



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 25, 2012
CITY COUNCIL CHAMBERS

AMENDED ITEMS #12 AND #13

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1/25/12 TIME 3:25 pm

SERVED BY [Signature]

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 – January 11, 2012
9. PRESENTATIONS
 - a) Proclamation – 2012 - The Year of the Book; New Mexico Alliance for Literacy, Hooked on Books Campaign. (Perli Cunanan) (5 Minutes)
 - b) Report on Outcomes: Opportunities from UNESCO Meetings in S. Korea. (Councilor Wurzbarger and Mayor Coss)
10. CONSENT CALENDAR
 - a) Bid No. 12/13/B – On Call Roadway Lighting Infrastructure Maintenance Services and Construction Agreement; M.W.I., Inc. (Rick Devine)
 - b) Bid No. 12/14/B – FY 11/12 City Wide Water Utility Pavement Restoration Contract; TLC Plumbing & Utility. (Bill Huey)
 - c) Request for Approval of Sole Source Procurement and Professional Services Agreement – Santa Fe River Ecosystem Restoration Initiative; Wildearth Guardians, Inc. (Brian Drypolcher)



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THE GOVERNING BODY
JANUARY 25, 2012
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1/19/12 TIME 4:45pm

SERVED BY

RECEIVED BY

A handwritten signature in black ink, likely of the City Clerk, written over a horizontal line.

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 - c) Request for Approval of Sole Source Procurement and Professional Services Agreement – Santa Fe River Ecosystem Restoration Initiative; Wildearth Guardians, Inc. (Brian Drypolcher)
 - d) Request for Approval of Services Agreement – Paratransit Services to Eligible Santa Fe County Residents; St. Vincent Hospital d/b/a Christus St. Vincent Regional Medical Center. (Jon Bulthuis)



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- d) Request for Approval of Services Agreement – Paratransit Services to Eligible Santa Fe County Residents; St. Vincent Hospital d/b/a Christus St. Vincent Regional Medical Center. (Jon Bulthuis)
- e) Request for Approval of Grant Award – Santa Fe Place Transit Center; U.S. Department of Transportation, Federal Transit Administration. (David Chapman)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- f) Request for Approval of Four (4) Change Orders – Canyon Road Water Treatment Plant Phase 3 – Residuals Modifications and Improvement Project; Four (4) Vendors. (Robert Jorgensen)
 - 1) Bogan Brothers
 - 2) Triad Builders of New Mexico, Inc.
 - 3) McDade-Woodcock, Inc.
 - 4) R.L. Leeder Co.
 - a) Request for Approval of Budget Increase – Water Treatment Plant Fund.
- g) Request for Approval of Budget Increase – Essential Emergency Medical Supplies for Remainder of the Fiscal Year for Fire Department. (Jan Snyder)
- h) Request for Approval of Amendment No. 1 to Professional Services Agreement – Custom Request for Proposal (RFP) Programming and Modification Services for City of Santa Fe; Mountain River Consulting, Inc. (Caryn Fiorina)
- i) Request for Approval to Publish Notice of Public Hearing on February 29, 2012:
 - 1) Bill No. 2012-4: An Ordinance Creating A New Subsection 28.8 of the City of Santa Fe Purchasing Manual (“Purchasing Manual”) to Establish Provisions for Community Workforce Agreements Pursuant to Article 9.02 of City Charter and Section 11-13 SFCC 1987. (Mayor Coss, Councilor Dominguez, Councilor Romero and Councilor Trujillo) (Robert Rodarte)



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- i) Request for Approval to Publish Notice of Public Hearing on February 29, 2012:
 - 1) Bill No. 2012-4: An Ordinance Creating A New Subsection 28.8 of the City of Santa Fe Purchasing Manual ("Purchasing Manual") to Establish Provisions for Community Workforce Agreements Pursuant to Article 9.02 of City Charter and Section 11-13 SFCC 1987. (Mayor Coss, Councilor Dominguez, Councilor Romero and Councilor Trujillo) (Robert Rodarte)
 - 2) Bill No. 2012-5: An Ordinance Creating a New Article 25-13 SFCC 1987 Regarding the Santa Fe River Target Flow for a Living River Initiative. (Mayor Coss) (Brian Drypolcher and Claudia Borchert)



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CITY COUNCIL CHAMBERS

- 2) Bill No. 2012-5: An Ordinance Creating a New Article 25-13 SFCC 1987 Regarding the Santa Fe River Target Flow for a Living River Initiative. (Mayor Coss) (Brian Drypolcher and Claudia Borchert)
 - a) A Resolution Adopting Administrative Procedures for the Santa Fe River Target Flow Ordinance, Article 25-13 SFCC 1987. (Mayor Coss) (Brian Drypolcher and Claudia Borchert)
- 3) Bill No. 2012-6: An Ordinance Amending Section 18-1.4 SFCC 1987 Regarding License Application Submittal Requirements for Alarm Installation Companies and Alarm Monitoring Companies; Amending Various Sections of Article 20-5 SFCC 1987 Regarding Alarm Systems and False Alarm Reduction; and Making Such Other Changes as are Necessary. (Councilor Calvert) (Gillian Folmar-Alessio)
 - j) CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss)
A Resolution Directing Staff to Begin the Process for the City of Santa Fe to Acquire St. Catherine's Industrial Indian School Campus for the Public Purposes of Historic Preservation, Promoting Arts Education in the City and Leasing the Property to The New Mexico School for the Arts, a New Mexico State Charter School. (Robert Romero)
 - k) Request for Approval Of Consideration to Fill Vacant Positions. (Robert Romero)
11. Presentation of Findings Regarding Resolution No. 2012-10 – Directing Staff to Review the Possibility of Entering Into a Public-Private Partnership with New Energy Economy to Fund and Construct a Photovoltaic System at Fire Station No. 3. (Nick Schiavo and Judith Amer)
12. CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss and Councilor Bushee)
A Resolution Declaring an Emergency and Opposing Legislative Efforts During the 2012 Session to Balance the State's Budget at the Expense of Local Government Including Any Proposal to Repeal the Hold Harmless Provision and/or Decrease the Gross Receipts Tax Distributions to Municipalities. (Emergency Pursuant to §10-15-1(F) NMSA 1978.



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- a) A Resolution Adopting Administrative Procedures for the Santa Fe River Target Flow Ordinance, Article 25-13 SFCC 1987. (Mayor Coss) (Brian Drypolcher and Claudia Borchert)
- 3) Bill No. 2012-6: An Ordinance Amending Section 18-1.4 SFCC 1987 Regarding License Application Submittal Requirements for Alarm Installation Companies and Alarm Monitoring Companies; Amending Various Sections of Article 20-5 SFCC 1987 Regarding Alarm Systems and False Alarm Reduction; and Making Such Other Changes as are Necessary. (Councilor Calvert) (Gillian Folmar-Alessio)
- j) CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss)
A Resolution Directing Staff to Begin the Process for the City of Santa Fe to Acquire St. Catherine's Industrial Indian School Campus for the Public Purposes of Historic Preservation, Promoting Arts Education in the City and Leasing the Property to The New Mexico School for the Arts, a New Mexico State Charter School. (Robert Romero)
- k) Request for Approval Of Consideration to Fill Vacant Positions. (Robert Romero)
- 11. Presentation of Findings Regarding Resolution No. 2012-10 – Directing Staff to Review the Possibility of Entering Into a Public-Private Partnership with New Energy Economy to Fund and Construct a Photovoltaic System at Fire Station No. 3. (Nick Schiavo and Judith Amer)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of the Status of Communications with New Mexico Consolidated Construction Services, LLC and New Mexico School for the Arts Relating to the Purchase, Acquisition or Disposal of Real Property at St. Catherine's School Campus, Pursuant to §10-15-1(H)(8), NMSA 1978.
- b) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978.



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REGULAR MEETING OF
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CITY COUNCIL CHAMBERS

13. CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Bushee)
A Resolution Declaring an Emergency and Opposing the Restriction of Human and Civil Rights as Proposed in House Joint Resolution 22 of the 50th Legislature – State of New Mexico – Second Session, 2012 Relating to an Amendment to Article 20 of the Constitution of New Mexico to Define Marriage as the Union of One Man and One Woman and to Provide that New Mexico Does Not Recognize Marriages, Civil Unions or Similar Relationships Entered into by Persons of the Same Sex in another State or Foreign Jurisdiction. (Emergency Pursuant to §10-15-1(F) NMSA 1978)
14. MATTERS FROM THE CITY MANAGER
15. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:
 - a) Discussion of the Status of Communications with New Mexico Consolidated Construction Services, LLC and New Mexico School for the Arts Relating to the Purchase, Acquisition or Disposal of Real Property at St. Catherine's School Campus, Pursuant to §10-15-1(H)(8), NMSA 1978.
 - b) Pursuant to City of Santa Fe Resolution No. 2010-24, Discussion of Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, in Accordance with §10-15-1(H)(7), NMSA 1978.
16. MATTERS FROM THE CITY CLERK
17. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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



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REGULAR MEETING OF
THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

14. MATTERS FROM THE CITY CLERK
15. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) CONSIDERATION OF BILL NO. 2011-47: ADOPTION OF ORDINANCE NO. 2012-____.
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)
(Postponed at January 11, 2012 City Council Meeting)



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G. APPOINTMENTS

H. PUBLIC HEARINGS:

1) CONSIDERATION OF BILL NO. 2011-47: ADOPTION OF ORDINANCE NO. 2012-_____.

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) **(Postponed at January 11, 2012 City Council Meeting)**

2) CONSIDERATION OF BILL NO. 2011-48: ADOPTION OF ORDINANCE NO. 2012-_____.

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) **(Postponed at January 11, 2012 City Council Meeting)**



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3) Request from Taylor Gantt, Director of Advancement, St. Michael's High School, for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale and Dispensing/Consumption of Beer and Wine at the Tipton Gym at St. Michael's High School, 100 Siringo Road, which is Also Located Within 300 Feet of Christian Life Fellowship, 121 Siringo Road. The Request is for a Fundraising Event Called the Blue Stampede, a Blue Themed Dinner and Live Auction, to be held on Thursday, March 22, 2012 from 5:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil)

4) RECONSIDERATION OF BILL NO. 2011-46: READOPTED OF ORDINANCE NO. 2012-2: (For the Sole Purpose of Formatting Ordinance No. 2012-2 to be Consistent with Ordinance 2011-37).

An Ordinance Amending Section 14-8-.14(E) 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. Reconsideration of Bill No. 2011-46 is for the Sole Purpose of Formatting the Bill to be Consistent with Ordinance No. 2011-37 (Chapter 14 Rewrite). (Matthew O'Reilly)

I. ADJOURN



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
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- 3) Request from Taylor Gantt, Director of Advancement, St. Michael's High School, for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale and Dispensing/Consumption of Beer and Wine at the Tipton Gym at St. Michael's High School, 100 Siringo Road, which is Also Located Within 300 Feet of Christian Life Fellowship, 121 Siringo Road. The Request is for a Fundraising Event Called the Blue Stampede, a Blue Themed Dinner and Live Auction, to be held on Thursday, March 22, 2012 from 5:30 p.m. to 9:30 p.m. (Yolanda Y. Vigil)
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I. ADJOURN

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

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

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



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SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
January 25, 2012

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AMENDED AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved	2
CONSENT CALENDAR LISTING		2-4
<u>PRESENTATIONS</u>		
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REPORT ON OUTCOMES: OPPORTUNITIES FROM UNESCO MEETINGS IN SOUTH KOREA	Postponed to 02/08/12	5
<u>CONSENT CALENDAR DISCUSSION</u>	None	5
PRESENTATION OF FINDINGS REGARDING RESOLUTION NO. 2012-10 – DIRECTING STAFF TO REVIEW THE POSSIBILITY OF ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP WITH NEW ENERGY ECONOMY TO FUND AND CONSTRUCT A PHOTOVOLTAIC SYSTEM AT FIRE STATION NO. 3.	Information/discussion	5-6
CONSIDERATION OF RESOLUTION NO. 2012-14. A RESOLUTION DECLARING AN EMERGENCY AND OPPOSING LEGISLATIVE EFFORTS DURING THE 2012 SESSION TO BALANCE THE STATE'S BUDGET AT THE EXPENSE OF LOCAL GOVERNMENT, INCLUDING ANY PROPOSAL TO REPEAL THE HOLD HARMLESS PROVISION AND/OR DECREASE THE GROSS RECEIPTS TAX DISTRIBUTIONS TO MUNICIPALITIES. (EMERGENCY PURSUANT TO §10-15-1(F) NMSA 1978	Approved	6-7

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2012-15. A RESOLUTION DECLARING AN EMERGENCY AND OPPOSING THE RESTRICTION OF HUMAN AND CIVIL RIGHTS AS PROPOSED IN HOUSE JOINT RESOLUTION 22 OF THE 50 TH LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2012, RELATING TO AN AMENDMENT TO ARTICLE 20 OF THE CONSTITUTION OF NEW MEXICO TO DEFINE MARRIAGE AS THE UNION OF ONE MAN AND ONE WOMAN AND TO PROVIDE THAT NEW MEXICO DOES NOT RECOGNIZE MARRIAGES, CIVIL UNIONS OR SIMILAR RELATIONSHIPS ENTERED INTO BY PERSONS OF THE SAME SEX IN ANOTHER STATE OR FOREIGN JURISDICTION. (EMERGENCY PURSUANT TO §10-15-1(F) NMSA 1978	Approved	7
MATTERS FROM THE CITY MANAGER	None	8
<u>MATTERS FROM THE CITY ATTORNEY</u> EXECUTIVE SESSION	Approved	8
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	8-9
MATTERS FROM THE CITY CLERK	Information	10
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	10-12
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	13
PETITIONS FROM THE FLOOR		13-15
<u>APPOINTMENTS</u>		
Arts Commission	Approved	15
Archaeological Review Committee	Approved	15
Transit Advisory Board	Approved	16
Children & Youth Commission	Approved	16
Human Services Committee	Approved	16

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

CONSIDERATION OF BILL NO. 2011-47: ADOPTION OF ORDINANCE NO. 2012-06. 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 ETC.

Approved w/amendments

17-22

CONSIDERATION OF BILL NO. 2011-48: ADOPTION OF ORDINANCE NO. 2012- 07. 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; ETC.

Approved w/amendments

22-23

REQUEST FROM TAYLOR GANTT, DIRECTOR OF ADVANCEMENT, ST. MICHAEL'S HIGH SCHOOL, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE AND DISPENSING/CONSUMPTION OF BEER AND WINE AT THE TIPTON GYM AT ST. MICHAEL'S HIGH SCHOOL, 100 SIRINGO ROAD, WHICH IS ALSO LOCATED WITHIN 300 FEET OF CHRISTIAN LIFE FELLOWSHIP, 121 SIRINGO ROAD. THE REQUEST IS FOR A FUNDRAISING EVENT CALLED THE BLUE STAMPEDE, A BLUE THEMED DINNER AND LIVE AUCTION, TO BE HELD ON THURSDAY, MARCH 22, 2012, FROM 5:30 P.M. TO 9:30 P.M.

Approved

23-26

ITEM

ACTION

PAGE #

RECONSIDERATION OF BILL NO. 2011-46:
READOPTION OF ORDINANCE NO. 2012-2: (FOR
THE SOLE PURPOSE OF FORMATTING
ORDINANCE NO. 2012-2 TO BE CONSISTENT
WITH ORDINANCE 2011-37). AN ORDINANCE
AMENDING SECTION 14-8.14(E) 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, RECONSIDERATION OF
BILL NO. 2011-46 IS FOR THE SOLE PURPOSE OF
FORMATTING THE BILL TO BE CONSISTENT WITH
ORDINANCE NO. 2011-37 (CHAPTER 14 REWRITE)

Approved

26-28

ADJOURN

28

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 25, 2012**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, January 25, 2012, 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 AMENDED AGENDA

Mr. Romero said the agenda had been amended to add Items #12 and #13, which are emergency resolutions regarding what is happening at the Legislature.

Mayor Coss said Item 9(b) will be postponed to the next City Council meeting.

Mr. Zamora said, "If I may point out that Items #12 and #13, as the City Manager mentioned, were added pursuant to the emergency provisions of the Open Meetings Act which is specifically New Mexico Statutes Annotated 10-15-1(F)."

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

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Wurzburger moved, seconded by Councilor Romero, to approve the following Consent Calendar, as presented.

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

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

Against: None.

Absent for the vote: Councilor Bushee.

- a) **BID NO. 12/13/B – ON CALL ROADWAY LIGHTING INFRASTRUCTURE MAINTENANCE SERVICES AND CONSTRUCTION AGREEMENT; M.W.I., INC. (RICK DEVINE)**
- b) **BID NO. 12/14/B – FY 11/12 CITY WIDE WATER UTILITY PAVEMENT RESTORATION CONTRACT; TLC PLUMBING & UTILITY. (BILL HUEY)**
- c) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SANTA FE RIVER ECOSYSTEM RESTORATION INITIATIVE; WILDEARTH GUARDIANS, INC. (BRIAN DRYPOLCHER)**
- d) **REQUEST FOR APPROVAL OF SERVICE AGREEMENT – PARATRANSIT SERVICES TO ELIGIBLE SANTA FE COUNTY RESIDENTS; ST. VINCENT HOSPITAL D/B/A CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER. (JON BULTHUIS)**
- e) **REQUEST FOR APPROVAL OF GRANT AWARD – SANTA FE PLACE TRANSIT CENTER; U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- f) **REQUEST FOR APPROVAL OF FOUR (4) CHANGE ORDERS – CANYON ROAD WATER TREATMENT PLANT PHASE 3 – RESIDUALS MODIFICATIONS AND IMPROVEMENT PROJECT; FOUR (4) VENDORS. (ROBERT JORGENSEN)**
 - 1) **BOGAN BROTHERS**
 - 2) **TRIAD BUILDERS OF NEW MEXICO, INC.**
 - 3) **McDADE-WOODCOCK, INC.**
 - 4) **R.L. LEEDER CO.**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – WATER TREATMENT PLANT FUND.**
- g) **REQUEST FOR APPROVAL OF BUDGET INCREASE – ESSENTIAL EMERGENCY MEDICAL SUPPLIES FOR REMAINDER OF THE FISCAL YEAR FOR FIRE DEPARTMENT. (JAN SNYDER)**
- h) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – CUSTOM REQUEST FOR PROPOSAL (RFP) PROGRAMMING AND MODIFICATION SERVICES FOR CITY OF SANTA FE; MOUNTAIN RIVER CONSULTING, INC. (CARYN FIORINA)**
- i) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 29, 2012:**
 - 1) **BILL NO. 2012-4: AN ORDINANCE CREATING A NEW SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL ('PURCHASING MANUAL') TO ESTABLISH PROVISIONS FOR COMMUNITY WORKFORCE AGREEMENTS PURSUANT TO ARTICLE 9.02 OF CITY CHARTER AND SECTION 11-13 SFCC 1987. (MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR ROMERO AND COUNCILOR TRUJILLO). (ROBERT RODARTE)**
 - 2) **BILL NO. 2012-5: AN ORDINANCE CREATING A NEW ARTICLE 25-13 SFCC 1987, REGARDING THE SANTA FE RIVER TARGET FLOW FOR A LIVING RIVER INITIATIVE. (MAYOR COSS) (BRIAN DRYPOLCHER AND CLAUDIA BORCHERT)**
 - a) **A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RIVER TARGET FLOW ORDINANCE, ARTICLE 25-13 SFCC 1987. (MAYOR COSS) (BRIAN DRYPOLCHER AND CLAUDIA BORCHERT)**
 - 3. **BILL NO. 2012-6: AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 2987, REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987, REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY. (COUNCILOR CALVERT) (GILLIAM FOLMAR-ALESSIO)**

- j) **CONSIDERATION OF RESOLUTION NO. 2012-13 (MAYOR COSS). A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS FOR THE CITY OF SANTA FE TO ACQUIRE ST. CATHERINE'S INDUSTRIAL INDIAN SCHOOL CAMPUS FOR THE PUBLIC PURPOSES OF HISTORIC PRESERVATION, PROMOTING ARTS EDUCATION IN THE CITY AND LEASING THE PROPERTY TO THE NEW MEXICO SCHOOL FOR THE ARTS, A NEW MEXICO STATE CHARTER SCHOOL. (ROBERT ROMERO)**
- k) **REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 11, 2012

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, to approve the minutes of the Regular City Council meeting of January 11, 2012, as presented.

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

9. PRESENTATIONS

- a) **PROCLAMATION – 2012 – THE YEAR OF THE BOOK; NEW MEXICO ALLIANCE FOR LITERACY, HOOKED ON BOOKS CAMPAIGN. (PERLI CUNANAN)**

Mayor Coss said literacy is important. He said this group of young people came to him and asked him to support their effort around the Year of the Book and literacy, noting City Library Director Pat Hodapp will be assisting them in this effort.

Mayor Coss read the Proclamation into the record declaring 2012 the Year of the Book. He thanked these young people for taking on this project.

Ms. Cunanan said these young people are running this program, came up with the slogan – it's all student-run.

Mayor Coss introduced the young people who commented as follows:

- If you can't read, there is no point in going to school. Need everyone's help because New Mexico is 48 out of the 50 states in literature, and want to change that.
- This effort will help his friends who can't read.

- Kids like video games because it is fun and books are boring. However, if you can find a book you like, you will have a lot more imagination than in a video game. Put down the controller and pick up a book.
- We want to make New Mexico #1 in literacy. The kids of Santa Fe are our future, and with the Hooked on Books campaign we can go somewhere. Reading opens you to a whole new life that TV and video games can't give you. Everybody should get Hooked on Books.
- The Hooked on Books campaign is making inroads. Spoke about a kid at Sam's that tugged on his coat and said Hooked on Books is making a huge impact on the lives of kids like him.
- When kids are forced to read books in class, they can be boring, and she usually doesn't like to read books in class. However, she asked kids to give books a chance, and one day you may find a book that gets you hooked. One you find that book, come and join their literacy campaign.

Mayor Coss thanked Ms. Cunanan and the students for their efforts and for being here tonight.

b) REPORT ON OUTCOMES: OPPORTUNITIES FROM UNESCO MEETINGS IN SOUTH KOREA. (COUNCILOR WURZBURGER AND MAYOR COSS)

This item is postponed to the Council meeting of February 8, 2012.

CONSENT CALENDAR DISCUSSION

No items were pulled from the Consent Calendar for discussion.

11. PRESENTATION OF FINDINGS REGARDING RESOLUTION NO. 2012-10 – DIRECTING STAFF TO REVIEW THE POSSIBILITY OF ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP WITH NEW ENERGY ECONOMY TO FUND AND CONSTRUCT A PHOTOVOLTAIC SYSTEM AT FIRE STATION NO. 3. (NICK SCHIAVO AND JUDITH AMER)

Councilor Bushee arrived at the meeting

Mr. Schiavo reviewed the answers to the 3 questions in Resolution 2012-10, from his Memorandum of January 18, 2012, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Councilor Chavez how this fits in the Parks and Open Space Master Plan, and asked if Fire Station #3 will share space with Ashbaugh Park.

Mr. Schiavo said yes, this is his understanding. He said he will site the PVC system in the existing parking lot on a parking structure, so they wouldn't be close to the park at all.

Responding to Councilor Chavez, Mr. Schiavo said it will be located in front of the fire station just off Cerrillos Road.

Councilor Chavez asked Mr. Schiavo if he will be following the new policy, which is working its way through the system, which encourages to buy American if we can't buy locally or regionally.

Mr. Schiavo he said he will follow whatever policy is adopted.

Councilor Chavez asked if it would be detrimental to this project to hold off until there is a consensus on that, commenting he believes it is worthwhile to invest in American companies versus going out of the country to China or other places.

Mr. Schiavo said there is the potential that solar company may donate the panels to New Energy Economy as a portion of its match, although that donation is still "up in the air." He said, with regard to Councilor Chavez's question, he would need to look at the numbers. He said there is a total budget of \$80,000, and he would be able to buy less panels and would end up with a smaller system if he had to buy panels made in the United States.

Councilor Chavez said, "No, I understand that, but again, I think the question is whether we're more interested in saving that 30% or if we're more committed to investing in American companies, and I think that's the crux of the Buy American Resolution, and I'll just leave that for later."

12. CONSIDERATION OF RESOLUTION NO. 2012-14 (MAYOR COSS AND COUNCILOR BUSHEE). A RESOLUTION DECLARING AN EMERGENCY AND OPPOSING LEGISLATIVE EFFORTS DURING THE 2012 SESSION TO BALANCE THE STATE'S BUDGET AT THE EXPENSE OF LOCAL GOVERNMENT, INCLUDING ANY PROPOSAL TO REPEAL THE HOLD HARMLESS PROVISION AND/OR DECREASE THE GROSS RECEIPTS TAX DISTRIBUTIONS TO MUNICIPALITIES. (EMERGENCY PURSUANT TO §10-15-1(F) NMSA 1978.

A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "1."

Mayor Coss said this Resolution is brought forward because they are concerned about some of the proposals at the Legislature to repeal or eliminate GRTs. He said our revenues are just starting to improve, and this has an indeterminate effect on us and we want to be held harmless in anything that happens regarding taxes at the Legislature.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2012-14.

DISCUSSION: Councilors Wurzbarger, Chavez and Trujillo asked to be added as cosponsors of the Resolution.

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.

13. **CONSIDERATION OF RESOLUTION NO. 2012-15 (COUNCILOR BUSHEE). A RESOLUTION DECLARING AN EMERGENCY AND OPPOSING THE RESTRICTION OF HUMAN AND CIVIL RIGHTS AS PROPOSED IN HOUSE JOINT RESOLUTION 22 OF THE 50TH LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2012, RELATING TO AN AMENDMENT TO ARTICLE 20 OF THE CONSTITUTION OF NEW MEXICO TO DEFINE MARRIAGE AS THE UNION OF ONE MAN AND ONE WOMAN AND TO PROVIDE THAT NEW MEXICO DOES NOT RECOGNIZE MARRIAGES, CIVIL UNIONS OR SIMILAR RELATIONSHIPS ENTERED INTO BY PERSONS OF THE SAME SEX IN ANOTHER STATE OR FOREIGN JURISDICTION. (EMERGENCY PURSUANT TO §10–15-1(F) NMSA 1978.**

A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit “2.”

Councilor Bushee said DOMA [Defense Of Marriage Act] has been bandied about, and it is important to recognize that there is language in the City Charter up front that supports sexual orientation of all kinds, and this legislation would have a negative impact on the population and the visitor population of Santa Fe, with regard to people that come here to visit that might boycott our great City because we were in support of something like [DOMA] in New Mexico

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to adopt Resolution No. 2012-15.

DISCUSSION: Mayor Coss believes it is a mistake to keeping putting this divisive issue out there every year, noting he would vote yes on the Motion if he were able.

Mayor Coss and Councilors Romero, Trujillo and Wurzbarger asked to be added as sponsors.

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.

14. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY

- a) **DISCUSSION OF THE STATUS OF COMMUNICATIONS WITH NEW MEXICO CONSOLIDATED CONSTRUCTION SERVICES, LLC, AND NEW MEXICO SCHOOL FOR THE ARTS RELATING TO THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY AT ST. CATHERINE'S SCHOOL CAMPUS, PURSUANT TO §10-15-1(H)(8) NMSA 1978**
- b) **PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24, DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.**

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to go into Executive Session for discussion of the status of communications with New Mexico Consolidated Construction Services, LLC, and New Mexico School for the Arts relating to the purchase, acquisition or disposal of real property at St. Catherine's School Campus, 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, in accordance with §10-15-1(H)(7) NMSA 1978.

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

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

Against: Councilor Chavez.

Explaining his vote: Councilor Chavez said, "I'm going to vote no on both of these cases. In both of these, we're talking about spending public dollars without much public discussion. On 15(b), there's been threatened or pending litigation, but nothing filed, and we've been discussing this for about a year under just a threat of litigation, nothing files, so I vote no. I think should be discussed more in the public."

The Council went into Executive Session at 5:30 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 6:40 p.m., Councilor Bushee moved, seconded by Councilor Trujillo, 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, Romero and Trujillo voting in favor of the motion, no one voting against and Councilors Ortiz and Wurzbarger absent for the vote.

Councilor Chavez asked if anything was discussed regarding financial parameters or what the Resolution is directing staff to do.

Councilor Bushee said nothing was discussed that hadn't been discussed publicly with regard to the one appraisal which was released to the public.

Councilor Chavez asked, for purposes of this discussion, if she could state the most recent appraisal.

Councilor Bushee said it is \$1.9 million, which is the appraisal that was handed out to the public and the press.

Councilor Chavez said he appreciates that this will be a public hearing at the upcoming Finance Committee meeting.

Councilor Bushee said she is unsure how the Committee Chair has scheduled this, but the last time it was heard, the Chair allowed public comment, noting Councilor Chavez can ask the Chair his plans in this regard. She said Item 15(b) is the standard up-date on threatened or pending litigation.

Councilor Chavez reiterated that nothing has been filed.

Councilor Bushee said that isn't true, and said they discussed ongoing cases, Qwest and others. She said it is the overall report that we do.

Councilor Chavez asked if this would be available to the public "on the portal under transparency."

Mr. Zamora said, "Item b, is attorney-client privileged communications and there would not be anything published publicly."

Councilor Chavez asked if, once adjudicated, at some point this would be shared with the public on the website.

Mr. Zamora said, "If there is a settlement agreement that results from litigation, the settlement agreements are contracts that are public record, and of course, if anything is filed with the Courts that isn't under some type of confidential seal, that is also a public record."

Councilor Chavez said he would like to ask the Chair of the Finance Committee if he did intend to have a public hearing, but he's not here right now.

Mayor Coss said he certainly could ask him later.

14. MATTERS FROM THE CITY CLERK

Ms. Vigil reminded the Governing Body and the public that Absentee Voting for the March 6, 2012 Election, will begin on January 31, 2012, and Early Voting in person will begin on February 15, 2012, in the office of the City Clerk.

15. 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 January 25, 2012, are incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert

Councilor Calvert introduced an Ordinance amending Rule 8A of Exhibit A of Chapter 22, SFCC 1987, Sanitary Sewer Rate, Fee and Penalty Schedule, to change the monthly usage fee for residential, multi-family and commercial customers of the City's sewer system that are not connected to City water based on the change to the average winter consumption from 6,700 gallons to 3,600 gallons. He said this was previously discussed at Public Utilities. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "4."

Councilor Dominguez

Councilor Dominguez had no communications

Councilor Wurzbarger

Councilor Wurzbarger had no communications.

Councilor Trujillo

Councilor Trujillo introduced the following:

1. A Resolution directing staff to prepare amendments to the City of Santa Fe Procurement Code relating to the establishment of a sweat-free procurement policy. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
2. An Ordinance amending Section 6-10.3 SFCC 1987, relating to the staff designation for the Children and Youth Commission. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Romero

Councilor Romero introduced an Ordinance approving a lease between the City of Santa Fe and Paseo Parkers, LLC for approximately 4,965 square feet of City owned land, located within the 700 block of Paseo de Peralta, known as Lot 33, in Block 43 of the N.L. Kings official map, filed for record in Plat Book 1, Page 79, records of Santa Fe County, NM, for a parking area. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee

Councilor Bushee said after the Council meeting where we agreed we would pursue a protest at the Public Regulation Commission with regard to the Sierra del Norte area undergrounding, but she hasn't heard back from anyone on that. She would like to get an update, commenting she really does intend to pursue that.

Councilor Chavez

Councilor Chavez noted Resolution 2006-60 was adopted directing staff to "work toward the authenticity of traditional arts and crafts made and sold in Santa Fe." He said as we continue to promote tourism domestically and internationally, he believes it would be in our best interest to focus on items produced here which reflect our long history and culture. He said the State will do some granting for items and this will fall in line with that. He asked staff/Yolanda Vigil, to provide a report on this, noting there were 2-3 items outlined in the Resolution, and he would like to see if work can be done on it, and if the Council would be interested in pursuing this in the future.

Mayor Coss

Mayor Coss introduced the following:

1. A Resolution on behalf of Councilor Ortiz, protecting City Enterprise Funds by settling limits and requiring criteria for future transfer of funds to City's General Fund, noting there is no text for the Resolution at this time. Mayor Coss noted it is very similar to his Resolution.
2. A Resolution adopting a cost allocation method and related formulas for assessing enterprise divisions/sections for services provided by General Fund divisions/sections. The Resolution will be heard at Finance Committee next week. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Bushee would like the text of both Resolutions sent to the Councilors.

3. A Resolution supporting the "Wyland Mayor's Challenge for Water Conservation." A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

4. A Resolution supporting the application and response to the request for proposals issued by the North Central New Mexico Economic Development District, Non-Metro New Mexico Area Agency on Aging for continuation of services for the senior citizens of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Mayor Coss thanked everyone involved on "Shoot Santa Fe," saying it was a lot of work, but came together very well. He believes it will make a difference in bring film activities to Santa Fe and Northern New Mexico, noting they will be reporting on this later.

Councilor Wurzbarger said the most important thing discovered in speaking to 200-300 people, was that people said they didn't realize we still had film incentives in New Mexico. She said we need to do some major work to get this message out.

END OF AFTERNOON SESSION AT 6:50 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 Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

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

F. PETITIONS FROM THE FLOOR

Maria Bautista, 996 Camino Rizo, said the last time the Council met they were looking at a bond issue whether Mr. Zamora would look into language which would provide work to local contractors, and learned the term "legally sustainable language," from Mr. Zamora. She said she quotes this language a lot. She went to the NM Department of Labor to see if the City can say something about giving contracts to local business, and "they said yes. You can't make it exclusive, but you can do like the Native Americans do when they advertise for somebody to work at Tesuque Pueblo, it's a general announcement in the Santa Fe paper. But if you read it, it says Indian preference, which is legal. It doesn't mean that other people who are not Native Americans who can't bid, but if there happens to be a Native American that has all his stuff together, he would be the first consideration."

Ms. Bautista continued, "So in fact, Mr. Zamora there is legally sustainable language, right from you, as to how we could put that out so our local contractors would have a shot at those jobs. Also I talked to, Councilor Wurzbarger, to some smaller construction companies, and this is that they said today: It would be great, but we never have a chance to bid. So the little guys are feeling like they're being left out. And so if there's some way you can work into this language that local contractors preferred, it doesn't mean you're locking the door to anybody else, it just means you're looking at that preference. So I did my

research, and I went to Albuquerque, and they make sure that 20% of all contracts go to minority companies... companies that are owned by minorities. So I think those would be positive steps."

Jackie Major said she is a new Santa Fe resident and has been an alternative health care advocate for 20 years. She has been eating organic food and living a health conscious health style for most of her life, but she was suffering from ailments which were unexplainable – hypothyroid, depression, joint pain, nothing huge but manageable, and 3 years ago she learned she had cancer. At the time she was enrolled in a Biology class at the University of Colorado. After Many hours of research, she happened on a book by Kathy Justice called *Poison Horses* dealing with the issue of sodium fluoride in the water. She researched Department of Health, and the CDC website which shows diseases caused by fluoride. She started filtering her water and was able to cure her body. Her hair is growing back and the cancer is gone. She concentrated on nutrition and purified water. She thinks fluoride is an issue, and would like the opportunity to make an anecdotal scientific presentation to make a plea to take the fluoride from the water. She said it does cost money to put fluoride into the water. She said, "By the way, fluoride is a hazardous waste and it was used a rat poison for many years. It's a by-product of aluminum mining, phosphate fertilizer, and such."

Mayor Coss suggested the next stop should be to the City Water Division.

Councilor Bushee said it could be heard at the PUC.

Stefanie Beninato, 604-604½ Galisteo said she is here again because she hasn't heard from the City. She said she was contacted by Mr. Romero and found out yesterday he thought she already had sued the City, so he wasn't going to respond. She said "I find this to be a counter-productive way of doing business. I found it to be not at all customer friendly. I thought that was your whole pitch here is that you're making it customer friendly, serving the public. And when you have your City Attorney writing to me, telling me he's not going to talk to me when he doesn't know what I'm going to ask him about, that doesn't seem like good customer service. When you Texas based insurance company tells me that I should be draining water off my property and that I should be responsible for draining the water for 45 other peoples property off mine, I'm sorry, but the zoning requires me to hold the water from my roofs on my property. I'm trying to be very reasonable here. I would like to have compensation for the damage for my historic, contributing adobe house which the City wants to keep historic and contributing, and to compensate for some of the loss. And I brought these with me today. These are some slides that get damaged and as you can see, I can't even get them apart, and this is from 1997, which means these are pictures of track meets that my daughters ran. And just being conservative, I would say \$100 per slide. That's 72 slides... this is nothing. These are worth \$1,000 per slide to me because of what they represent. And you can't compensate me for the sentimental value that I've lost. And I think it is the City's responsibility to do something different at this intersection, which again, I've waited since December 14th for a response from Public Works, after they've looked at this for 4 months, asking what are you going to do. What's your

timetable. That's all I'm asking. What are you going to do. What's the timetable, and for somebody to sit down with me and negotiate a settlement with me, rather than going to Court and suing the City for taking my property if they failed to do anything at the intersection to control the floodwaters that came onto my property. I understand now, just to finish up, that Geno Zamora told me just now that Ms. Brennan has been assigned to my case, and that oh my gosh, they actually realized that I haven't sued the City yet. So thank you very much. Again, I just provided a notice of tort claim to Mr. Romero, which says in 90 days, if you don't help me out, I'm going to have to sue you. It's a notice, it's not a lawsuit yet. So I think you should be smart and responsive to a problem with a citizen and resolve it."

Councilor Ortiz arrived at the meeting

G. APPOINTMENTS

Arts Commission

Mayor Coss made the following appointments to the Arts Commission:

Donna Scheer – to fill unexpired term ending 10/2013;
Gail Springer – Reappointment – term ending 10/2013; and
Michael Namingha – Reappointment – term ending 10/2013.

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

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

Archaeological Review Committee

Mayor Coss made the following appointment to the Archaeological Review Committee:

Teresa M. "Tess" Monahan – Reappointment – term ending 06/2012.

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

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

Transit Advisory Board

Mayor Coss made the following appointment to the Transit Advisory Board:

Cindy Montoya (Educational Representative) – term ending 03/2013

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve this appointment.

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

Children and Youth Commission

Mayor Coss made the following appointment to the Children and Youth Commission:

Thomas Bustamante, CFP – to fill unexpired term ending 01/2013.

MOTION: Councilor Ortiz moved, seconded by Councilor Trujillo, to approve this appointment.

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

Human Services Committee

Mayor Coss made the following appointments to the Human Services Committee:

Marizza Montoya-Gansel – Reappointment – term ending 03/2015;
Betty Ann Rose – Reappointment – term ending 03/2014;
Kathleen Rowe – Reappointment – term ending 03/2015;
Dorothy Shepherd – Reappointment – term ending 03/2015;
Steve Shepherd – Reappointment – term ending 03/2014; and
Shirlee Proctor Davidson, RN, MSN – term ending 03/2015.

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

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

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2011-47; ADOPTION OF ORDINANCE NO. 2012-06. 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). (Postponed at January 11, 2012 City Council Meeting)**

A copy of City of Santa Fe, New Mexico, \$32,725,000 Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2012A and \$14,280,000 Gross Receipts Tax (Subordinate Lien) Wastewater System Refunding Revenue Bonds, Series 2012B, submitted for the record by George Williford, is incorporated herewith to these minutes as Exhibit "11."

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

Dr. Morgan introduced George Williford, Financial Advisor, First Southwest Company, who will walk the Board through the presentation, along with Duane Brown, Bond Counsel with the Modrall Firm, John Archuleta of George K. Baum, and Kit Caldwell of Southwest Securities, Inc. He said he is pleased that the City came in under what we thought we would do, in other words, we did very very well.

George Williford, reviewed the information in Exhibit "11," noting he will discuss the results of the sale for both Items #H(1) and H(2). Please see Exhibit "11" for specifics of this presentation.

Public Hearing

Stefanie Beninato said she can't speak for or against these bonds because it is unclear to her what the purposes are, although she read the "paragraph." She asked how these fit with the "bond

increase or the renewal of the GRT bond passed a couple of weeks ago." She said as a citizen, trying to eluate the upcoming bond election, it would be helpful to know what this GRT is, what percentage it is, what it really is going to do, and then "the one's you just passed, what that percentage is and what that goes to." She would like this information to be put at the City's website, which would be transparent and might help her understand exactly where the GRTs are going and what projects it funds.

Maria Bautista, 996 Camino Rizo, said, "We're totally confused about the bond issue. A \$30 million bond issue and a \$20 million bond issue, \$16,500 million bond, and I'm wondering if there is a handout because we do go on your web page and sometimes you can't negotiate it. It's pretty difficult and sometimes we bother the Clerk's Office to find out how to go from A to B. We have to keep up with you somehow, and we're finding not only is it confusing, but there's no notebook... maybe if you compiled a notebook like Yolanda's notebook, and put it on line so you could flip on line and there would be some kind of cohesive understanding, because every time you say bond, I think of my taxes, and then I say, my goodness this is one that's 70 bucks and this is another bond and it's 40 and here's another, and pretty soon, I'm at \$700 and I'm saying, that's just me. What about everybody else who might be living on a fixed income. We keep raising their taxes and asking and asking for money, and it's really difficult, and we're educated women. We're speed readers. I can read your packet really quickly, but there's no, what would you say, continuity. You know, where we're at, who amended it, how it was amended, where it went, and now do we go from there. Like you would look at a law book, Matthew Ortiz, where you can pull out the section and down at the bottom it gives you all the amends, tells us where to go. I think we need that kind of information when you're working on your transparency overall picture and it would be very helpful. There's no way to follow you along. No rules, no order, so if you could put something together, you know, I would appreciate it. It makes it easier when you vote."

The Public Hearing was closed

Councilor Dominguez asked, in terms of rating, if there is a way for us to compare these rates to other communities, organizations, because there's all kinds of rates, noting he looked for it in the document handed out [Exhibit "11"].

Dr. Morgan said each company has its own set of ratings, so it is difficult to compare company to company. He said there are municipalities which look like ours and we can start to compare. He asked Mr. Wiliford to speak to "one thing we tried to do and couldn't."

Mr. Wiliford said S&P & Fitch doesn't have as good a data base as Moody's, but the City dropped Moody's several years ago because of a split. He said we could develop a peer group as to look at its nationwide medians and pull that, which could give an indication of how the City compares to others. He noted that AA+ is the highest and best rating you can get within that category. He said the only higher rating would be to be "an outright natural AAA." He said the AA+ is excellent. He said they analyze the G.O. position of the City in conjunction with the GRT.

Councilor Dominguez said he would like to have one sheet which identifies the spectrum of possible ratings and where we sit in regard to that. He has done his own research saying, "and you're right, it's a pretty good rating as far as I'm concerned and from what I've read."

Councilor Dominguez asked, with regard to Item H(2), what is the plan for disbursement of these funds, which he believes should be available fairly quickly, noting several projects have been approved.

Robert Romero, City Manager, said, with regard to the CIP bond, each project has its own fund number. He said as soon as we're sure the money is in place, then the budget is put into each of those fund numbers, and we can do that very soon. He said staff has been asking when we can spend these funds, but he has been cautioning staff that this money has to last until the next CIP bond in 2014.

Councilor Dominguez would like to get money in the pipeline for some of these projects and the sooner the better.

Councilor Bushee said she was reading the summaries on the City's rating, and in the Section discussing the Environmental GRT uses for the Wastewater Fund, it says, "We understand that the Environmental Gross Receipts Tax revenue can generally be used for the acquisition, construction, operation and maintenance of the City's utility facilities." She asked if that were not true, and it could be used for anything, would the bond counsel have concerns.

Duane Brown, Bond Counsel said, with regard to the language Councilor Bushee read from the document, the State Statute authorizing the imposition of the Environmental GRT, limits it to those specific purposes. He said the City has picked up the purposes provided under State Statute, and you can't divert it from those purposes as approved by the State.

Councilor Bushee said, "I wasn't here, but at the last budget balancing act, we diverted the funds from Other Environmental Projects to balance the budget."

Mr. Brown said he doesn't know exactly where the funds were moved, but in general it has to be for an environmental purpose – water, wastewater, solid waste and things of that nature would qualify.

Councilor Bushee asked Geno Zamora to respond, because "what we got was that it could be used to balance the budget, which we did use it for."

Mr. Zamora said, "It is my recollection that the money was used when it was shifted to purposes that were consistent with the statute. I do recall that my office did that research, and they researched where those funds were being moved to and those funds were consistent with the purposes of the Statute."

Councilor Bushee said, "Would somebody put that on paper for me and tell me how we diverted those funds and to what purpose."

Mr. Zamora said, "We will get you that memo once again. You had requested that memo in the Spring, I believe, and we produced it at that time."

Councilor Bushee said, "In the second Fitch ratings, these don't have page numbers, but it's under Tab 3, and it's under INCREASING REVENUES; FURTHER REDUCED EXPENDITURES IN 2012." YOU SAY, beginning on line 3, as follows:

"The fiscal 2012 budget does not include pay hikes, conservatively assumes flat GRT revenue growth but also conservatively includes a \$1.7 million cash transfer from the wastewater fund to attain balanced operations, equal to a modest 2.4% of appropriations. Similar transfers from the wastewater fund are planned on an annual basis..."

She said, so they are aware here – "it was just a follow-up to what I asked before."

Councilor Bushee asked Dr. Morgan what other variable rate bonds we might have which we want to turn into fixed rates.

Dr. Morgan said there are no other variable rate bonds.

Councilor Bushee asked about the costs for these bonds, relative to the long-term savings.

Mr. Wiliford said, "If you will look under tab 2, the first page is a sources and uses, with respect to the 2012A bonds, and that the combined \$22 million CIP and the refunding of the 2004 issue, and about halfway down the page, it has delivery date expenses. And you'll see, for the combined purposes, the cost of issuance which includes financial advisor, bond counsel, municipal rating fees, disclosure, etc., a total estimated at \$205,000. The Underwriter's discount which are all of the costs associated with the sales commission, etc., paid to the underwriters, as well as separate underwriters counsel fee is estimated at \$198,000, so that is \$400,000, and that is totally absorbed and accounted for in the sizing of the issues themselves."

Mr. Wiliford continued, "On page 9, and you have to look down at the bottom right hand, I apologize for the small numbers. It's the sources and uses for the 2012(B), which refunded the 97B variable rate and you'll see the cost of issuance again and that's bond counsel, financial advisory, ratings, offering documents, estimate at \$165,000 and then the underwriters discount for that issue is \$80,583."

Councilor Bushee said then it cost us \$750,000 to refinance both bonds.

Mr. Wiliford said that amount was to refinance both bonds, and the \$22 million is new money. He said all of this is accounted for in the sizing, and that's not any additional outlay or expense on the part of the City.

Councilor Bushee wants to know the long term savings of changing those bonds to a fixed rate and a lower rate.

Mr. Wiliford said on page 2 behind Tab 1, Column C is the refunding savings and this is net of those costs, noting those costs don't come out of this. "The net savings \$1.342 million through 2018, and as I said down at the bottom, the present value which is \$1.270 million was 8.3% of the \$14,000,390. But the City in real terms, will save \$1.242 million net over the remaining life of those bonds. On the net page was the illustration for 2012B, and using, again, an assumed all in cost of 3% for the variable rate as compared to what we locked in at 2.09%, the annual savings, around \$120,000 per year, through 2022 total \$1,213,000. The only new money was the \$22 million, so that's the only new debt incurred, and the other two – refunding of 04 and 97B – really are analogous to refinancing a home. Rates are lower and so the City took advantage of those low rates just to refinance."

Councilor Chavez said in the packet the numbers are slightly lower than those called for in the Ordinance, and asked if he is rounding-up, for example, the \$40 million "aggregate principal not to exceed \$40 million." He said, "Your total on page 1 is \$37 million."

Mr. Wiliford said the total par amount is on the cover which ties to the sources and uses under Tab 2. He said the \$40 million and \$16.5 million were "not to exceed amounts," because at the time those were being acted on, we didn't know how much premium might be generated in the sale, so the actual par amount of the combined \$22 million new money and refunding \$14,390,000 of the 2004 issue, required only an issue size of \$32,725,000. He said the final ordinance will reflect that number.

Responding to Councilor Chavez, Mr. Wiliford said on page 1 behind Tab 2 are the sources and uses for the 2012A, new money refunding, and the upper right hand number, \$32,725,000 is the par or actual issue size which the Council will act on in the sale and pricing, and the City also will receive \$4,092,000 in premium dollars, so that the \$37,717,000 balances with the uses of \$37,717,000 at the bottom, but the issue size is only \$32,725,000. He said on page 9, behind Tab 2, to refund the \$15,900,000 97B, the issue size required and to be approved is only \$14,280,000, because the pricing of that generated \$1,870,000 in premium dollars as well. Councilor Chavez said this was helpful, and would like to provide more of this information on the website.

Councilor Romero said there was a question earlier about how to compare Santa Fe to other cities. There is always a challenge because of the many variables. She said in looking at Flagstaff as a comparable City, its bond rating was lower, noting Rio Rancho's also was lower. She said we need to be able to explain to the public that Rio Rancho's bond rating was downgraded because of its decline in liquidity, debt coverage and increasing operating expenses and a lack of comparable rate increases. She said although it has been difficult, the City has worked to keep its rates comparable, and those were done

incrementally to prevent a big jump in rates. That has helped the City and put us in this good position, commenting we need to get this information to the public.

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to adopt Ordinance No. 2012-06 as amended.

DISCUSSION: Councilor Dominguez thanked everyone for their work on this, especially Dr. Morgan and the City staff. He said it seems there is a lot of work to be done on the budget, I he thinks we've done a really great job in making sure we do all the right things in navigating through these difficult times..

Councilor Chavez said he thinks it is worthwhile to compare the City to other comparable municipalities. He said the outstanding GO indebtedness is limited, noting the age of our City is a factor because of its aging infrastructure which seems to driving some of the debt ratios at above average levels.

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.

- 2) **CONSIDERATION OF BILL NO. 2011-48: ADOPTION OF ORDINANCE NO. 2012- 07. 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) (Postponed at January 11, 2012 City Council Meeting)**

MOTION: Councilor Calvert moved, seconded by Councilor Wurzburger, to adopt Ordinance No. 2012-07, as amended.

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

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

Against: None.

Mayor Coss thanked everyone who worked on this to save the City \$2 million, which is a good deal, and this and previous Councils for their diligence which led to this kind of bond rating.

- 3) **REQUEST FROM TAYLOR GANTT, DIRECTOR OF ADVANCEMENT, ST. MICHAEL'S HIGH SCHOOL, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE SALE AND DISPENSING/CONSUMPTION OF BEER AND WINE AT THE TIPTON GYM AT ST. MICHAEL'S HIGH SCHOOL, 100 SIRINGO ROAD, WHICH IS ALSO LOCATED WITHIN 300 FEET OF CHRISTIAN LIFE FELLOWSHIP, 121 SIRINGO ROAD. THE REQUEST IS FOR A FUNDRAISING EVENT CALLED THE BLUE STAMPEDE, A BLUE THEMED DINNER AND LIVE AUCTION, TO BE HELD ON THURSDAY, MARCH 22, 2012, FROM 5:30 P.M. TO 9:30 P.M. (YOLANDA Y. VIGIL)**

A copy of *SPECIAL DISPENSER PERMIT APPLICATION for Kelly/Liquor Barn*, is incorporated herewith to these minutes as Exhibit "12."

The staff report was presented by Yolanda Vigil, City Clerk, noting it is within 300 feet of Christian Life Fellowship, 121 Siringo Road. He said there will be 3 security people inside and 1 outside, for a total of 4 security personnel. She said there is a letter in the packet from Marcia Sullivan, St. Michael's High School President, stating they have no objection to the event. There also is a letter of concern in the packet from Solomon Sedillo, Administrator, Christian Life Fellowship.

Public Hearing

Speaking to the request

Nyhira Gitana, 996 Camino Rizo, 87505, said she doesn't disagree with everything the City does. She is very excited about the St. Catherine's property being utilized as a school, and wished them good luck. However, she is here to speak against the St. Michael's waiver. She said, once again, a request from St. Michael's is before this Governing Body to "dismiss any law, ordinance, amendment, regulation or

code, or to use the legally sustainable language, a waiver, so eating or drinking, often to excess, can take place. And Mayor, not even 300 feet from a school or church, but on the very school grounds itself. Once again, I ask for a moratorium on issuing alcohol waivers. These waivers are within the purview of any law, ordinance, amendment, regulation or Code or not. In an effort to consciously address the DWI epidemic in Santa Fe, this epidemic is evidenced by the multiple DWI arrests posted daily in *The New Mexican*, as well by the continuing occurrences of 'accidental deaths as a result of drunk driving.' The Governing Body knows the devastating effects of drinking to excess all too well, and if alcohol hasn't personally affected you already, and it will. In addition, that alcohol is a public health and safety issue is clear. Alcohol kills brain cells, causes fetal alcohol syndrome and other diseases, and the body emits the sick, sour smell of liquor as it tries to rid itself of that poison. I do have a suggestion. A Mayoral appointee serving as liaison to the State Alcohol and Gaming Department in an effort to illuminate the dismissal of any law, ordinance, amendment, regulation or code, by waiver or otherwise, so this struggling body is removed from acting on such alcohol waiver requests. What goes on in the State Alcohol and Gaming Department should stay in the State Alcohol and Gaming Department.

Maria Bautista, 996 Camino Rizo, 87505, said Councilor Dominguez proposed a Resolution to limit administrative approval for special permits at the same location to 3 times a year, and requests after that would come to the Governing Body. This is a great step forward. She thanked Santa Fe Beautiful for its withdrawal of a request for a special waiver. She said this is the second time she has spoken to an event at St. Michael's High School. She does not think it is a good idea to serve alcohol in school. She can't imagine that people wouldn't understand that they don't need alcohol at a fundraising event, saying they "never needed booze to make money" to run their programs. She is concerned that the Director of Advancement doesn't have concerns about this. She said, "I told you, once we opened the door for alcohol sales in any of the parks and recreations that people would like up. And they're going to start lining up. So, now's a good time for you to put something place so we don't have to do this over and over. So, Mr. Dominguez, Councilor Dominguez, should I count this approval, because of course you're going to approve it, should I count this approval as one this year for St. Michael's High School and I'll keep track. And then when they do the second one, I'll know, and when they do the third one, and then when the fourth one comes up, we can come into the City Council or the Archbishop or something. Because it's really getting out of hand. What's the law for, if every single week here, it has to be weighed. I ask you to asked Mr. Taylor Gannett, maybe to reconsider this. Councilor Ortiz, you graduated from St. Michaels. I'll bet they didn't drink when you were going to school."

John Byers, 2410 Calle Contessa, said here is a purser at Christian Life Fellowship, and Pastor Solomon Sedillo was unable to attend, and he is here on his behalf. He said he appreciates Councilor Romero's invocation for kids, and knows that Councilor Ortiz also is concerned about kids and the activities he sponsors on his off time. He said St. Michael's is an historic school, has been a good neighbor and noting it is his dad's alma mater. He said the issue is, "Whether or not, in the interest of health, safety and welfare, a waiver can be granted to St. Michael's so they can enure a benefit at the detriment of another entity, Christian Life Fellowship, and jeopardize their health, welfare and safety." He said St. Michael's will

have 4 security guards on the premises, which is good, but not off premises. He asked if the City is going to set up a DWI checkpoint to ensure health, welfare and safety, and to see if drivers are impaired. He said this is ludicrous. He said we don't have to cross that bridge, because "the bridge is here." With regard to health, safety and welfare, and promulgating those basic provisions of security. He said if St. Michael's wants to waive its security provisions that's one thing, but Christian Life Fellowship doesn't want to waive those provisions for its church. He said we can talk about the evils of alcohol, but that's not the issue. This isn't a case of a tempest in a teacup, but it is uncorking the bottle that has the genie, and we're going down a slippery slope here. He reminded the Governing Body the issue is whether or not to approve a waiver to enure a benefit to one group over the detriment of another, since we are neighbors within 100 feet of one another. He urged the City Council to consider the issue of whether the decision it makes will under-girth the health, safety and welfare of the community, and urged the Council to not approve the waiver.

Taylor Gantt, 5 Verano Loop, 87508, said he is the Director of Advancement at St. Michael's and he is helping to organize this event. He said last year 286 students applied for tuition assistance at St. Michaels in the amount of \$929,000, but they awarded only \$201,000 to 126 students with a shortfall of more than \$700,000. He said this is a fundraiser to benefit kids who want to attend St. Michael's and can't. He said they don't need alcohol to do that, however, this is a new event, and if it doesn't happen at St. Michael's they would find another place to hold it. He said having the event at St. Michael's allows them to stop service at a certain time, have licensed servers, noting it is at a location with which people are familiar. He said it probably is more dangerous to go to the Horsemen-Demons than to go to this, noting there are more than 1,000 people attending a rivalry game. However, the attendance for this function will be rather small, and limited only to beer and wine, and it is adult only event. They have a lot of checks and balances to ensure it stays controlled, and appropriate since it is a school – New Mexico's most historic school. It isn't a blowout part, but an event to raise funds to help kids to attend St. Michael's which ordinarily wouldn't be able to do so.

Stefanie Beninato said she is opposed to this waiver. She appreciates this is a fundraiser, and at auctions people tend to spend more money if they've been "loosened up by alcohol." It is sort of an axiom of fundraising, and the reason the City does it when it is fundraising. However, she doesn't think the event needs to happen at St. Michael's and could be done anywhere, including the Convention Center and be able to serve alcohol. Other schools generally don't serve alcohol at events held at the school. She said the proposed ordinance to allow beer to be served at Ft. Marcy at an athletic event is a bad policy. She said they justified the last one by saying we couldn't have baseball without beer, and now the justification is that it is a one-time event. She said you can always find a justification to serve alcohol "so you can make your constituents happy, make your non-profit contributing to you happy, and asked if that is helping safety and welfare in the community, and does it send a strong message to the community that the City Council really does not support driving and drinking and that we aren't going to be waiving alcohol provisions on a

regular basis. She suggested going to the State and get rid of the provision that you have to be 300 feet from a church or school, rather than coming here every week and asking for waivers.

The Public Hearing was closed

Councilor Bushee asked Mr. Gantt if the school is willing to honor Christian Life's request that its parking lot not be used for the event, and Mr. Gantt said, "Absolutely."

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

DISCUSSION: Councilor Dominguez said many of the challenges we have are controlled at the State level, because whatever we do, the past practice is the person to appeal to the State and for the State to approve it.

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

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

Against: Councilor Bushee and Councilor Calvert.

4. **RECONSIDERATION OF BILL NO. 2011-46: READOPTION OF ORDINANCE NO. 2012-2: (FOR THE SOLE PURPOSE OF FORMATTING ORDINANCE NO. 2012-2 TO BE CONSISTENT WITH ORDINANCE 2011-37). AN ORDINANCE AMENDING SECTION 14-8.14(E) 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, RECONSIDERATION OF BILL NO. 2011-46 IS FOR THE SOLE PURPOSE OF FORMATTING THE BILL TO BE CONSISTENT WITH ORDINANCE NO. 2011-37 (CHAPTER 14 REWRITE). (Matthew O'Reilly)**

The staff report was presented by Matthew O'Reilly, from his Memorandum of January 19, 2012, to the Governing Body, which is in the Council packet, requesting the readoption of Ordinance No. 2012-2, for the sole purpose of formatting Ordinance No. 2012-2 to be consistent with Ordinance No. 2011-37. Please see Mr. O'Reilly's Memorandum for the specifics of this presentation.

Public Hearing

Speaking to the request

Stefanie Beninato said she is opposed to the waiver of Impact Fees. She said it is an important source of funds to the City for infrastructure development, and is fairly assessed on everyone. She said there was no substantive information provided, and this action will stimulate the construction industry, noting Councilor Romero said she didn't think it would work, but voted for it anyway. She said \$350,000 represents \$35 million of residential startups which "is not nothing Ms. Wurzburger, and your constant comment of nothing times nothing is nothing, \$350,000 is not nothing. In fact, if these bonds go through in March and it is about \$60 of the annual fee increase or tax increase, that would be 6,000 people or 6,000 households \$60. So, when you say that the \$350,000 that you just voted out the window is nothing, it would pay for 6,000 households increased property taxes that you're proposing in the March bonds. So again, as a citizen who is facing an increased property tax when you throw out things that are in place or have been working that are fairly administered, and you tell us it is nothing, really maybe you need to go back and do some math. And again, I'm bring up the point, that I have something for Mr. Morgan and I will be meeting with him tomorrow, hopefully, to get some clarification, but what I got from him is that the proposed rate of increase is .538, which is one-half of a percent of a half of a percent. If you're looking at \$100,000 tax value, that's \$500, not \$50. So what I see as the information I was given finally as to what the actual amount of increase is, it's one-half of a percent and a half of a percent on every \$100,000 is \$500, it's not \$50. So, again, this is off by a power of ten and that's a really significant increase, \$500 a year, not \$50."

The Public Hearing was closed

MOTION: Councilor Wurzburger moved, seconded by Councilor Ortiz, to readopt Ordinance No. 2012-02, for the sole purpose of formatting Ordinance No. 2012-2 to be consistent with Ordinance 2011-37.

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

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

Against: Councilor Bushee, Councilor Romero and Councilor Chavez.

Explaining her vote: Councilor Bushee said, "I want to talk about my change of vote. You know, honestly, the last hearing, I was very moved by the speakers, most of the small mom and pop shops who were just hoping for, I don't know, if it was a symbolic gesture or whatever we could throw their way. And you know, I don't regret many of my votes, but I regret my vote the last time because it just philosophically goes against everything I believe with regard to developer giveaways and the fact that growth should pay its fair share. So I spent a little time talking to folks in the construction industry, local folks, because we were unable to make any kind of provision that whatever jobs are generated by this particular waiver would go to local contracts. So, I talked to

my former appointment to the CIAC, the Capital Improvements Advisory Committee. I talked to all kinds of folks and I reread our Capital Improvement Impact Fees Annual Report from 2011, and really, I've come to the same conclusion that I had from my original stance, is that I don't believe this is going to do a whole heckuva lot by way of capital improvement and I don't believe that we should be passing even a temporary measure that gives giveaways to developers, so I'm going to vote no.

Explaining his vote: Councilor Chavez said, "No, I'm going to be consistent and I know that this is really reformatting the Ordinance as it relates to Chapter 14, so I can appreciate the cleanup work that needs to be done, but Chapter 14 has been a moving target for the last... it's been worked on for the last 14 years, and maybe we're going to continue to work on it for the next 14 years. Putting that aside though, I don't agree with the reduction by 100% at this time, and why I vote no again."

Explaining her vote: Councilor Romero said, "I'm going to vote no. I made my comments at the previous meeting and I thought it was 'feel good,' you know. I won't do the soap box on this. I just thought it was a 'feel good' and I'll just say no."

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:15 p.m.

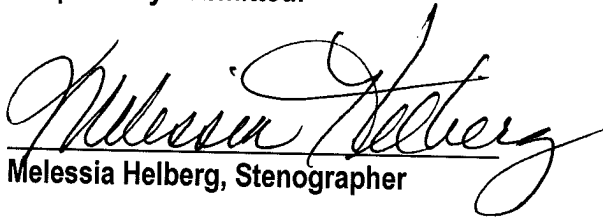
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer