. **CASE #2011-64. FT. MARCY 14 UPGRADE PROJECT. PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM), IS PRESENTING AN ACCOUNTING TO THE GOVERNING BODY, PURSUANT TO SECTION 14-6.2(G)(7) SFCC 1987, FOR THE UNDERGROUNDING OF APPROXIMATELY 11,700 LINEAR FEET OF ELECTRICAL LINES BETWEEN BISHOP'S LODGE ROAD AND HYDE PARK ROAD. THE GOVERNING BODY MAY (1) DIRECT THE APPLICANT TO SEEK APPROVAL OF THE NEW MEXICO PUBLIC REGULATION FOR AN ADDITIONAL FEE TO BE PAID BY ALL CITY CUSTOMERS TO COVER THE COST OF UNDERGROUNDING; OR (2) ALLOCATING CITY FUNDS TO COVER THE COST OR PARTIAL COST OF UNDERGROUNDING; OR (3) AUTHORIZING THE APPLICANT TO CONSTRUCT THE ABOVEGROUND ELECTRICAL LINES. (DAN ESQUIBEL AND MARCOS MARTINEZ)**

A Memorandum dated December 14, 2011, with attachments, to the Governing Body, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, regarding Case #2011-64, is incorporated herewith to these minutes as Exhibit "5."

A copy of *Appendix B – Public Service Company of New Mexico PassPort Cost Statement – Summary*, is incorporated herewith to these minutes as Exhibit "6."

Dan Esquibel presented information regarding this matter from his Memorandum of December 14, 2011, with attachments, to the Governing Body [Exhibit "5"]. Please see Exhibit "5" for specifics of this presentation. Mr. Esquibel noted that there is an error in PNM's accounting. He said the correct amount is shown on page 2 of his report which should be 43¢ not 4¢ on the residential part. He noted a fourth option for the City would be to do nothing which would have the effect of sending this to the PRC once the rate has expired.

Councilor Dominguez asked Mr. Esquibel to repeat what he said about Option #4.

Mr. Esquibel said as a direct result of the word "may" in Code, it is discretionary for the Governing Body to act, which gives the ability to nothing, which sends them to the PRC after Rate 22 expires, noting Rate 22 has a 60 day time limit which is afforded to government entities to review the application and make comments to the PRC.

Councilor Wurzbarger said the result of doing nothing would be that the PRC would make the decision and pass the costs to the rate payers.

Mr. Esquibel said this is correct, depending on the PRC's review and decision.

Councilor Bushee asked if it would have had the same effect if we had not heard this item this evening, since we are at day 58 of the 60 days.

Mr. Zamora said, "You are correct. If the Governing Body declines to act or fails to take the opportunity to act, the result is the same, that the decision would be deferred to the PRC."

Mayor Coss said this isn't the decision on whether or not to underground.

Mr. Zamora said, "It's the 4 options that have been discussed. Either the Governing Body decides on underground or above ground and who pays for the undergrounding, if the decision is to underground. Otherwise, the Governing Body can choose to defer the entirety of that decision to the PRC."

Councilor Ortiz said, "If we defer that decision to the PRC, what we're saying to PNM is we're going to take no action and allow PNM to decide whether to go and get a decision from the PRC to assess all properties within their service area, this 43¢ per month charge. Is that right. So, really Option 4 is just like Option 1, which is really not a fourth option. Is that right."

Mr. Zamora said, "That is one possibility Councilor. Marcos is here to provide further depth on this."

Councilor Ortiz asked, "Why can't we have a fifth option which would require an improvement district for all of the properties which would be materially benefitted from undergrounding, as opposed to having above ground lines. Why isn't that allowed."

Marcos Martinez, Assistant City Attorney said, "Councilor, to answer your question, that may be allowed. This section of the Code is really permissive and it only outlines the possibilities. Your suggestion that there be an improvement district, is a possibility. It is not contemplated in the Code as it exists now, but I don't see it prohibited either."

Councilor Ortiz said, "In fact, isn't that true that for this subdivision, that in fact the Escarpment Ordinance prohibits above ground lines."

Mr. Martinez said, "I believe so."

Councilor Ortiz said, "So PNM, if they wanted to save the cost, there is no consequence to them because they're just going to stick it on all the City ratepayers. They would have to ask for a variance for the above ground line to the Escarpment Ordinance."

Mr. Martinez said, "I believe that's correct."

Councilor Ortiz said, "And from the first page of the Memo, it shows there are 191 lots that this particular improvement will be helping. Is that correct."

Mr. Martinez said, "Yes."

Councilor Ortiz said, "So, for 191 lots we are asked essentially to spend City monies to provide the cost to not do anything, which in effect is doing Option 1 which is telling PNM to go to the PRC, or allow them to do an above ground line, which you're telling me we can't do, because that requires a variance under the Escarpment Ordinance. And so, really, we only have two options. Is that really the result. It's either allow PNM to charge all of the City for these 191 lots to benefit, or to allocate City resources to pay this cost."

Mr. Martinez said, "I believe that your other option is still a possibility."

Councilor Ortiz said, "So we could assess an improvement district that would then assess this additional cost, the balance of the costs, on the lots that would be materially benefitting from it. That would be an option you think."

Mr. Martinez said, "I think it could be an option. It's not contemplated, as I said, and it would require more research, but I don't see it being prohibited."

Councilor Bushee asked, "If we chose to take no action this evening, and this were forwarded on to the PRC, would the City reserve its right to be able to either join in a protest and/or ask that PNM pay for the cost of these improvements."

Mr. Martinez said, "I believe if the City took no action tonight, the City could participate in the PRC matter, and take whatever position the City Council decided to take."

Councilor Bushee said, "Okay. Then the question, and it might have to be a representative of PNM, and Mayor, I don't know how procedurally you are going to move along with this, but my understanding is that perhaps it is not just an improvement to the 191 homes, that this is going beyond that, and I don't know if you want to get into a full blown thing, but it's not listed as a public hearing. It's listed in the afternoon session. I would actually start with a motion if you would like one."

Mayor Coss said he would love a motion, but he is willing to have PNM answer questions.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger for purposes of discussion, that the City take no action this evening, and the City should participate later at the PRC in terms of passing these costs onto PNM, because she believes PNM is at fault for not having... for the undersize of the system.

DISCUSSION: Councilor Calvert quoted from page 23 of the packet, where it talks about system improvement:

"This new system improvement will improve reliability and service quality to this area. This system will create a link between two existing three-phase lines, enabling PNM to alternatively serve from either three-phase line and reduce the amount of outage time to customers if an outage should occur. This improvement will increase the load capacity for this area. PNM has the ability to construct the Project either overhead or underground with cost recovery of the excess undergrounding costs"

Councilor Calvert said, however the procedure works, he would like this to be undergrounded, but to go to the PRC and ask PNM to pay for it, out of it's pocket since it was their fault to begin with. He said, "I'm just speaking In favor of the motion that we have."

Councilor Wurzbarger said, "I agree with the motion. What I would say though, with respect to any future idea about looking at the 119 or 191 families, is that I think the intention of the law, with respect to underground, benefits more than the individual people, particularly when you are in the area of the mountains we all view. To me it's part of the whole mission that we've made very clear, of protecting the mountains for everybody in Santa Fe. But, having said that, I certainly agree with the motion and would like to go back and make certain that PNM takes responsibility for something that they created."

Councilor Ortiz said, "On the motion. I'll support the motion if I can reserve the right that the City's position is in addition to the 60,000 people who are not going to materially benefit from this additional, electrical output for this particular area. And I will say that the fact that we have an Escarpment Ordinance is to protect the esthetic views of some of the people who are in this audience who are going to materially benefit from this increased electrical load, that are then asking.. I agree, if we can get it through the PRC, and we've got a new PRC Commissioner, so maybe we've got a better chance, but, if we are unsuccessful and PNM actually attempts to assess a rate hike on all of us for this line, I'd certainly like more detail in order to better present the City's position to protest against the against inequality of having all of the

ratepayers pay for this increase in cost. So long as we've been told, that by taking no action that we preserve a right to protest, we need to protest on two parallel acts. And so, that's why I speak in favor of the motion."

Councilor Calvert said, "One comment on what Councilor Ortiz said, the Escarpment Ordinance isn't intended to protect the view of the people that are in this area. The function of the Escarpment Ordinance is to preserve the view of the people from down here who are looking up at the hills, and why all the view sheds are dedicated that way. So, it's not from them looking around, it's from here looking up."

Councilor Ortiz said it is his sense that these power lines aren't going to be built on the ridgelines. He said, "They're going to be built on the streets of these people who have built along the escarpment."

Councilor Calvert said, "Well, I don't think there's going to be any power lines built at all. I don't think that's allowed."

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.

16. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

17. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

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

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

Against: Councilor Chavez.

Absent for the Vote: Councilor Bushee and Councilor Wurzbarger.

Explaining his vote: Councilor Chavez said, "No. I'm going to vote no, and I want to explain my vote. Both of these items deal with public assets and changing the master plan for the Railyard property. We're talking about moving staff from one building and renting somewhere else. Again, it's a public asset. We're spending public dollars to do that. If it goes through, I think more of it should be done with public participation, so that the public knows more about what we're doing, so I vote no."

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

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:25 p.m. Councilor Ortiz moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

18. ACTION REGARDING THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY BY THE CITY OF SANTA FE, OFFICE SPACE LEASE AGREEMENT, 500 MARKET STREET, SUITE 200 AT THE RAILYARD; WITH RAILYARD COMPANY, LLC, AND REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT INVOLVING RAILYARD COMPANY, LLC. (GENO ZAMORA)

MOTION: Councilor Ortiz moved, seconded by Councilor Calvert, "to approve the recommended language that was put forward by the City Attorney, and that we direct the City Attorney to return that theater lot as soon as possible, and that we also take the City Attorney's recommendation that we only go with the pro rated amount of the rent upon the return of that theater parcel and not the additional amount requested."

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

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

Against: None.

Abstain: Councilor Chavez. [Councilor Chavez passed on voting]

19. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

20. 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 December 14, 2011, is incorporated herewith to these minutes as Exhibit "7."

Councilor Dominguez

Councilor Dominguez wished everyone Happy Holidays – staff, the public. He asked everyone to please be safe and enjoy time with their families.

Councilor Dominguez said he would like Mr. Romero to thank the staff that attended the UNM presentation at the Southside Library. He said really great data was presented by UNM students which highlights the potential inequities which exist in Santa Fe. He said he will get that presentation for the other members of the Governing Body.

Councilor Dominguez asked everyone to shop locally this Holiday season.

Councilor Dominguez introduced a Resolution directing the City Clerk to limit the number of Special Dispenser Permits that are administratively approved and issued at the same location, to three permits per calendar year and requiring that any request for a Special Dispenser Permit above three at the same location be considered by the Governing Body. He said this is being introduced in light of the recent discussions on liquor licenses, especially two weeks ago. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Calvert

Councilor Calvert introduced a Resolution authorizing Public Utilities Department staff to apply for U.S. Bureau of Reclamation funding opportunities to install or replace automatic meter reading devices for City of Santa Fe water customers. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9"

Councilor Calvert wished everyone a Merry Christmas and Happy Holiday Season, and reminded everyone to please drive safely.

Councilor Trujillo

Councilor Trujillo wished everyone a very Merry Christmas and a Happy New Year.

Councilor Trujillo said the first tryouts for the Santa Fe Fuego were held last Sunday. He said there was a lot of good, young, local talent, noting there probably are 4-5 players from Santa Fe that have a chance to make the team. He gave kudos to City staff, especially Parks staff for removing the snow and getting the field ready for tryouts.

Councilor Trujillo said he has been contacted by a lot of people concerning Occupy Santa Fe. He said it is difficult because when they talk to him they ask "what are you guys doing still allowing those people in there." He asked, "When is enough, enough." He is concerned that this summer people will be coming into Santa Fe to rent the park, and we'll give them a price. He said they will then tell us that we let Occupy Santa Fe "have this all this time without a permit." He said he firmly believes a controversy will start to brew this summer. He doesn't know how long they plan to stay in Santa Fe, noting they have to apply for a permit in Albuquerque. He said people can't just go and build a fire in any City Park, but yet these people are building fires in Railyard Park. He said a lot of people are telling him they won't go to the Railyard Park anymore, and these are people who live in the area.

Councilor Trujillo said he doesn't know what to do, but in his opinion, if the Occupy Santa Fe People are going to continue to stay in the Park, they should apply for a permit and pay just like everyone else in the City would have to do.

Mayor Coss said he will be happy to talk to Councilor Trujillo about this, noting this is happening nationwide.

Councilor Wurzbarger

Councilor Wurzbarger wished everyone Happy Holidays.

Councilor Wurzbarger asked the City Manager to commend the City Crew who worked for 2½ hours during a snow storm to get one of its truck out of the ditch on Cruz Blanca, and for their patience and dedication in resolving all of the problems, including competing traffic during this time, noting Lawrence Garcia was out there working on the problem.

Councilor Wurzbarger said there is an article in today's Santa Fe New Mexican, *No Call is Worth a Human Life*. She said she has been concerned the number of violations cited is down from 2,100 in 2005, to 658 in 2010. She said the behavior hasn't changed in Santa Fe. She said the policy in place isn't being implemented, commenting she knows there are other priorities, but she would like to discuss this at the Public Safety Committee to see if there is anything else we can do about this.

Councilor Chavez said the National Transportation Advisory Board asked for a nationwide ban, and asked Councilor Wurzbarger if she is trying to build on that, and Councilor Wurzbarger said, "Right." Councilor Chavez said this could be good, because Santa Fe did take the lead in the State on the issue of talking on cell phones while driving, and it would be good to join forces in the nationwide effort.

Councilor Calvert said, not to disagree, but part of what we're looking at is the allocation of our limited Police Department resources, and where we want them the most. He said with the new staffing, the burglary rate has gone down, and he would be loathe to pulling them off neighborhood patrol to cite more people for cell phone violations.

Councilor Wurzbarger said she wants to raise the issue from the perspective that perhaps there are other options. She said cell phone use is done by individuals, and obviously, the deterrent is not working. She said perhaps there is an educational approach we can try, but she is interested in exploring this further, and asked Councilor Trujillo to bring it to the Public Safety Committee to start this discussion.

Councilor Trujillo said he will bring it up at the Public Safety Committee next Tuesday, and ask the Chief and staff to put it on the agenda for the February 2012 meeting.

Councilor Bushee

Councilor Bushee said she would like to cosponsor the Mayor's River Ordinance and the Ordinance on administrative procedures.

Councilor Bushee introduced the following:

1. An Ordinance amending Section 4-2.2 SFCC 19897, to prohibit open containers in unlicensed public places. Follow-up on request from the Police. police say can't do anything, so need new tool. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "10"
2. An Ordinance amending Article 24-9 SFCC regarding the City's Vehicle Forfeiture Ordinance, noting it is going to Public Safety on Tuesday. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "11."
3. A Resolution adopting administrative procedures for the Vehicle Forfeiture Ordinance, Article 24-9 SFCC 1987. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."
4. A Resolution joining the *Move to Amend* Campaign and supporting the call for an amendment to the United States Constitution to abolish corporate personhood. She said she did something similar a few years ago, but this is a little different version. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "13."

Councilor Bushee said tomorrow we celebrate another birthday of the Bill of Rights in 1791.

Councilor Bushee noted an article in the paper reporting that Albuquerque is launching a neighborhood watch website to improve communications between the Neighborhood Watch volunteers and the Police Department. She would like Chief Leyba to look at that program.

Councilor Bushee said she clipped an article from the paper which says Wachovia which is now Wells Fargo, is going to pay \$3.5 million to the NMFA, with regard to a case it settled where it had fraudulently rigged municipal bond reinvestment transactions in 25 states, including New Mexico. She asked Dr. Morgan to look into this to see if that would mean anything to the City of Santa Fe financially.

Councilor Bushee has had a communication from a constituent, and spoke with the Finance Director. She is concerned and wants to be sure we deal with this at the Finance Committee. She said apparently a particular bond issue was rated as an AAA minus, and she wants to discuss this at finance.

Councilor Bushee wished everyone Happy Holidays and to be safe during the holiday season.

Councilor Ortiz

Councilor Ortiz said the Demon/Horsemen girls are playing tomorrow, a rubber match, and the boys play on Friday night, and the St. Michael's cheer team is going to be selling lemon suckers on Friday.

Councilor Ortiz said he would like to echo Councilor Trujillo's concerns about the Railyard Park, noting he has received similar calls. He said he has been a long time volunteer at St. Elizabeth's and some of the people there are worried about this. He said Councilor Bushee did a series of public meetings before the Occupy Santa Fe people moved in. However, there needs to be a better approach. We can't continue to ignore what is going on with a sort of tacit approval. He believes there needs to be a more formal dialogue which leads to some sort of official action about whatever they're doing. He said, from what he has read in media accounts, it is hard for him to discern that there is a serious political point of view as opposed to just a transition for some people who are just passing through.

Councilor Ortiz thanked Chief Leyba for his response to constituent concerns about patrols which were happening and now have ceased along Jackalope. However, the concern he has about the response is that it was just a *fair accompli* that the Police Department wouldn't look back and see where their burglary numbers would be. Again, given that there are pressing issues in every neighborhood, and what Councilor Bushee said about advances in neighborhood patrols and neighborhood safety, it would be his hope that the Police Department that is looking to fund additional personnel would reassess and relook at their priorities now that they are taking credit for the reduction in burglaries. He said the Police still need to be responsive to all neighborhoods in the City.

Councilor Ortiz wished everyone a Merry Christmas and Happy Holidays.

Councilor Bushee said she thought it was interesting and ironic that she was told by the director of the Railyard, that the same folks who initially were in Occupy Santa Fe had security concerns about those who were transients in and around the Railyard area. She said, "I guess, rather than targeting a particular movement or population, perhaps we can target the bad behavior in some way and weed those out. Because I think those aspects which are more unsavory, including those who are living there in Occupy Santa Fe are what are turning people off and causing the issues that we're feeling and hearing constituent calls about. I don't quite know how you do that, other than that's why I introduced this one thing with regard to the open containers."

Councilor Chavez

Councilor Chavez wished everyone a safe and Happy Holiday Season, and, especially to our staff, a Merry Christmas a Happy Holiday Season for their work and dedication to the City.

Councilor Romero

Councilor Romero said, although it isn't on the Introductions List, she will be introducing an Ordinance regarding term limits for elected officials, including a requirement for Councilors seeking the Office of Mayor to vacate their seats to run for Mayor.

Councilor Romero echoed Councilor Wurzburger's concerns about cell phone use while driving, and said perhaps the Public Safety Committee could look at recommending increasing the amount of the fine.

Councilor Romero said the issue of the Graffiti trains on Galisteo was brought up at the Law Conference recently. She said this has been ongoing since she's been on the Council. She asked if the City could look at doing something about this from the nuisance perspective, and would appreciate staff letting her know about that.

Councilor Romero wished everyone, community and staff, a Merry Christmas and a Happy Holiday, and reminded everyone to shop and support local businesses.

Mayor Coss

Mayor Coss introduced the following:

1. A Resolution repealing the current Human Services Committee membership criteria and creating new membership criteria for the City of Santa Fe Human Resources Committee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."
2. A Resolution repealing Resolution No. 2011-1 relating to the Open Meetings Act; adopting the State of New Mexico Open Meetings Act by reference; and adopting notice requirements. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

3. A Resolution supporting proposed State Legislation sponsored by members of Santa Fe's Legislative Delegation, 51st Legislative Session, State of New Mexico that relates to reducing PERA contributions for State employees; stabilizing education through the use of the Permanent Land Grant Fund; encouraging New Mexico governmental entities to use local banks; operating the Higher Education Center in Santa Fe and amending the New Mexico Condominium Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Mayor Coss said he would like all of the Councilors to look at cosponsoring this bill, noting Councilor Bushee is cosponsoring the bill.

Councilor Calvert asked to be added as a cosponsor. He said, "I guess my only question is, will this help or hurt."

Mayor Coss said he had that discussion as well, and our delegation encouraged us to support them.

Councilor Wurzbarger asked to be added as a cosponsor.

4. A Resolution establishing the City of Santa Fe, Division of Senior Services Advisory Board of Directors. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
5. A Resolution creating a new Article 25-13 SFCC 1987, regarding the Santa Fe River target flow for a living river initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."
6. A Resolution adopting administrative procedures for the Santa Fe River target flow ordinance, Article 25-13 SFCC 1987. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."

Mayor Coss said he would like to address the issue of Occupy Santa Fe. He said when it was first set up, it was a political demonstration under free speech. He said the City Manager and the Police Chief have monitored the encampment daily. He said, "We know it's not problem free. That area of the Railyard was not problem free when we got there." He said it is interesting that some of the original campers have left, and have had issues with some of the behaviors going on there. He said he looks at this daily, weekly, because of what he stated originally with regard to the balance between free speech and political demonstrations versus the protection of the park and public safety – and if it balances there, and if the campers have any political purpose right, as alluded to by Councilor Ortiz.

Mayor Coss reiterated that they do look at this every day. He is very proud of our Police, noting there have been the same issues around the country – how do you tell homeless and Rainbow Camp people from Occupy People. He said what hasn't happened here are violent confrontations between the Police Department and the Occupiers. He is open to any discussions. He said he passed the Occupied

Camp in Washington, D.C., during his recent visit. He said Santa Fe is dealing with similar issues as other cities, and this is very intertwined with the issues of homelessness and substance abuse.

Mayor Coss thanked the staff for their work last year on behalf of the City of Santa Fe – the City Manager, the City Attorney, the City Clerk, and all of the staff. He noted the City holiday party is back at our own Community Convention Center on Friday night and urged everyone to attend. He wished everyone a very Happy Holiday Season.

END OF AFTERNOON SESSION AT 6:45 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Councilor Rosemary Romero

Others Attending

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

F. PETITIONS FROM THE FLOOR

David McQuarie, 2997 Calle Cerrado, was sworn. Mr. McQuarie said he is here to speak about access and egress at the corner of Paseo de Peralta and east Alameda. He said on November 9th, a person in a wheelchair was injured and broke his ankle, and asked the reason the driver wasn't cited. However, the bigger question for the City is that the City was supposed to replace the curb cut that was there and repair the curb cut, which was the result of construction on that street. He said they did not do that, and asked why. He asked why doesn't the City obey its own laws. He would like these questions to be answered. He said he has requested a copy of the documentation, and apparently there is none, and asked why.

Mayor Coss said he will ask them to make a report to the Mayor's Committee.

G. APPOINTMENTS

Santa Fe City and County Advisory Council on Food Policy

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

Bianca Sopoci-Belknap – Reappointment – term ending 01/2015;
Sherry F. Hooper – Reappointment – term ending 01/2015; and
Pamela Roy – Reappointment – term ending 01/2015.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve these appointments.

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

Capital Improvements Advisory Committee

Mayor Coss made the following appointment to the Capital Improvements Advisory Committee:

Michael Chapman – Reappointment (Councilor Wurzbarger) – term ending 12/2013;
Edmundo Lucero – Reappointment (Councilor Trujillo) – term ending 12/2013;
Maria Higuera Pope – Reappointment (Councilor Romero) – term ending 12/2013;
Gilbert Romero – Reappointment (Councilor Ortiz) – term ending 12/2013;
Kim Shanahan – Reappointment (Councilor Chavez) – term ending 12/2013;
Neva Van Peski – Reappointment (Mayor Coss) – term ending 12/2013;
Rick A. Martinez – Reappointment (Councilor Bushee) – term ending 12/2013;
Margaret B. Veneklasen – Reappointment (Councilor Dominguez) – term ending 12/2013; and
Karen Walker – Reappointment (Councilor Calvert) – term ending 12/2013.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to approve these appointments.

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

H. PRESENTATION OF PROCLAMATION – ST. ELIZABETH SHELTER DAY. (DEBORAH TANG)

Mayor Coss read a proclamation into the record, declaring December 15, 2011, St. Elizabeth Shelter Day in Santa Fe. He thanked them for their 25 years of service, and for all they do, saying it has made a huge difference in Santa Fe.

Deborah Tang thanked the City for its support in making the 25 years happen.

I. PUBLIC HEARINGS

1) REQUEST FOR APPROVAL OF THE RODEO DE SANTA FE INDOOR ARENA PROJECT PARTICIPATION AGREEMENT FOR A FEASIBILITY STUDY (MAYOR COSS). (FABIAN TRUJILLO)

Fabian Trujillo presented information from his Memorandum of December 13, 2011, which is in the Committee packet.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve this request with the amendment from the Business and Quality of Life Committee, which requires a 6 month and 12 month report, to ensure we are in the loop and know what is happening. She said a lot has been promised, especially by the consultants with respect to jobs, and they want this information sooner rather than later.

DISCUSSION: Mayor Coss thanked the members of the Rodeo Association, commenting he thinks it is good for the Rodeo to stay where it is because it is part of our history and culture, as well as a great draw to Santa Fe. He thanked them for all the work they've done.

Councilor Bushee thanked everyone for their work and wished them well in their endeavors with the State Legislature, and congratulated Dave and Sally on their marriage.

Councilor Dominguez said he would echo what the Mayor and Councilor Bushee have said. He thinks it's a wonderful opportunity to have a Rodeo in the middle of the City. He thanked them for keeping it a part of our City as well.

Mayor Coss thanked Fabian Chavez for shepherding everyone through this process.

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

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

Against: None.

- 2) **CASE #2011-106. APPEAL. SOMMER KARNES & ASSOCIATES, LLP, AGENT FOR MARK AND BETH JERNIGAN, APPEALS THE AUGUST 23 AND SEPTEMBER 13, 2011, DECISIONS OF THE HISTORIC DESIGN REVIEW BOARD IN CASE #H-11-079A, DESIGNATING THE MAIN HOUSE AND THE GUEST HOUSE AT 1041 CAMINO CRUZ BLANCA AS SIGNIFICANT. (DAVID RASCH AND KELLEY BRENNAN) Postponed to January 11, 2012 City Council Meeting.**

This item is postponed to the January 11, 2012 City Council meeting.

- 3) **CONSIDERATION OF BILL NO. 2011-25: ADOPTION OF ORDINANCE NO. 2011-____ (COUNCILOR ORTIZ). AN ORDINANCE AMENDING SECTION 11-2-2 SFCC 1987 AND CREATING A NEW SECTION 11-2.6 SFCC 1987, LIMITING GENERAL FUND PERSONNEL COSTS. (DR. MELVILLE MORGAN) (POSTPONED AT AUGUST 10, 2011 CITY COUNCIL MEETING) (Withdrawn by Sponsor)**

This item has been withdrawn by the sponsor.

- 4) **REQUEST FROM EL MIRADOR GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOL AT MIRADOR GALLERY, 616 CANYON ROAD, WHICH IS WITHIN 300 FEET OF THE SANTA FE MONTHLY MEETING OF FRIENDS QUAKER CHURCH, 630 CANYON ROAD AND THE ACEQUIA MADRE ELEMENTARY SCHOOL, 700 ACEQUIA MADRE. THE REQUEST IS FOR AN ART RECEPTION/CHRISTMAS EVE PARTY TO BE HELD ON DECEMBER 24, 2011, FROM 4:30 P.M. TO 11:30 P.M.**

A copy of a Memorandum dated December 14, 2011, with attachments, to Mayor Coss & City Councilors, from Yolanda Y. Vigil, City Clerk, regarding this request, is incorporated herewith to these minutes as Exhibit "20."

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the packet was placed on their desk prior to the start of the Council meeting [Exhibit "20"]. She said there are letters in the packet from Bobbie Gutierrez, Superintendent, Santa Fe Public Schools, and Bob Gaines, Presiding Clerk, Santa Fe Monthly Meeting of Friends, stating they have no opposition to this request. She said we are asking that alcohol be served only in the building, and no alcohol be permitted outside, noting this is the night of the Farolito Walk on Christmas Eve.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dominguez to grant the request for a waiver of the 300 foot location restriction, and approval to allow the dispensing/consumption of alcohol at Mirador Gallery, for an art reception/Christmas Eve party on December 24, 2011, from 4:30 p.m. to 11:30 p.m.

DISCUSSION: Councilor Dominguez asked if the applicant is in attendance. He said this is the night of the Farolito Walk and the Police will be there on that evening. However, for this and all applications, he believes it would behoove the City to have patrols near the area as often as possible.

Ms. Vigil said the City will request that there be security at all exits and entrances.

Councilor Calvert said this was his question. He said he has no problem with the application, but he wants to be sure everything is well controlled because there will be a lot of children and teens in attendance, and he doesn't want any under-aged people in the Gallery during this time. He wants to be sure that the only people who should be inside are able to get inside.

Daniel Palmer, Applicant, was sworn. He said there will be one entrance into the Gallery, and licensed servers will be checking ID's at that point. He said they will have non-alcoholic, hot cider available on the street.

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

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

Against: None.

J. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:20 p.m.

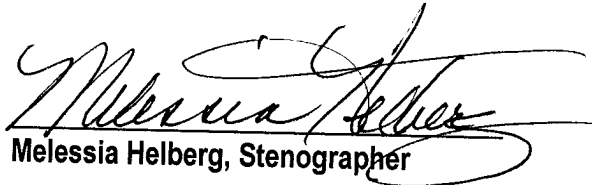
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer