



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2-24-12 TIME 4:15

SERVED BY

RECEIVED BY

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 – February 8, 2012
9. PRESENTATIONS
 - a) Proclamation – Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day – March 2, 2012. (Celia Merrill)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under State Price Agreements – Four (4) ADA Transportation Vehicles for Senior Division; Don Chalmers Ford. (Robert Rodarte)
 - b) Request for Approval of Procurement Under State Price Agreement – Food Products and Services for Various City of Santa Fe Departments; Shamrock Foods, Inc. (Robert Rodarte)
 - c) Request for Approval of Amendment No. 2 to Professional Services Agreement – On Call Engineering Services; Wilson & Company Engineers and Architects. (Leroy Pacheco)
 - d) Request for Approval of Lease Agreement – Advertising Display Courtesy Phone Unit Located at Airport Terminal; National Communication System, Inc. (Jim Montman)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

- e) Request for Approval of Amendment No. 2 to Professional Services Agreement – Security Services for Santa Fe Municipal Airport; ASI of New Mexico, LLC. (Jim Montman)
- f) Request for Approval of Sub-Grant Agreements – 2011 Homeland Security & Emergency Management Performance Grants; New Mexico Department of Homeland Security & Emergency Management. (Sebastian Gurule)
- g) Request for Approval of Professional Services Agreement – Gender Specific Program for Juveniles; YouthWorks, Inc. (Richard DeMella)
- h) Request for Approval of Memorandum of Understanding – Day Reporting Program for Juveniles; Santa Fe County. (Richard DeMella)
- i) Request for Approval of Grant Award and Grant Agreement – Library Materials, Equipment and Supplies for Library Division; State of New Mexico Department of Cultural Affairs, State Library Division. (Patricia Hodapp)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- j) Request for Approval of Buckman Direct Diversion Capital Budget Close-Out and Mutual Release. (Brian Snyder)
- k) Request for Approval of Exempt Procurement and Professional Services Agreement – Upgrades to Software and Fixed Route Modules for Paratransit System; RouteMatch Software, Inc. (Mike Kelly)
 - 1) Request for Approval of Budget Increase – Grant Fund.
- l) Request for Approval of Amendment No. 1 to Memorandum of Agreement – Expanding Membership of Santa Fe Regional Telecommunications Coalition; Santa Fe Community College, County of Santa Fe, Santa Fe Indian School and Institute of American Indian Arts. (Juan Torres)
- m) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Calvert, Councilor Bushee and Councilor Wurzbarger)
A Resolution Supporting the Efforts of the Santa Fe Innovation Park and Santa Fe Community College to Establish a Microgrid Research, Development, Demonstration, and Deployment Laboratory in Santa Fe, New Mexico. (Juan Torres)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

- n) Request for Approval to Publish Notice of Public Hearing on March 28, 2012:
- 1) Bill No. 2012-9: An Ordinance Amending Section 6-10.3 SFCC 1987 Relating to the Staff Designation for the Children and Youth Commission. (Councilor Trujillo) (Terrie Rodriguez)
 - 2) Bill No. 2012-10: An Ordinance Adopting the 2012 Procurement Code Pursuant to Article IX, Section 9.02 of the Santa Fe Municipal Charter and Article 11-13 SFCC 1987. (Councilor Calvert, Councilor Romero, Councilor Trujillo, Councilor Wurzbarger, Councilor Dominguez and Councilor Bushee) (Robert Rodarte)
 - 3) Bill No. 2012-11: 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. (Councilor Calvert) (Bryan Romero)
- o) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Chavez)
A Resolution Directing Staff to Prepare Amendments to the City of Santa Fe Procurement Code to Expand Section 15.2 in Order to Establish a "Buy American" Procurement Policy. (Robert Rodarte)
- p) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Romero, Councilor Wurzbarger and Councilor Bushee)
A Resolution Directing Staff to Investigate Developing an Overlay District as Part of Continuing Work on a Community Development Process for the St. Michael's Drive Area that will Result in a Vibrant Community-Centered Streetscape and Affiliated Enhancements for the Surrounding Area. (Kate Noble)
- q) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Trujillo, Councilor Wurzbarger and Councilor Dominguez)
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. (Robert Rodarte)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

- r) CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss, Councilor Bushee and Councilor Dominguez)
A Resolution Supporting the "Wyland Mayor's Challenge for Water Conservation". (Dan Ransom)
- s) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Bushee, Councilor Dominguez and Councilor Wurzburger)
A Resolution Directing Staff to Explore the Options for Implementing a *Change for Change* Program that would Include the Placement of Retired Parking Meters on City Property to Collect Donations for Non-Profit Entities. (PJ Griego)
- t) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Calvert, Councilor Romero and Councilor Wurzburger)
A Resolution Amending Rule IV(A) of the *City of Santa Fe Governing Body Procedural Rules* Relating to the Placement of a Proposed Item on a Council Agenda that Has Gone Through the Committee Review Process and Has Not Been Recommended for Approval by any Council Committee. (Geno Zamora)
- u) Request for Approval of Consideration to Fill Vacant Positions. (Robert Romero)
- v) Request for Approval of Findings of Fact and Conclusions of Law for Case No. 2011-125, Appeal of the October 6, 2011 Decision of the Summary Committee in Case #2011-43 Approving a Lot Split for a 1.853± Acre of Land Located at the Corner of Camino Carlos Rey and Arroyo de los Chamisos Owned by James Baumbach and Dioly Piedrahita. (Geno Zamora)
- 11. Request for Approval of Memorandum of Agreement – Air Quality Monitoring at Santa Fe Municipal Airport; New Mexico Environment Department. (Jim Montman)
- 12. MATTERS FROM THE CITY MANAGER



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

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

14. MATTERS FROM THE CITY CLERK

15. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2012-4: ADOPTION OF ORDINANCE NO. 2012-____. (Mayor Coss, Councilor Dominguez, Councilor Romero and Councilor Trujillo)
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. (Robert Rodarte)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

- 2) CONSIDERATION OF BILL NO. 2012-8: ADOPTION OF ORDINANCE NO. 2012-____.
An Ordinance Approving Technical Corrections to Ordinance No. 2011-37, Chapter 14 SFCC 1987 Revisions, by Amending Subsections 14-2.3(C)(7), 14-2.7(E)(3)(d), 14-2.9(B), 14-3.1(H)(1)(a), 14-3.1(H)(1)(b), 14-3.10(E), 14-3.13(B)(5)(e), 14-4.2(J)(1), 14-4.3(K)(1)(d), 14-5.5(A)(4)(a)(iii), 14-5.5(A)(4)(a)(iv), 14-5.10(A)(3), 14-6.2(C)(4)(c), 14-6.3(D)(1)(i), 14-6.3(D)(2)(a), 14-6.3(D)(2)(c)(iv), 14-6.3(D)(2)(d)(ii), 14-7.1(C)(1), 14-7.3(B)(1)(b)(iii), 14-8.5(A)(1), Section 14-8.6 and Subsections 14-9.2(D) and 14-9.2(K)(1); Amending Tables 14-7.2-1 and 14-9.2-1; Repealing Subsection 14-5.10(E); Enacting Subsection 14-8.8(A)(6); Reenacting Subsection 14-8.11(F); Amending Article 14-12 To Amend the Definitions of "Group Home" and "Townscape Standards", Reenact the Definition of "Housing Opportunity Program" and Repeal the Definition of "One Hundred Year Flood"; and Amending Ordinance 2011-37 to Delete All References to "Historic Design Review Board" and Substitute In Lieu Thereof "Historic Districts Review Board"; All Amendments are for the Sole Purpose of Providing Technical Corrections. (Greg Smith)
- 3) CONSIDERATION OF BILL NO. 2012-6: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Calvert)
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. (Gillian Folmar-Alessio)
- 4) CONSIDERATION OF BILL NO. 2012-5: ADOPTION OF ORDINANCE NO. 2012-____. (Mayor Coss and Councilor Bushee)
An Ordinance Creating a New Article 25-13 SFCC 1987 Regarding the Santa Fe River Target Flow for a Living River Initiative. (Brian Drypolcher and Claudia Borchert)
 - a) CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss and Councilor Bushee)
A Resolution Adopting Administrative Procedures for the Santa Fe River Target Flow Ordinance, Article 25-13 SFCC 1987. (Brian Drypolcher and Claudia Borchert)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 29, 2012
CITY COUNCIL CHAMBERS

- 5) **Case #2012-017. Appeal.** New Mexico Consolidated Construction Services LLC (Appellant), Appeals the January 10, 2012 Decision of the Historic Design Review Board in Case #H-10-033 Denying Appellant's Application to Remove and Relocate Three Landmark Structures Known as the Joe Montoya House, the Nat A. Chavez House and the Joe F. Abeyta House at 801 Griffin Street, Known as St. Catherine's Industrial Indian School. (David Rasch and Marcos Martinez)
- 6) Pursuant to Resolution No. 2012-7, a Request from Thornburg Investment, Inc. for Approval of a Special Dispenser Application for a Reception to be held at the Georgia O'Keeffe Museum, 217 Johnson Street, on March 13, 2012 from 6:00 p.m. to 7:00 p.m. (Yolanda Y. Vigil)
- 7) CONSIDERATION OF BILL NO. 2012-7: ADOPTION OF ORDINANCE NO. 2012-____. (Councilor Romero)
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 and Landscaping Purposes. (Ed Vigil) **(Postponed to March 14, 2012)**

I. ADJOURN

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

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

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

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
February 29, 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 [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 8, 2012	Approved	5
<u>PRESENTATIONS</u>		
PROCLAMATION – GOLDEN APPLE FOUNDATION OF NEW MEXICO TRIBUTE TO TEACHER EXCELLENCE DAY – MARCH 2, 2012		6
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2012- 26. A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO THE CITY OF SANTA FE PROCUREMENT CODE TO EXPAND SECTION 15.2 IN ORDER TO ESTABLISH A “BUY AMERICAN” PROCUREMENT POLICY	Approved	6-8
CONSIDERATION OF RESOLUTION NO. 2012-27. A RESOLUTION AMENDING RULE IV(A) OF THE CITY OF SANTA FE GOVERNING BODY PROCEDURAL RULES RELATING TO THE PLACEMENT OF A PROPOSED ITEM ON A COUNCIL AGENDA THAT HAS GONE THROUGH THE COMMITTEE REVIEW PROCESS AND HAS NOT BEEN RECOMMENDED FOR APPROVAL BY ANY COUNCIL COMMITTEE	Approved [amended]	8-10

END OF CONSENT CALENDAR DISCUSSION		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – AIR QUALITY MONITORING AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO ENVIRONMENT DEPARTMENT	Approved	10-11
MATTERS FROM THE CITY MANAGER	None	11
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	11
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	11-12
MATTERS FROM THE CITY CLERK	Information	12
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	12-16
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	17
PETITIONS FROM THE FLOOR		17-18
<u>APPOINTMENTS</u>		
Archaeological Review Committee	Approved	19
Arts Commission	Approved	19
Children & Youth Commission	Approved	19
Transit Advisory Board	Approved	20
Community Development Commission	Approved	20
<u>PUBLIC HEARINGS</u>		
*PURSUANT TO RESOLUTION NO. 2012-7, A REQUEST FROM THORNBURG INVESTMENT, INC., FOR APPROVAL OF A SPECIAL DISPENSER APPLICATION FOR A RECEPTION TO BE HELD AT THE GEORGIA O'KEEFFE MUSEUM, 217 JOHNSON STREET, ON MARCH 13, 2012, FROM 6:00 P.M. TO 7:00 P.M.	Approved	21

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2012-05; ADOPTION OF ORDINANCE NO. 2012-10. AN ORDINANCE CREATING A NEW ARTICLE 25-13 SFCC 1987, REGARDING THE SANTA FE RIVER TARGET FLOW FOR A LIVING RIVER INITIATIVE	Approved [amended]	21-29
CONSIDERATION OF RESOLUTION NO. 2012-28. A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RIVER TARGET FLOW ORDINANCE, ARTICLE 25-13 SFCC 1987	Approved [amended]	21-29
CONSIDERATION OF BILL NO. 2012-4: ADOPTION OF ORDINANCE NO. 2012-12. 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	Approved [amended]	30-33
CONSIDERATION OF BILL NO. 2012-8: ADOPTION OF ORDINANCE NO. 2012-11: AN ORDINANCE APPROVING TECHNICAL CORRECTIONS TO ORDINANCE NO. 2011-37, CHAPTER 14 SFCC 1987 REVISIONS, BY AMENDING SUBSECTIONS 14-3.2(C)(7), 14-2.7(E)(3)(d), 14-2.9(B), 14-3.1(H)(1)(a), 14-3.1(H)(1)(b), 14-3.10(E), 14-3.13(B)(5)(e), 14-4.2(J)(1), 14-4.3(K)(1)(d), 14-5.5(A)(4)(a)(iii), 14-5.5(A)(4)(a)(iv), 14-5.10(A)(3), 14-6.3(C)(4)(c), 14-6.3(D)(1)(i), 14-6.3(D)(2)(a), 14-6.3(D)(2)(c)(iv), 14-6.3(D)(2)(d)(ii), 14-7.1(C)(1), 14-7.3(B)(1)(b)(iii), 14-8.5(A)(1), SECTION 14-8.6 AND SUBSECTIONS 14-9.2(D) and 14-9.2(K)(1); AMENDING TABLES 14-7.2-1 AND 14-9.2-1; REPEALING SUBSECTION 14-8.11(F); AMENDING ARTICLE 14-12 TO AMEND THE DEFINITIONS OF "GROUP HOME" AND "TOWNSCAPE STANDARDS," REENACT THE DEFINITION OF "HOUSING OPPORTUNITY PROGRAM" AND REPEAL THE DEFINITION OF "ONE HUNDRED YEAR FLOOD;" AND AMENDING ORDINANCE 2011-37 TO DELETE ALL REFERENCES TO "HISTORIC DESIGN REVIEW BOARD" AND SUBSTITUTE IN LIEU THEREOF "HISTORIC DISTRICTS REVIEW BOARD;" ALL AMENDMENTS ARE FOR THE SOLE PURPOSE OF PROVIDING TECHNICAL CORRECTIONS	Approved	33-35

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2012-06; ADOPTION OF ORDINANCE NO. 2012-13. 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	Approved [amended]	35-37
CASE #2012-017. APPEAL. NEW MEXICO CONSOLIDATED CONSTRUCTION SERVICES, LLC (APPELLANT) APPEALS THE JANUARY 10, 2012, DECISION OF THE HISTORIC DESIGN REVIEW BOARD IN CASE #H-10-033, DENYING APPELLANT'S APPLICATION TO REMOVE AND RELOCATE THREE LANDMARK STRUCTURES KNOWN AS THE JOE MONTOYA HOUSE, THE NAT A. CHAVEZ HOUSE AND THE JOE F. ABEYTA HOUSE AT 801 GRIFFIN STREET, KNOWN AS ST. CATHERINE'S INDUSTRIAL INDIAN SCHOOL	Postponed to 03/14/12	37
CONSIDERATION OF BILL NO. 2012-7: ADOPTION OF ORDINANCE NO. 2012- ____ . 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 AND LANDSCAPING PURPOSES	Postponed to 03/14/12	38
ADJOURN		39

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 29, 2012**

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 Wurzburger on Wednesday, February 29, 2012, at approximately 5:00 p.m., in the City Hall Council Chambers, and Mayor Coss arrived shortly after the meeting was called to order. 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 Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Miguel Chavez
Councilor Carmichael A. Dominguez
Councilor Matthew E. Ortiz
Councilor Rosemary Romero
Councilor Ronald S. Trujillo

Others Attending

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

6. APPROVAL OF AGENDA

Robert Romero, City Manager said Item H(5), the Appeal was not noticed correctly and will have to be heard at the next Council meeting.

Responding to the Mayor, Yolanda Vigil, City Clerk, said Item H(5) will be postponed to the next meeting along with Item H(7), both of which will be placed on the March 14, 2012 Council meeting agenda.

Councilor Wurzburger asked that Item #H(6) on the evening agenda be moved to be the first public hearing on the evening agenda.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

Absent for the vote: Councilor Dominguez.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 27, 2012, regarding Item 10(r)(2), is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, February 27, 2012, regarding Item 10(s), is incorporated herewith to these minutes as Exhibit "2."

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS – FOUR (4) ADA TRANSPORTATION VEHICLES FOR SENIOR DIVISION; DON CHALMERS FORD. (ROBERT RODARTE)**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOOD PRODUCTS AND SERVICES FOR VARIOUS CITY OF SANTA FE DEPARTMENTS; SHAMROCK FOODS, INC. (ROBERT RODARTE)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ON-CALL ENGINEERING SERVICES; WILSON & COMPANY ENGINEERS AND ARCHITECTS. (LEROY PACHECO)**

- d) REQUEST FOR APPROVAL OF LEASE AGREEMENT – ADVERTISING DISPLAY COURTESY PHONE UNIT LOCATED AT AIRPORT TERMINAL; NATIONAL COMMUNICATION SYSTEM, INC. (JIM MONTMAN)
- e) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR SANTA FE MUNICIPAL AIRPORT; ASI OF NEW MEXICO, LLC. (JIM MONTMAN)
- f) REQUEST FOR APPROVAL OF SUB-GRANT AGREEMENTS – 2011 HOMELAND SECURITY & EMERGENCY MANAGEMENT PERFORMANCE GRANTS; NEW MEXICO DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT. (SEVASTIAN GURULE)
- g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – GENDER SPECIFIC PROGRAM FOR JUVENILES; YOUTHWORKS, INC. (RICHARD DeMELLA)
- h) REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – DAY REPORTING PROGRAM FOR JUVENILES; YOUTHWORKS, INC. (RICHARD DeMELLA)
- i) REQUEST FOR APPROVAL OF GRANT AWARD AND GRANT AGREEMENT – LIBRARY MATERIALS, EQUIPMENT AND SUPPLIES FOR LIBRARY DIVISION; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, STATE LIBRARY DIVISION. (PATRICIA HODAPP)
 - 1. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- j) REQUEST FOR APPROVAL OF BUCKMAN DIRECT DIVERSION CAPITAL BUDGET CLOSE-OUT AND MUTUAL RELEASE. (BRIAN SNYDER)
- k) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – UPGRADES TO SOFTWARE AND FIXED ROUTE MODULES FOR PARATRANSIT SYSTEM; ROUTEMATCH SOFTWARE, INC. (MIKE KELLY)
 - 1. REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MEMORANDUM OF AGREEMENT – EXPANDING MEMBERSHIP OF SANTA FE REGIONAL TELECOMMUNICATIONS COALITION; SANTA FE COMMUNITY COLLEGE, COUNTY OF SANTA FE, SANTA FE INDIAN SCHOOL AND INSTITUTE OF AMERICAN INDIAN ARTS. (JUAN TORRES)

- m) **CONSIDERATION OF RESOLUTION NO. 2012-21 (COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). A RESOLUTION SUPPORTING THE EFFORTS OF THE SANTA FE INNOVATION PARK AND SANTA FE COMMUNITY COLLEGE TO ESTABLISH A MICROGRID RESEARCH, DEVELOPMENT, DEMONSTRATION AND DEPLOYMENT LABORATORY IN SANTA FE, NEW MEXICO. (JUAN TORRES)**
- n) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 28, 2012:**
 - 1. **BILL NO. 2012-9: AN ORDINANCE AMENDING SECTION 6-10.3 SFCC 1987, RELATING TO THE STAFF DESIGNATION FOR THE CHILDREN AND YOUTH COMMISSION (COUNCILOR TRUJILLO). (TERRIE RODRIGUEZ)**
 - 2. **BILL NO. 2012-10: AN ORDINANCE ADOPTING THE 2012 PROCUREMENT CODE PURSUANT TO ARTICLE IX, SECTION 9.02 OF THE SANTA FE /MUNICIPAL CHARTER AND ARTICLE 11-13 SFCC 1987 (COUNCILOR CALVERT, COUNCILOR ROMERO, COUNCILOR TRUJILLO, COUNCILOR WURZBURGER, COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). (ROBERT RODARTE)**
 - 3. **BILL NO. 2012-11: 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 (COUNCILOR CALVERT). (BRYAN ROMERO)**
- o) ***[Removed for discussion by Councilor Bushee.]***
- p) **CONSIDERATION OF RESOLUTION NO. 2012-22 (COUNCILOR ROMERO, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO INVESTIGATE DEVELOPING AN OVERLAY DISTRICT AS PART OF CONTINUING WORK ON A COMMUNITY DEVELOPMENT PROCESS FOR THE ST. MICHAEL'S DRIVE AREA THAT WILL RESULT IN A VIBRANT COMMUNITY-CENTERED STREETScape AND AFFILIATED ENHANCEMENTS FOR THE SURROUNDING AREA. (KATE NOBLE)**
- q) **CONSIDERATION OF RESOLUTION NO. 2012-23 (COUNCILOR TRUJILLO, COUNCILOR WURZBURGER AND COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). 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. (ROBERT RODARTE)**

- r) CONSIDERATION OF RESOLUTION NO. 2012-24 (MAYOR COSS, COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ). A RESOLUTION SUPPORTING THE "WYLAND MAYOR'S CHALLENGE FOR WATER CONSERVATION." (DAN RANSOM)
- s) CONSIDERATION OF RESOLUTION NO. 2012- 25 (COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO EXPLORE THE OPTIONS FOR IMPLEMENTING A *CHANGE FOR CHANGE* PROGRAM THAT WOULD INCLUDE THE PLACEMENT OF RETIRED PARKING METERS ON CITY PROPERTY TO COLLECT DONATIONS FOR NON-PROFIT ENTITIES. (P.J. GRIEGO)
- t) *[Removed for discussion by Councilor Bushee]*
- u) REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)
- v) REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)
- w) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE NO. 2011-125, APPEAL OF THE OCTOBER 6, 2011 DECISION OF THE SUMMARY COMMITTEE IN CASE #2011-43, APPROVING A LOT SPLIT FOR A 1.853± ACRE OF LAND LOCATED AT THE CORNER OF CAMINO CARLOS REY AND ARROYO DE LOS CHAMISOS OWNED BY JAMES BAUMBACH AND DIOLY PIEDRAHITA. (GENO ZAMORA)

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

MOTION: Councilor Calvert moved, seconded by Councilor Romero, to approve the minutes of the Regular City Council meeting of February 8, 2012, as presented.

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

Councilor Dominguez arrived at the meeting

9. PRESENTATIONS

a) PROCLAMATION – GOLDEN APPLE FOUNDATION OF NEW MEXICO TRIBUTE TO TEACHER EXCELLENCE DAY – MARCH 2, 2012. (CELIA MERRILL).

Mayor Coss read the proclamation into the record declaring March 2, 2012, as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day. He said he would like to present the Proclamation especially on behalf of his daughter Molly, who is a public school teacher in New Mexico.

CONSENT CALENDAR DISCUSSION

10 (o) CONSIDERATION OF RESOLUTION NO. 2012- 26. (COUNCILOR CHAVEZ) A RESOLUTION DIRECTING STAFF TO PREPARE AMENDMENTS TO THE CITY OF SANTA FE PROCUREMENT CODE TO EXPAND SECTION 15.2 IN ORDER TO ESTABLISH A “BUY AMERICAN” PROCUREMENT POLICY. (ROBERT RODARTE)

Councilor Bushee said she read in some minutes how we are going to do “buy local,” noting there is a 10% local preference. She doesn't see anything that outlines what a “buy American” procurement policy would look like, and wants to understand what kinds of policies we could employ here. Could we mandate to buy American and if that violates any commerce something. She wants to understand how this works before she signs on to this bill.

Mr. Rodarte said most of the language they will be putting in the format will address this issue. He said we always use the term when we can, but we have language providing the opportunity to buy where we can here, and then follow the steps. He said basically they are using a model based on that of Clark County in Seattle Washington, which is the leader in this type of legislation.

Councilor Bushee asked Mr. Rodarte to send her a copy of that electronically, and Mr. Rodarte said he would do so.

Councilor Bushee if there is another way to reinforce the “buy local, but also buy American, but buy local. I know the preference is there, but I continue to see that even for services,” and we can get contractors for projects, but often not the small contractors based in Santa Fe.

Mr. Rodarte dais, “We can do that.”

Councilor Bushee said, during the course of this, she would like him to see if there is another way to enforce the “buy local,” provision.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2012-16.

DISCUSSION: Councilor Wurzbarger said there is an error in the packet, noting the Business & Quality of Life Committee ["BQL"], did meet regarding this legislation, and there is no reference that the BQL voted against it. She would like that information to be on the record.

Councilor Chavez asked the reason the BQL voted against this legislation.

Councilor Wurzbarger said there were several reason and asked Mr. Rodarte if he recalls that discussion.

Councilor Bushee asked if there are minutes from the Committee meeting.

Councilor Wurzbarger said there are, but they aren't included in the packet, and she was trying to get the record correct. She said it sounds as if there will be further implementation questions and we can bring up those items at that point.

Mayor Coss said the BQL decision at the referenced meeting was to take no action, and voted to not recommend the bill. He said the BQL wants to see what the policy "comes out to be." He said we are trying to focus so much on local contractors that we thought it might be confusing the situation to "buy local and make sure they buy American. I think the whole Committee was willing to see how that comes out."

Councilor Wurzbarger said she agrees with this interpretation of what happened.

Councilor Chavez said, as sponsor, he was looking at a simple concept of, "Yes the concept is buy local, when possible. He said look at public financing and how much of the money was spent locally. So it's "when possible." He asked, "Are we willing to invest another 30% in buying local or buying American. And that's the basic, simple premise that I introduced this on. I hope the discussion continues and that we do buy more local, and that when we can, we invest in American jobs in American companies, instead of companies somewhere in Asia."

Councilor Romero said she is supportive of this effort, and recalls how the conversation got started at Public Works when Mr. Rodarte presented this to that Committee, and she noted that there is a clause in any RTD contracts in this regard. She said she will ask the RTD Executive Director to share what they learned in implementing that contract. She said in dealing with small contractors they did his a small "bump in the road" with the plumber who was a subcontractor. She said the intent is good but there are some "learnings" about how to better implement the process, noting there are still a few wrinkles to iron out, particularly around implementation.

Mr. Rodarte said the City has implementing buy American for Transit Division's purchases, noting that is a federal requirement for funds that come from them. He said so they moved "that language this way," and will format it into the appropriate section of the Procurement Manual to reflect the Transit Division's best practices.

Councilor Bushee said a lot of components are produced in Asia, such as, for example, INTEL components for computers. She said it is important to her to know the legal parameters.

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

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

Against: None.

10 (t) CONSIDERATION OF RESOLUTION NO. 2012-27 (COUNCILOR CALVERT, COUNCILOR ROMERO AND COUNCILOR WURZBURGER). A RESOLUTION AMENDING RULE IV(A) OF THE CITY OF SANTA FE GOVERNING BODY PROCEDURAL RULES RELATING TO THE PLACEMENT OF A PROPOSED ITEM ON A COUNCIL AGENDA THAT HAS GONE THROUGH THE COMMITTEE REVIEW PROCESS AND HAS NOT BEEN RECOMMENDED FOR APPROVAL BY ANY COUNCIL COMMITTEE. (GENO ZAMORA)

Councilor Bushee said the title says "placement of a proposed item on a Council Agenda," and on line 24 of the Resolution on page 1, and line 4 on page 2 it says, "proposed ordinance." She wants to be clear, because a proposed item is very different from a proposed ordinance. She said many items are approved by Council without going through the committee process, and "item" is a broad term and doesn't mean anything. She wants to be clear on the intent, noting "we often send things through committees without recommendation, and I guess you're trying to curb that." She is unsure why something wouldn't move forward without recommendation.

Councilor Calvert said, "This is only for things that do go through the Committee process, so the first thing about things going directly to Council wouldn't apply to this – emergency situations and such."

Councilor Bushee said, "I mean, like projects. When we're doing a bond, at the last minute, we were.... and I've done it when it was the Northwest Quadrant Trails. Even the arroyos, for instance. They weren't things that were initiatives out of a Resolution or out of a something. That's an item. Are you saying they shouldn't surface at Council level."

Councilor Calvert said, "I'm saying that an item, be it resolution, ordinance or a proposal of some sort, it goes through the committee process. It needs to pass at least one of the Council Committees – Finance, Public Works or PUC, to get on the Council agenda. Because, right now, we've had numerous instances of things not getting approved at any of the committees still being moved forward to the Council I think, and then they get voted down at Council. It's just a waste of a lot of resources, materials, staff time."

Councilor Bushee asked for an example.

Councilor Calvert said the one that comes to mind was an ordinance amendment to not allow us to get into the utility reserves.

Councilor Bushee said that went to Finance and was approved by a majority vote.

Councilor Calvert said there have been several, noting Councilor Ortiz's proposed amendment during the budget which kept moving forward whether or not it was approved and was put on the Council Agenda and kept being postponed depending on what we were doing on the budget. He said there are numerous examples. He wants to get "some teeth in our committee process," noting this is the State and federal process where bills die without committee approval. He wants to be sure items are ready to move forward to the City Council, so we don't end up wasting time.

Councilor Bushee asked if he would like to change the language from "item" to "resolution and/or ordinance," and Councilor Calvert said no.

Councilor Trujillo said the bill on the baseball team was moved forward from Council committees without recommendation and would have died under this bill.

Councilor Calvert said, "With this in place, you would have to curb moving forward no recommendation things. If you don't have enough information fine, bring it back to Committee. But if it's just a matter of pushing it forward and not making a decision in Committee, I think that's a waste of the Committee process."

Councilor Dominguez asked, regarding the Governing Body Rules of Procedure, item 4(a) talks about setting the agenda as Governing Body. He said, "I guess my question is, in the last sentence it talks about "Board of County Commissioners," and I found that in every handbook that I received. So, unless this is just an oversight, it's not really relevant to this, but it is."

Geno Zamora said, "At first glance, it looks like a typographical error, but Item 4(a) contains the language that the City Manager may place on an agenda any matter so requested by a majority vote of all members of the Board of County Commissioners of Santa Fe County. It looks like a typo at first glance, but what it gives the City Manager and the City Council to do, is to place on the agenda something that our sister organization, the County, has requested the Governing Body to consider."

Councilor Dominguez asked Councilor Calvert what happens if we get something from the County that doesn't go through the Committee process or goes through the Committee process but doesn't get a positive recommendation – is he suggesting that we don't hear that either.

Councilor Calvert said if it doesn't go through the Committee process it doesn't apply.

Councilor Dominguez said he was speaking of a situation where it goes through the Committee process but comes out with a negative recommendation.

Councilor Calvert said, "Well yes. I think that says it. I think, I mean the three Council committees will have every member of the Council represented, so every member of the Council will have seen it."

Councilor Romero said she supports this effort. She said the reason is that a piece is missing around our effectiveness and efficiency, and this is an effort to help us to be more effective in the committee process. She said the intent is how to utilize our committees the best way possible or "just duke

it out at Council which is what we end up doing if somebody disagrees.” She wants to be sure something has been vetted thoroughly through the committee process before it goes to Council which we haven’t always done.

Councilor Ortiz said, “So Councilor Calvert, you’ll acknowledge that there is sometime we get something, usually it is an application for a grant or a grant approval agreement gets sped through the Committee process. There are requests by staff to skip one or more committees to get to Council because of deadlines. And so your proposed Resolution doesn’t take away from those possibilities, right.”

Councilor Calvert said no.

MOTION: Councilor Ortiz moved, seconded by Councilor Calvert, to approve this request and adopt Resolution No. 2012-27, with “a paragraph that outlines that in extraordinary circumstances the City Manager or City staff shall have the authority to ask the Chair of the committees to bypass the committees for purposes of emergency and/or necessity.”

DISCUSSION: Responding to Councilor Ortiz, Councilor Calvert said Councilor Ortiz’s amendment is acceptable to him.

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

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

Against: Councilor Trujillo and Councilor Bushee.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – AIR QUALITY MONITORING AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO ENVIRONMENT DEPARTMENT. (JIM MONTMAN)

Mr. Montman explained that this items add three boilerplate items to an agreement that has been around for 5 years, noting this is the renewal of a lease agreement with the Environment Department. He said because of administrative delays, the actual language wasn’t seen by any committees, so he thought they had best place it for discussion.

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

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

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

Against: None.

12. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2010-24, DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, IN ACCORDANCE WITH §10-15-1(H)(7), NMSA 1978.

MOTION: Councilor Trujillo moved, seconded by Councilor Calvert, that the Council go into Executive Session for discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant, in accordance with §10-15-1(H)(7) NMSA 1978.

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

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

Against: None

Abstain: Councilor Chavez.

The Council went into Executive Session at 5:40 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 5:50 p.m. Councilor Wurzburger moved, seconded by Councilor Romero, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

Geno Zamora introduced the newest member of the City Attorney's Office, Jamison Barkley, who joins the office from private practice, noting she has experience as a litigator, in representing Pueblos and Tribes, and was a law clerk to Justice Patricio Serna.

14. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk, reminded everyone that early voting is going on in her office through Friday, March 2nd at 5:00 p.m. She said election day is Tuesday, March 6, 2012, and the polls will be open 7:00 a.m. to 7:00 p.m. She encouraged all voters to call her office to verify where they will be voting, noting some polling places were moved because of redistricting. She wants to be sure that all voters get to the right polling place.

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 February 29, 2012, is incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert

Councilor Calvert said he has no introductions this evening. However, he wants to talk about a recurring problem. He said he spoke with a local businessman who has a small coffee shop at the corner of Old Santa Fe Trail and Alameda called Andiamo. This person has had problems with some homeless people who are living under the bridge on Old Santa Fe Trail. He told Councilor Calvert one of the homeless came into his business with vomit on his mouth and was being unruly. Councilor Calvert said we should be caring of others, but perhaps the balance isn't exactly right. He has no specific suggestions, noting we spend a lot of money providing shelters, but sometimes people don't want to go to a shelter. However, we've spent a lot of money improving the Plaza and the bandstand, and that has turned into a camping spot. He said we keep coming back to the need for a dedicated officer on the Plaza and downtown so things will be better. However, we need to look at that again. He said this is a revenue generator for the City and helps us pay for things like shelters and improvements. He said if this discourages tourism, that could be a big loss.

Councilor Bushee said there are seniors and handicapped who have complained about individuals living under bridges and then coming into people's yards and turning on hoses and/or showering and being naked, and it is somewhat threatening and it has increased. There also are complaints of people living around the river, in and around the Railyard in the arroyo. It is a difficult situation because if we ban camping on City on-land, she is concerned about where these people will go. These aren't people who will

go to any of our shelters and facilities, but they aren't going to look for treatment voluntarily. She doesn't have an answer. We could continue to deal with this in a putative sense, but that doesn't address the problem. She needs help with this, commenting that it is a community-wide problem that needs community-wide input and a new resolution to this issue.

Councilor Dominguez

Councilor Dominguez said he just got back from the Healthy Communities Institute in San Francisco. He said Santa Fe is doing a great job, in relation to other communities, in promoting healthy lifestyles, noting we have lots of opportunities to live healthy lifestyles in Santa Fe. His hope is that we extend this opportunity to everyone in our community.

Councilor Dominguez thanked the Mayor for the proclamation at Drug Court this afternoon. He said this is something we need to recognize and address, however delicately or aggressively we need to.

Councilor Dominguez introduced an Ordinance amending Article 23-6 SFCC 1987, to establish best practices for persons who have been authorized to use City property when the sale and consumption of alcohol is permitted. The Resolution will be going to Public Works, Finance and Public Safety. He said Councilor Bushee would like to be a cosponsor. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "4."

Councilor Wurzbarger

Councilor Wurzbarger introduced the following:

1. A Resolution supporting the continuation of economic development activities related to the film industry within the City of Santa Fe and authorizing the use of City-owned properties at no cost for film and television productions that are enrolled in the New Mexico film production tax credit program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."
2. A Resolution repealing Resolution No. 2012-7 relating to Governing Body consideration for Special Dispenser Permits, above three, at the same location; and directing staff to research and recommend best practices related to Special Dispenser Permits and propose amendments to State law to prevent abuse of the Special Dispenser License Process. She said she has respect for the previous Resolution. However, having to vote against a non profit, she thought we weren't doing the right thing. She said Councilor Romero is cosponsoring. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."
3. A Resolution requesting that the Executive Session report on tort claims, etc., every 3 months.

Councilor Trujillo

Councilor Trujillo introduced a Resolution supporting local non-profit organizations and declaring that on an annual basis, each member of the Governing Body is authorized to have the user fees waived at the Santa Fe Community Convention Center, on behalf of a non-profit organization, for a one day event. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Councilor Ortiz

Councilor Ortiz had no communications.

Councilor Bushee

Councilor Bushee said she is getting more calls on the level of crime, which seems to be increasing from property crimes to people who are carrying weapons of some kind. She said on Saturday someone was held up at gunpoint in Alto Park. She said there was a homicide around the corner from her house on West Alameda. Also near her home on West Alameda, one woman with a child was asked to leave her home at gunpoint. Another incident happened at 4:00 a.m. when a single woman answered her door there was a man with a hatchet. She said other property crimes continue to happen around Barrio La Canada, and she has heard of notes left with threatening warnings involving a knife.

Councilor Bushee said the usual response is, "Well, we'll help establish a neighborhood watch." However, these aren't all neighborhoods. She said increased patrols are one answer, but this feels like a new level of crime and it is upsetting to people. She hopes for a different response than the one in the past, although she doesn't know what that should be, commenting this is a significant issue.

Councilor Bushee said she has some enforcement issues she will get to staff, noting she has been working with Mr. Pino.

Councilor Romero

Councilor Romero introduced a Resolution supporting the reduction of greenhouse gas pollution under the Clean Air Act, cosponsored with Councilor Wurzbarger and Councilor Calvert. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Romero distributed a news article, noting she learned Los Alamos was going to cut its Regional Partnership dollars which have been a significant funding source for additional ridership throughout the 4 county area. She said they went back to Los Alamos last night to attend the Council Meeting. She said they weren't completely successful, but they were able to get them not to cut all the funding. They will be giving us \$500,000, then a reduced amount and gradually the funding will end. She said she wished she had been more successful in stressing to Los Alamos that these are regional dollars

which have gone to the Laboratories which should be shared. She said there are several caveats to receiving these funds, the most significant around the audit.

Councilor Romero said representing the City on the NCTRD has been a challenge which she accepted willingly and wholeheartedly, noting she spent 10-20 hours each week on this effort. She said noted this year's audit was without findings, while the previous audits were unqualified. She looks forward to her last meeting on Friday, and hopes Mayor Coss will continue the City's participation in this regard.

Councilor Romero has a young friend, Santiago Sanchez, a 10th grader, who raises money for all of the trips he takes. He and his family make candy, and she gave each of the Councilors and staff a homemade gift of toffee which she hopes they will enjoy over the weekend.

Councilor Romero acknowledged the really good work done by the City and Council through the Food Policy Council. She said the local procurement policy is reviewed by that group. She said Councilors Dominguez and Wurzbarger have volunteered to continue this important work to provide more food for our local Senior Centers, and builds on the work around the strategic work she has done for the Farmer's Market and others. She said she has volunteered to help after she leaves the Council.

Councilor Chavez

Councilor Chavez said this is his last Council meeting after 12 years. He said he has enjoyed serving the public. He said, "I also have something for some of the Councilors, I didn't have time to wrap them, I apologize. If the camera wants to pan in on this they can. Just as a disclaimer, I did get permission from the Journal North to use these, and I think it is a keepsake. It's one of the things I will remember, not necessarily a high point, but it will be something I will remember for many, many years."

Mayor Coss

Mayor Coss said he will be going to Washington to lobby for clean-up funds at Los Alamos, to at least keep the President's recommendation in the cleanup budget, and to strengthen it. He said in participating in the LANL coalition, he has also taken the position that clean-up isn't optional thing, and "you don't not clean up if the Congress doesn't fund you. You need to be really serious about that." He said he is asking Alex Puglisi and Bryan to make a report on this to the Buckman Direct Diversion Board when we come back, to see how that is proceeding.

Mayor Coss said he shares Councilor Bushee's and Councilor Wurzbarger's and all the Council's concerns about the spike in violent crime that we've had, commenting we often see this in the Spring, but it is more serious and can't be accepted. He looks forward to working with the Councilors on the next steps, and suggested perhaps we need some public meetings, like we used to do, on the violence we're seeing.

Mayor Coss said one of his favorite bus drivers told him things have gotten better on his Route 2 bus since the open container bill passed, and he's not dealing with as many belligerent and intoxicated people on his bus – an intended consequence.

Mayor Coss said he and Councilor Dominguez attended the 3rd anniversary of the Magistrate Court's Drug Court, which has graduated 70 people. He said there is a glimmer of a response, but we need to do hundreds and not just 70 graduates. He said Rep. Trujillo promised to get more funding for them in the next cycle. He said there are programs that work and it was great to see that this afternoon.

Councilor Bushee said we passed two things tonight that go through YouthWorks, but she doesn't know how those work, and how successful they are. She said it would be helpful to track which new programs are working so we can direct the needed resources. She said the Santa Fe Community Foundation has a great place and we could call a gathering – a summit or convocation – of the stakeholders to look at the various ways to tackle this increase in crime.

Mayor Coss said this is the last Council meeting with Councilor Chavez, Councilor Romero and Councilor Ortiz, but there will be an opportunity to speak at the Council meeting on March 12, 2012.

Mayor Coss introduced the following:

1. An Ordinance amending Chapter 14 to bring the City into compliance with the Flood Plain requirements and FEMA. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution declaring that the City of Santa Fe desires to establish a Sister City Friendship with the City of Nevsehir, Republic of Turkey. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."
3. A Resolution Opposing H.R. 7, the American Energy and Infrastructure Jobs Act and urging Congress to pass a transportation bill that supports our community. He said Councilor Bushee is one of the cosponsors. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11"

END OF AFTERNOON SESSION AT 6:15 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

Mayor Coss gave everyone two minutes to petition the Governing Body.

Arthur Furstenberg said we don't yet have smart meters in Santa Fe. He said utilities are putting them in people's homes to keep continuous track of electricity use to make the electric rate more efficient. He said these meters have antenna and emit microwave radiation. He spoke with a woman from California who said she and her mother almost went to the hospital after a smart meter was installed, and thought they were having heart attacks, noting neither has slept in months. He spoke about other instances in Scottsdale of similar nature, including the death of a woman with a pacemaker after a smart meter was installed. He said most of the people are calling on cell phones to talk to him because their doctor referred them to him. He said their lives have been destroyed and they are trying to figure out what to do. He said, "The word holocaust has been used in these chambers to describe what has been happening to people because of microwave radiation and some of you objected. It's not The holocaust, but it's a holocaust. I don't know a better way to describe it."

Fred Flatt, Las Acequias Subdivision, said he is here to say farewell to his good friend Miguel Chavez as a Councilor. He thanked Councilor Ortiz for his service on the Council as being the lead person on the Living Wage Act for Santa Fe, commenting he was the one that got that done. He said he is sorry to see Councilor Chavez leave, and believes he was treated very badly and shabbily by the Council, because "you're an honest and trustworthy guy." He said Karen Heldmeyer was an honest and trustworthy Councilor as well. He said, "Those kind of people have to be driven out of a herd. They can't put up with people like you and all of you know exactly what I'm talking about. You are all responsible for that."

Mr. Flatt said he is sorry to see some of the Councilors leave, commenting that 12 years ago he was here when Councilor Ortiz won and said he would be Governor some today, but "sorry it probably isn't going to happen for you Matt, but I had high hopes for you at one time. Miguel thanks for your service. You always did the right thing. You're not a politician. Karen's not a politician. Politicians do things to make weird things happen. I remember when you were first on the Council and you said Matt came up to me and wanted to trade horses, and I told him I didn't have any horses to trade. Thank you for your honesty."

Stefanie Beninato said she also wants to thank the Councilors who definitely are leaving after this meeting tonight for giving as many hours as they have, even if they didn't always agree. She said she is here to talk about bonds and why she questions voting in favor of the bonds on March 6th. She said we've already heard some "of the gross receipts tax could be used to buy St. Kate's. We've only heard from about three Councilors who were transparent enough to tell us that the Fire Station and Police Station are going to require a large increase in probably property taxes. But now, we also we find out that we are paying, in fact, for the Pecos League. Because in December, the field at Ft. Marcy was cleared so there could be tryouts I believe for two people. And initially, I asked to see what invoices were sent. There were none. Somebody else asked why it had been cleared and was given, what I thought, was a fairly condescending response about oh, it was just a few shovel-fulls and it's routine maintenance and no extraordinary expense. When I asked what was the schedule for the routine maintenance of clearing the fields, there is no routine maintenance of clearing the fields of snow." She said someone who saw this wrote to the City Manager, informing him that 3 employees using a pickup and an ATV Cat had spent at least two hours clearing the field, so "I'm thinking \$200 to \$250." She asked why we believe the bonds will be spent for what they are "being appropriated for." She has serious questions and asked Mayor Coss to look into why the Pecos League wasn't billed for clearing the field "when we're not supposed to be paying anything for their use of the field."

Linda Wilder Flatt said she is here to say thank you to the whole Council for the time you've spent trying to solve the City's problems. She said she would wish well all of those who are leaving the Council, particularly Miguel Chavez. She thanked him for being a City Councilor who really cares, and was always thoughtful in his decision, and often tenacious in trying to do the right thing. She said, "You were progressive and always serving the people. I thank you. You're a good man and you're very honest."

G. APPOINTMENTS

Archaeological Review Committee

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

David C. Eck (Archaeologist) – Reappointment – term ending 06/2013; and
Gary Funkhouser (Archaeologist) – Reappointment – term ending 06/2013.

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, 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 in favor of the motion and none voting against.

Arts Commission

Mayor Coss made the following appointments to the Arts Commission:

Todd Eric Lovato – to fill unexpired term ending 10/2013; and
Sandra K. Deitch – to fill unexpired term ending 10/2013.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, 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 in favor of the motion and none voting against.

Children and Youth Commission

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

Dolores Fidel – Reappointment – term ending 01/2015; and
Ernestine Gallegos de Hagman – to fill unexpired term ending 10-/2013.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Trujillo, 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 in favor of the motion and none voting against.

Transit Advisory Board

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

Aurore Bleck (At-Large) – Reappointment – term ending 03/2014.

MOTION: Councilor Calvert 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 in favor of the motion and none voting against.

Community Development Commission

Mayor Coss made the following appointment to the Community Development Commission:

Silas Peterson – to fill unexpired term ending 03/2014;

Rusty Tambascio – Reappointment – term ending 03/2015; and

Annette Thompson-Martinez – Reappointment – term ending 03/2015.

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, Romero, Trujillo and Wurzbarger voting in favor of the motion and none voting against.

Councilor Chavez departed the meeting

H. PUBLIC HEARINGS

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger to amend the Public Hearings Agenda to hear Item #H(4) after Item H(6) which was moved to first on the agenda, and to move Item H(3) and H(2) down on the agenda, and to approve the agenda as amended.

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

- 6) **PURSUANT TO RESOLUTION NO. 2012-7, A REQUEST FROM THORNBURG INVESTMENT, INC., FOR APPROVAL OF A SPECIAL DISPENSER APPLICATION FOR A RECEPTION TO BE HELD AT THE GEORGIA O'KEEFFE MUSEUM, 217 JOHNSON STREET, ON MARCH 13, 2012, FROM 6:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting this is brought before the Council because it is the fourth request. She noted the Museum is within 300 feet of the First Presbyterian Church, but they received approval from the governing body on July 26, 2006, for a permanent waiver of the 300 foot location restriction.

Public Hearing

Speaking to the request

There was no one speaking to the request.

The Public Hearing was closed

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to approve the request from Thornburg Investment, Inc., for approval of a Special Dispenser Application for a reception to be held at the Georgia O'Keeffe Museum, 217 Johnson Street, on March 13, 2012, from 6:00 p.m. to 7:00 p.m.

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 Wurzburger.

Against: None.

Absent for the vote: Councilor Chavez.

- 4) **CONSIDERATION OF BILL NO. 2012-05; ADOPTION OR ORDINANCE NO. 2012-10 (MAYOR COSS AND COUNCILOR BUSHEE AND COUNCILOR ROMERO, COUNCILOR TRUJILLO, COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR DOMINGUEZ). AN ORDINANCE CREATING A NEW ARTICLE 25-13 SFCC 1987, REGARDING THE SANTA FE RIVER TARGET FLOW FOR A LIVING RIVER INITIATIVE. (BRIAN DRYPOLCHER AND CLAUDIA BORCHERT).**
- a) **CONSIDERATION OF RESOLUTION NO. 2012-28. (MAYOR COSS AND COUNCILOR BUSHEE AND COUNCILOR ROMERO, COUNCILOR TRUJILLO, COUNCILOR WURZBURGER, COUNCILOR CALVERT AND COUNCILOR**

DOMINGUEZ) . A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RIVER TARGET FLOW ORDINANCE, ARTICLE 25-13 SFCC 1987. (BRIAN DRYPOLCHER AND CLAUDIA BORCHERT)

A letter dated February 14, 2012, to the River from "Your Valentine, Melinda Romero Pike," is incorporated herewith to these minutes as Exhibit "12."

A translation in Spanish of the letter dated February 14, 2012, to the River from Un Corazon Melinda Romero Pike, is incorporated herewith to these minutes as Exhibit "13."

Brian Drypolcher noted the information in the Council packet, including his Memorandum of December 20, 2011, to the Public Utilities Committee, and said he would stand for questions.

Public Hearing

Speaking to the request

Mayor Coss gave each person 2 minutes to speak to the issue and asked that there be "no repeating."

Ivy Nevert, 524 Camino Guadalupita, read a poem from a Santa Fe Public Schools 5th grader asking if they ever will see the Santa Fe River flowing again. She works on a program called "My Water, My Watershed," with 4th and 5th grader, through her work as Education Director of the SF Watershed Association, noting it is supported by the City. This program allows these students to see a flowing Santa Fe River above Nichols Reservoir during a day long field trip to the SF Watershed. This is the first exposure to the ecosystem for many of the students, and to experience a flowing Santa Fe River above the Reservoir. She asked the Governing Body to vote yes on this legislation.

Felicity Brennan, Executive Director, SF Watershed Association, read a statement into the record, noting nothing worth achieving cannot be achieved in our lifetime, therefore we must be saved by hope. A truly living river cannot be created without water, and the promise of 1,000 afy of water is built on a chain of hope. She thanked everyone, Melinda Pike and the students, for coming together on this important legislation. She said this is worth doing and it is being accomplished in our lifetime. She urged the Council to vote in favor of the Ordinance and Resolution.

Chris West, said he lives on West Alameda. He hopes this is a historic vote this evening to approve the Ordinance and the Resolution. He said more than 18 years ago a group of people got together to do something about the River, and a few years later, the Council voted unanimously to adopt the River Management Plan. He said the first things have been done, and thanked Mayor Coss and Councilor Bushee for their support. He said tonight is getting to home base, and getting the first ball into play.

Giselle Piburn, Don Gaspar, said she does environmental education with the children in elementary schools. She said there are many reasons it is important to have a flowing river. She said the River is an asset to our community, our town, because there are fewer and fewer things which families can do together, and the River gives us an opportunity to enjoy nature and enjoy each other's company which is rare. She said it is wonderful for the teens to have the River and urged the Council to vote in favor of the bills.

Bobbie Bissold, artist, quoted from a dissertation of a student about the Santa Fe River, called *A Trickle Runs Through It*, as follows, "The Santa Fe River was once the community's lifeblood, providing the means of sustenance and a sense of place. People gave the river animate qualities, shared its water equitably and beneficially. Now, the often ignored dry channel, sits a few feet from the street level. Past traditions of water allocation and governance are starkly different from the present piping infrastructure where river water is stored behind dams and delivery occurs at a price." She said it is part of her mission as an artist and a member of this community, to ensure that the River and the community come back together around the River and the issues of water. She said the generous act of allowing water into the river will have a profound effect on the community as well as the wildlife, the vegetation, and those things would have a chance to live again.

Bill Loeb, a licensed professional engineer in New Mexico, said with the BDD in operation, you have assurance of a supply of water for the City so you can think constructively about things like water in the river. He said in the long run the BDD provides an opportunity in the future to divert water from the wastewater treatment plant to the Buckman, which would give added assurance of water.

John Otter said he lives near the River across from Frenchy's Field Park. He agrees with all the previous positive things said about water in the River. Additionally, he is convinced it will be an economic benefit to the City. He said there has been a redesign of the River near Frenchy's Field to make it a living river with bends and lots of features, low drops. He said in the past two weeks, many willows and other plants are being planted along that stretch of the river which are going to need water. He encouraged the Council to approve water in the river, especially a sufficient amount for it to make it all the way down to Frenchy's Field.

Isabel Kuziel, age 14, said she is an 8th grader at SF Girls School and she supports the Ordinance. She said her school works downstream of the Wastewater Treatment Plant to restore the river ecosystem. They monitor water quality and quantity, test for chemicals such as phosphates and nitrates, and remove non-native species. She said since they lost the beavers, the water level has dropped drastically which has slowed their progress. She said the Ordinance will give them water for restoration, but true river restoration can only be done by doing things such as reintroducing the native plants and animals, such as river otters and cottonwoods and providing protection for beavers. She said she also has a personal reason. Her grandfather's favorite story was of La Llorona a ghost who haunts the river. She said because there was no water in the River, tourists were confused when they heard about drowned children and laughed at the possibility, "so we had to give up this New Mexican classic story." She said

allowing water down the River will attract more tourists which will help our economy and bring back a classic ghost story. She urged the Council to vote in favor and work for complete river restoration.

Will Barnes said Isabel is one of his students. He supports passage of the Ordinance, noting he raised all of his children here, is an ecologist and teaches Science in the Santa Fe Public Schools. He said they have developed an Environmental Science curriculum for 6th, 7th and 8th grade students in collaboration with the BLM, the County, the Watershed Association, United Way, SF Girls School and several non-profits. He said the curriculum is based almost entirely on River restoration, noting they have adopted a small parcel of land away from the wastewater treatment plant, and each week for the past several years, the students have measured the water quality, stream flow and a variety of ecological parameters. They have removed more than 14,000 *Russian olive* trees from their property, and have begun to see the return of rare native species including the northern leopard frog, the marsh fern and the Southwest willow flycatcher. They have been reaching out to both private and public schools to share their work and help other students experience science in the River as they do. He said every school in Santa Fe is within 1,000 yards of the River or an arroyo that leads to the River. If each school in Santa Fe had a river restoration component in its Science curriculum, we believe the Santa Fe River could be restored through the work of its citizens, but the first step is water. They support the creation of a base flow for the River and urged the Council to vote for the Ordinance.

Melinda Romero Pike said for her the River is like a living person and a member of her family. She said on Valentine's Day she was meditating about the River and wrote a letter to the River. Ms. Pike read her moving letter to the River in both Spanish and English for the record. Please see Exhibits "12" and "13," for the text of Ms. Pike's letters to the River.

Toby Herzlich, La Joya Road, said she lives near the Santa Fe River, and she had the honor and privilege of facilitating the community process which resulted in the Ordinance before you this evening, and when we first started talking about a Living River. She said she wants to remind us how much heart, soul, smarts and commitment has gone into the ordinance. She said we have worked on this for years, and this is an historic day and something to celebrate. She said hundreds of people have been involved in this effort for years. She said the Ordinance is scientifically sound, culturally connected and committee, it has backup plans and contingency plans, and believes it wouldn't have been wise to approve it last year during drought conditions. She is thrilled with this year's snowpack, saying this is something that can work for the City, our water supply and the health of our River and Community. She encouraged everyone to come out and walk along the river.

Norma McAllen, said she is a conservationist from the northern group of the Sierra Club, which has several thousand members. She said she lives outside the City in the area to be annexed, and close to the Santa Fe River, noting she often has walked with her dogs along the river path. She said there is something special about running water in the high desert, noting she moved here from New York and took running water for granted. She has learned to appreciate the values of its waterways since coming to New Mexico. She said the River will be a place for children to play, and for its ecosystem to regenerate itself

with water in the River. She said Santa is the first city in New Mexico to have an ordinance protecting its River, a real plus and another reason for people to visit New Mexico. She urged the Council to pass this Ordinance to have a living river year after year after year.

William Shudlic representing the New Mexico Council of Charter Unlimited, thanked the Council to address this issue. He said Charter Unlimited is a national organization which spends money throughout the west working on Rivers. He said they have worked on rivers from the Rio Costilla to the Gila River, and raised a lot of money and volunteers to do that. They would love to work on the Santa Fe River, but you can't work on a river until you have a river. He said this is a great opportunity to work on the river and to reconnect with the ecosystem and the youth of Santa Fe. They look forward to working with this river and community in the future on a real river.

Christina Fisher said she has lived in Santa Fe all of her life and the River has been a good part of that. She remembers playing in the spring runoff. She has a home in Barrio la Canada and walks along the River trail every day and it gives her great joy to see water in the river and children and families playing it and discovering it the way she got to do. One of the reason she lives in Santa Fe is because of the natural beauty and our commitment to protect that. She would be very proud to be the first City in New Mexico to protect its River, and urged the Council to approve the Ordinance.

Robert Tate, 2068 Calle Sombra, asked the Council to please vote for this Ordinance to provide a living river.

Bert Denman said he has lived here for 40 years, and now lives a short walk from the River. He raised his children, has built houses in town and started businesses. He said one of the most fun things he did with his kids in the summer during the monsoon season was to get in the car, go down to St. Francis and watch a massive wall of water in a flash flood roar down the river, and then go down to the next crossing and watch it again, and so forth. He said thinks about the possibility of his grandchildren seeing the River running year-round. He encouraged the Council to vote for this Ordinance.

Cora Cliborn, said she represents the Outdoor Sustainability Club at Desert Academy School. She said for the past few years the students have worked to study and maintain the portion of the River that flows past the school. She said they want the Council to support this Ordinance which would help to restore the River.

Tara Lujan said she is a native Santa Fean and has been fortunate enough to remember when it was a living river, and play in the water, as well as participate in stories of La Llorona and the haunting as they watched the river run and understand its bio-diversity. She said one of her projects in school was to test the water, noting she attended Cristo Rey School. She said later she became a student of Conservation Biology and to understand how important bio-diversity is, especially to us here. She said water is the life source of all of our bio-diversity and without it, none of us would be here. She encouraged the Council to support the Ordinance. She wants her son to be able to enjoy the river as well as future generations.

Linda Bartel Lujan said she is a native, and also attended Cristo Rey, and took her galoshes to school every day, so she could "jump in the river and come home sopping wet, because of the fun we had playing in the river and actually catching fish with our hands." She wants to see this happen again. Ms. Lujan read a poem she wrote and then translated it into English. She said, "Basically, what it says is we hope to see the water run again in the Santa Fe River, running fresh and cold and full of fish and bring life back to the trees and flowers, flora and fauna that are native to this area, but have not been here for many years. Please help with your support tonight so that these waters can once again run in the Santa Fe River. So we can once again hear our children laugh with gusto and happiness when they catch the first fish and play in the Rio Santa Fe."

The Public Hearing was closed

Councilor Romero asked to be added as a sponsor. She said she has facilitated nine watershed plans, 3 regional water plans and work all over the State of New Mexico on water issues. This is a real coup for our City. She said one of the things she's learned in working across New Mexico is that there are three elements: vision, vision, vision. She said it is getting people to understand not what could be, but what will be. She said this has kept the faith, noting she and Melinda Romero Pike share a common name and Los Romeros are "keepers of the faith," and the vision of what will be. She said a lot of people have held the faith that this will be different for future generation, and worked on this for many years. She said, "This is for all of us, and she is honored to be a part of this effort." She said this is her last official act as a Councilor and makes her proud beyond belief to have had the opportunity to work in the community as a Councilor. She reiterated her offer to do more work as a volunteer.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to adopt Ordinance No. 2012-10, with the amendments in the packet.

DISCUSSION: Councilor Bushee said she sees many of the original "River Rats," here this evening, noting this was the name given by a former City Engineer. She said these River Rats are the original champions of the vision of this River – Chris, Paige Grant, Neal, Anita Sanders, Melinda Pike a Charter River Commissioner who served two terms. She said the vision and the fight was to transfer a dry channel into a flowing river with a living ecosystem, noting they had to counter some bad and over-engineered sections of the River, reject money from the Corps of Engineer to "cement the thing and turn it into just a channel of cement." She said we've had to put up with fake rocks, fake cement and made things as good as they could.

Councilor Bushee talked about the history of this effort over the years, and the things they had to overcome to reach their vision this evening. She said John Buckster may be the "guardian angel for the stretch of the River in the downtown area, noting he has held countless numbers of River cleanups and is a River Commissioner as well. She thanked all present and past River Commissioners, and City Councils and members of the public. She thanked Councilor Trujillo for his pursuit of the fishing derby. She said we will have more opportunities, and the Wild Earth Guardians will be having a planting party at the end of the month. She thanked staff, Brian Drypolcher and Claudia Borchert, and previous staff.

Councilor Bushee said this Mayor and Council and previous Mayors and Councilors have played a great role in getting this done, and hopes for unanimous approval this evening.

Councilor Wurzbarger said there is vision, and then there is implementation. She thanked everyone who spoke this evening and every single comment was worthwhile. She thanked those who acknowledge the role played by the BDD, noting some of them spent 10 years making this vision a reality, commenting this was a joint City/County effort. She said, in terms of implementation, she would like to acknowledge the role of the Mayor, because he made it very clear that this was one of his first priorities when he came into office. She wants to honor that and not lose sight of the critical role of the Mayor in making this a reality.

Councilor Dominguez said he would like a definition of "watershed yield," in the administrative guidelines, and asked Mr. Drypolcher if he thinks that needs to be done.

Mr. Drypolcher said that would be a worthwhile definition to provide in the administrative guidelines.

Councilor Dominguez echoed the thanks, and the stories, the vision and implementation, current and past Councils, and Mayors. He extended a special thanks to all those who have taken the time to educate him on what it means to have a living river in the community and the benefits. He said the work is not done, and hopes everyone will continue to stay involved so we can get the river to flow further downstream so everyone can enjoy it. It is a great first step and "leaps and bounds ahead of where we've been in the past."

Mr. Drypolcher said the definition is in the administrative procedures on page 5, packet page 27.

Councilor Dominguez said that's not the same as the historic watershed yield.

Mr. Drypolcher said this is the definition of the anticipated watershed yield which defines how we would determine the watershed yield for the coming year which would inform any necessary scaling of the releases.

Councilor Dominguez asked if both definitions are in the Resolution.

Mr. Drypolcher said it is not included in the Resolution, noting the Resolution has no definitions, although there are a few in the Ordinance.

Councilor Dominguez said he is talking about the Ordinance.

Councilor Dominguez said he wants to make sure, during the process, that there is no confusion in our ability to do that because it isn't clearly defined.

Mr. Drypolcher said, "I do notice there is a definition there. It is sort of a paraphrase in shorthand, and that's a good catch to make it consistent and have the definition in the Ordinance to be the same as the definition provided in the administrative procedures."

Councilor Trujillo thanked everyone for working to restore the River. He said he caught a fish in the River in the 1970's, noting he fished the River with his grandfather. He said the Fishing Derby is special. He is glad Charter Unlimited is involved. He said it is special to see a child catch their first fish. He can't wait to hear his grandchildren say they caught their first fish on the Santa Fe River – this is a dream. He asked to be added as a sponsor. He said, "Councilor Bushee, you did good."

Mayor Coss thanked everyone for their hard work and commitment. He recalls being in a restaurant, Tortilla Flats, with Councilor Bushee, Anita and his daughter who was 7 then, and when they came out of the restaurant they had a plan for the River Master Plan. He said this community has not allowed this plan to be put on the shelf, and thanked everyone for that. He thanked the Council, commenting this wouldn't have been possible without the BDD. He thanked Councilor Wurzbarger and Councilor Calvert who shepherded that \$200 million project through all of the issues to bring that source of supply to Santa Fe. He worked on the BDD to preserve that water. He said he appreciates the work of everyone on the Council and the staff. He thanked Brian Snyder, the members of River Commission, and all members from the City Attorney's office who worked on this. He said most of all, he wants to recognize Claudia Borchert who hasn't spoken this evening. He said as a City Councilor, he asked Ms. Borchert what is a sustainable water supply. She said, "Councilor that's really a hard question. But she took it to heart, and she was really the one I first heard to say, I think we could do 1,000 afy of our long term water supply if we have the Buckman. And that was beyond my wildest dreams, really, but you really brought it through, you and all the hydrologist and engineers and attorneys and all the citizens that just wanted to make this happen. But, Claudia, I know where the idea came from. Thank you."

CLARIFICATION OF THE MOTION: Ms. Vigil clarified that this includes the amendments in the packet and the amendment proposed by Councilor Dominguez.

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.

Absent for the vote: Councilor Chavez.

Explaining her vote: Councilor Wurzbarger said, "Yes, and please add me as a sponsor."

Explaining her vote: Councilor Bushee said, "And we did forget to thank the Santa Fe Watershed who turned up the volume on this and got you all here for this. Thank you. And yes."

Explaining his vote: Councilor Calvert said, "Yes. I wanted to thank everyone in the community, and I want to thank the Mayor for his leadership on this, and please add me as a sponsor. And I vote an enthusiastic yes."

Explaining his vote: Councilor Dominguez said, "Please include me as a sponsor. I vote yes."

Explaining his vote: Councilor Ortiz said, "You know, I had concerns about this Ordinance from the start, and I think that in the long term, we may be pouring our best source of supply down largely for esthetic purposes. Ad you know, the Buckman Direct Diversion has got to consider the impacts of the Laboratory upstream from that place. And by committing this amount of water, we are committing the equivalent of 5,000 households of the Santa Fe River water to just let it flow down. And I will say, if it wasn't for the leadership of the Mayor on this particular item, and in particular the hard work of Claudia, who convinced me to change my opinion on this that I would have voted against this. But if it wasn't that Claudia was always very thorough, very detail-oriented and putting protections in here so that I think we should at lease give this a change, although I remain somewhat skeptical on pouring water down that could be poured down people's throats, and so I vote a reluctant yes."

Explaining her vote: Councilor Romero said, "Before I vote, I'm also going to say that I'm really thrilled that people understand the connection between watershed, arroyos and the not so sexy drainage, but without the inter-connectivity, we wouldn't have a living anything. So, with that, I vote yes."

MOTION: Councilor Bushee moved, seconded by Councilor /Romero to approve Resolution No. 2012-28, with the amendments.

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 Wurzburger.

Against: None.

Absent for the vote: Councilor Chavez.

There was a short break at this time

- 1) **CONSIDERATION OF BILL NO. 2012-4: ADOPTION OF ORDINANCE NO. 2012-12 (MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR ROMERO AND COUNCILOR TRUJILLO). 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. (ROBERT RODARTE)**

Robert Rodarte said he will stand for questions.

Public Hearing

Mayor Coss gave everyone 2 minutes to speak to the request.

Ray Baca, Executive Director, NM Building and Construction Trades Council, said he represents all of the construction labor unions in New Mexico. He reiterated he doesn't live here but represents hundreds of construction workers living in Santa Fe, Albuquerque and the immediate area. He is here to express their strong support for this Ordinance. He said they have a nationally proven track record of being on time, on budget, safe and value laden success for cities and other municipalities that have used them. They allow for long-term apprenticeship and training opportunities. It also provides the chance for a much less transient work force and more of a local work force. He said CWA provides a highly trained workforce on city projects without the risk of work stoppages and strikes, as well as a binding means of resolving workplace disputes, and the monitoring of workers rights issue. The benefits are high work productivity, quality, long lasting value and the absolute highest of safety standards in the industry. They respectfully request approval of this Ordinance.

Jon Hendry, President, New Mexico Federation of Labor, said they haven't always agreed with the City, but he never felt any of the Councilors didn't have the best interest of the City at heart. He said this Ordinance leaves the City better than when the current Councilors came in. This Council has done great things – affordable housing, the living wage, the River and this is just another part of that. He said we should be proud of the work done here and the workers. This gives the City the opportunity to say we appreciate and value our work force. He urged the City to adopt the Ordinance.

Mike Williams, Councilor and former Mayor of Rio Rancho, said he has been in office for 12 years and Rio Rancho has built a lot of buildings, noting Rio Rancho is only 30 years old. He said Rio Rancho used a similar thing, a Project Labor Agreement, to build the Library which is the best built building in Rio Rancho. It is the only one built with something like this in place. He said the City Hall was built in 2007, and by 2008 they were putting the fascia back on building. He asked the Council to seriously consider adopting this Ordinance, and you can't go wrong.

Salvador [inaudible], Laborers International Union of North America, representing members living in Santa Fe. He urged the Council to approve this Ordinance, which will give the City and the community the opportunity to work on projects. Their members living in Santa Fe are taxpayers, and spend their money locally, as well as reduce the unemployment.

S. Fever, Plumbers and Pipefitters Local 412, said they urge the Council to support this agreement which gives local jobs to local people.

Jennifer Garcia urged the Council to approve this Ordinance, noting she is speaking on behalf of the working families of Northern New Mexico, as President of the Central Labor Council. She said the City has created jobs in the past and it is time to approve this for all working families in Santa Fe.

Bruce Weatherby, 329 Rosario Hill, said he is a member and former President of the Central Labor Council, and knows how hard people have worked to get this far. He appreciates the efforts of the Councilors and the people who are speaking up, many of whom are union members who fight for all working people. He said they have been the backbone of support for working families which have been supported by this Council. He said tomorrow, Santa Fe will have the highest living wage in the country. He said Councilor Ortiz fought hard for the living wage, and they appreciate his dedication and support. He hopes this will pass this evening.

Mike Archuleta, La Cienega, said he works in Los Alamos. He urges passage of this amendment because of people who can't work here because they are union, but have lived here all their lives. He thanked Rosemary Romero for her work who did a great job. He said, "You don't have to turn the clock on because I'm always on time and on budget."

Mike Gomez, Marketing Representative, Sheetmetal Workers Local 49. He said Local 49 does heating and air conditioning and comfort systems to keep everyone comfortable in the winter and summer and throughout the year. He asked the Council to adopt the Ordinance for the good of the Santa Fe community and the workers in the area.

Richard Ellenberg, Chair, Democratic Party of Santa Fe County, said the relationship between the community and its labor force are an important part of the fabric of the community. He said the consideration and the ability to work together is what makes Santa Fe a great community in which to live and participate. He thanked the Council for bringing this forward.

Carol Lujan, SF resident, thanked the Mayor and Council for passing the Living River Ordinance, and asked for support for the passage of this Ordinance for the working families of Santa Fe.

Dolly Lujan said Mayor Coss is truly a great person for supporting getting people back to work, Santa Feans back to work. She said this ordinance will help to bring jobs for a lot of our people in Santa Fe that are in desperate need of it, and she stands in support of the Ordinance and asked for adoption.

Jess Santaria urged the Council to support this Ordinance, which is good for working families and the community. He urged passage of the Ordinance. He thanked the Council for adopting the River Ordinance.

Bernie Archuleta said he represents members in Santa Fe through companies such as Sasquatch and some of the service contract units that take care of the buildings. He said this Ordinance would be a big benefit to the community, which helps to keep money in the community. He urged them to adopt the Ordinance.

Jerry Romero, Business Manager, Ironworkers Union for New Mexico, and represents workers in Santa Fe and surrounding area. He joined an apprenticeship program at 20, which changed his life. It gave him the opportunity to learn a trade, to be good at it, to be skilled at it, and to earn a decent wage, and provide health insurance for his family. He looks forward to a pension at retirement very soon. He said this Ordinance will allow people in Santa Fe to join an apprenticeship program, and urged support of the Ordinance.

Joseph Sanchez IBW local 611, Electricians Union, represents almost 3,000 members, and they are in support of the Ordinance, and appreciate the Council's support on this Ordinance. He said they have a lot of members in Santa Fe and Northern New Mexico which would benefit from this.

Pat Vigil, Business Manager, Local 953 Operating Engineers, said he is very much in support of the Ordinance. It means a lot for their families because they can make a good wage and have good benefits. He asked the Council to consider passing this Ordinance.

The Public Hearing was closed

Councilor Wurzbarger said one of the issues with which the Council struggles is keeping our money in Santa Fe. This means local jobs for local people.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to adopt Ordinance No. 2012-11.

DISCUSSION: Councilor Bushee thanked the current City Councilor and former Mayor of Rio Rancho, Mr. Williams for explaining the reason he is here, and that it isn't to get workers in Rio Rancho, commenting that a lot of our City workers live in Rio Rancho. She said a lot of her questions and fears were allayed through conversations with "Ray and some of the gentlemen out there, particularly as to whether this would limit competition for such contracts, and I'm comfortable with that." She said she asked for some language and encouragement on Item 7. She said according to Ray, other municipalities have put in language requiring a certain percentage of the contractors, noting Mr. Zamora provided the proposed language, noting she talked with the Mayor and other sponsors about the proposed language.

FRIENDLY AMENDMENT: Councilor Bushee would like to amend language on page 3 of the Ordinance, by adding a new item (7) on line 14 as follows: (7) Strive to develop a local work force and utilize at least 50% of local workers in public works projects. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

Mayor Coss said this is a good addition to the bill.

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.

Absent for the vote: Councilor Chavez.

- 2) **CONSIDERATION OF BILL NO. 2012-8: ADOPTION OF ORDINANCE NO. 2012-11: AN ORDINANCE APPROVING TECHNICAL CORRECTIONS TO ORDINANCE NO. 2011-37, CHAPTER 14 SFCC 1987 REVISIONS, BY AMENDING SUBSECTIONS 14-3.2(C)(7), 14-2.7(E)(3)(d), 14-2.9(B), 14-3.1(H)(1)(a), 14-3.1(H)(1)(b), 14-3.10(E), 14-3.13(B)(5)(e), 14-4.2(J)(1), 14-4.3(K)(1)(d), 14-5.5(A)(4)(a)(iii), 14-5.5(A)(4)(a)(iv), 14-5.10(A)(3), 14-6.3(C)(4)(c), 14-6.3(D)(1)(i), 14-6.3(D)(2)(a), 14-6.3(D)(2)(c)(iv), 14-6.3(D)(2)(d)(ii), 14-7.1(C)(1), 14-7.3(B)(1)(b)(iii), 14-8.5(A)(1), SECTION 14-8.6 AND SUBSECTIONS 14-9.2(D) and 14-9.2(K)(1); AMENDING TABLES 14-7.2-1 AND 14-9.2-1; REPEALING SUBSECTION 14-8.11(F); AMENDING ARTICLE 14-12 TO AMEND THE DEFINITIONS OF "GROUP HOME" AND "TOWNSCAPE STANDARDS," REENACT THE DEFINITION OF "HOUSING OPPORTUNITY PROGRAM" AND REPEAL THE DEFINITION OF "ONE HUNDRED YEAR FLOOD;" AND AMENDING ORDINANCE 2011-37 TO DELETE ALL REFERENCES TO "HISTORIC DESIGN REVIEW BOARD" AND SUBSTITUTE IN LIEU THEREOF "HISTORIC DISTRICTS REVIEW BOARD;" ALL AMENDMENTS ARE FOR THE SOLE PURPOSE OF PROVIDING TECHNICAL CORRECTIONS. (GREG SMITH)**

A copy of *Proposed Amendment to Bill No. 2012-8*, submitted by staff, is incorporated herewith to these minutes as Exhibit "14."

Greg Smith said he would like to thank, on behalf of the Land Use Department, the departing Councilors for their efforts on behalf of the Chapter 14 project, in particular Councilors Wurzbarger and Romero for their work on the subcommittee that helped staff. He said he will stand for questions.

Councilor Bushee asked the meaning of the language on page 2, line 15 of the Ordinance, "on which the historic districts review board shall make recommendations," and asked what this change does.

Mr. Smith said this section of the Ordinance begins with "The Planning Commission shall review and make recommendations to the Governing Body regarding" Chapter 14, and then sets out the exceptions and which of the Land Use Boards is to make a recommendation to the Governing Body instead of the Planning Commission.

Mr. Smith noted one last technical correction has been submitted on an amendment sheet to the Governing Body [Exhibit "14"].

Councilor Bushee asked, if the Governor approves the Condominium Act, will there need to be changes to Chapter 14, because we keep amending the Ordinances we just passed, and is there anything we need to anticipate.

Mr. Smith said, as discussed with the Governing Body, when they adopted the bulk of this Ordinance in November 2011, staff will be coming back with some "catch-up clean-up amendments" from time to time. He said they will look at that with City Attorney's staff. He said he believes administratively we have the authority to create administrative procedures for a particular kind of certificate, noting there perhaps will be an amendment.

Councilor Bushee said, "Wouldn't that be a lovely problem to have."

Mayor Coss said he just introduced amendments this evening for the Flood Plain to correspond with FEMA.

Councilor Romero said it has been a pleasure to work with Mr. Smith. She said this was a subcommittee which worked extraordinarily well and dealt with several issues, including Chapter 14, neighborhood issues, short term rentals and escarpment. She said it was due to staff's consistency and tenacity that this has come this far. She said there will be more cleanup in the future. She said this was a long time coming and it's been great to see it happen during her time on the Council. She thanked Mr. Smith for his work.

Public Hearing

Speaking to the request

There was no one speaking to the request.

The Public Hearing was closed

MOTION: Councilor Romero moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2012-11, as amended.

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

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

Against: None.

Absent for the vote: Councilor Chavez.

- 3) **CONSIDERATION OF BILL NO. 2012-06; ADOPTION OF ORDINANCE NO. 2012-13 (COUNCILOR CALVERT). 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. (GILLIAN FOLMAR-ALESSIO)**

A copy of *Amended Legislative Summary of Bill No. 2012-6*, with attachments, is incorporated herewith to these minutes as Exhibit "15."

Chief Rael said the amendments to the Ordinance are extremely helpful for two reasons. First, it allows us to carry forward one of the mandates of the Council to make the most efficient use of our manpower, and reduce the number of false alarms to which we are responding, and have the officers available to respond to actual calls for service, and more time to be pro-active in terms of patrol duties with the end result of reducing burglary and general criminal activity. He said the changes seem reasonable and don't seem to be difficult to comply with. Chief Rael reviewed the proposed changes as set out in Exhibit "14." Please see Exhibit "14" for specifics of this presentation.

Public Hearing

Speaking to the request

Mayor Coss gave everyone two minutes to speak to this request.

Joseph Salazar, New Mexico Alarm Association, said he is representing the Association this evening, noting he owns a local alarm company. He said the Association is in support of the changes. He said he sat on a task force with Councilor Calvert to review the initial draft of the ordinance. He said the Ordinance was implemented 2½ years ago, and since then there has been a 20% drop in false alarms. He said it has made their industry more aware of what our clients are doing and how we need to train them.

He said they are not opposed to any of the proposed changes, with the exception of one amendment. He said giving a copy to their clients will mean generating a volume of paper every time they see a client. He said they would like a phrase in the bill that says "and/or" and direct them to a website to look at the Ordinance. He thanked the Police Department which has made an effort to work with local vendors. He said there are outside influences, national accounts, that need to be brought in because it "makes the local people look a little bit rough." He said other vendors will speak tonight. He said the Association thanks the Police Department and records, because we have one of the toughest, cleanest false alarm reduction programs in the State. He said other cities are looking at this as a model – Albuquerque, Las Cruces and Lincoln County. He said we have received national praise on how we put this together.

Jessica Webb, GenTech, a local fire alarm company in Santa Fe. Ms. Webb said she mostly agrees with what Mr. Salazar said. She said they want to stress how all the local dealers really come together in a united way to embrace the Ordinance, suggest reasonable changes and work with the Police Department, with each other, our clients and the Council. She said it is an ongoing effort and they are continuing to move forward and make changes in their business plans and work with the Ordinance. However, there are things they need from the City to make it better, noting the goal is to reduce false alarms and unnecessary dispatches and wasting the Police Department's time.

Ms. Webb said there is a January Memo, with attached statistics for 2009, 2010 and 2011, the number of dispatches and its "check alarm, residential alarm, bank alarm." She said the numbers have decreased consistently, so its working. She said for them to be proactive in reducing the numbers, they need better information from the City. She said she believes the numbers in this report are incorrect because it includes City and County, as well as schools, City, State and County buildings which she believes are exempt from the ordinance. She said it currently includes alarms which were canceled prior to the Police Department responding. She said, "So I think that amendment to the Ordinance alone is going to cut it."

Ms. Webb thanked Councilor Calvert for his hard work and for working with them. She said, "If you guys want to continue to see the numbers drop, we need feedback from the City and we'll continue to do our part."

The Public Hearing was closed

Councilor Calvert thanked everybody who worked on this effort – the local alarm industry the State Association, the Police Force, and the administrative people in the Records Division, City staff and Melissa Byers for "putting up with me and constant changes. He thanked Robert Rodarte for working with them as well. He said we want to reduce the false alarms, and in the process we want to be able to help local industry. He said some of the requirements aren't things they aren't already doing, but the reason we want them in the Ordinance is that it prevents the "fly-by-night" companies coming in and taking advantage of people because they don't follow these practices, and are in and out, and those companies cause a lot of problems.

Councilor Calvert said there has been a lot of discussion on whether to continue to contract this function or bring it in-house. He would welcome that discussion, and believes the appropriate time would be during the budgeting process, because it will be a matter of resources, what we have to work with and how we can accomplish that, noting there is 8 months left on the contract. He said the focus here is to refine the Ordinance, make it more workable, regardless of who is administering it, and make it work better for everyone. He said he spoke with Chief Rael about some of the things the City can do. Councilor Calvert said he believes we need to use some of the money for educational materials for the public, as well as to inform the public about some of the protections under the Ordinance, as well as things to watch for in terms of alarm companies.

Mayor Coss thanked Councilor Calvert for his hard work on the Ordinance, commenting that it was a daunting task. He is glad to hear that this is a model ordinance, and that the false alarms are decreasing. He thanked everyone from the industry and the Police Department that worked on this as well.

Mayor Coss introduced the new Deputy Chief.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2012- 13, with an amendment to amend the Ordinance to provide that the alarm companies can reference a website where people can find the City Ordinance, noting Melissa Byers can insert the language in the appropriate place in the Ordinance.

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.

Absent for the vote: Councilor Chavez.

- 5) **CASE #2012-017. APPEAL. NEW MEXICO CONSOLIDATED CONSTRUCTION SERVICES, LLC (APPELLANT) APPEALS THE JANUARY 10, 2012, DECISION OF THE HISTORIC DESIGN REVIEW BOARD IN CASE #H-10-033, DENYING APPELLANT'S APPLICATION TO REMOVE AND RELOCATE THREE LANDMARK STRUCTURES KNOWN AS THE JOE MONTOYA HOUSE, THE NAT A. CHAVEZ HOUSE AND THE JOE F. ABEYTA HOUSE AT 801 GRIFFIN STREET, KNOWN AS ST. CATHERINE'S INDUSTRIAL INDIAN SCHOOL. (DAVID RASCH AND MARCOS MARTINEZ)**

This item is postponed to the Council Meeting of March 14, 2012.

- 7) **CONSIDERATION OF BILL NO. 2012-7: ADOPTION OF ORDINANCE NO. 2012-____ (COUNCILOR ROMERO). 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 AND LANDSCAPING PURPOSES. (ED VIGIL) (Postponed to March 14, 2012)**

This item is postponed to the Council meeting of March 14, 2012.

I. ADJOURN

Mayor Coss said, "I want to bid farewell, and say it has been an honor to work with both Councilor Romero and Councilor Ortiz, and thank you for your service to this community."

Councilor Bushee said she is sorry Councilor Chavez is not here. She said we all have our accomplishments and she welcomes the continued input of Councilors Chavez, Romero and Ortiz, and hopes everyone stays involved. She appreciates their efforts.

Councilor Trujillo thanked Councilor Romero, saying he has enjoyed working with her and wishes her the best in the future.

Councilor Trujillo said, "One thing I can say about Councilor Ortiz, when I came on the Council, he explained what was going on in District 4, what the issues were. Matt and I have always been able to talk to each other either by phone or email, and let each other know what is going on in the District. And I want to thank you for that Councilor Ortiz. Serving with you has been an honor and District 4 is losing a good Councilor."

Councilor Dominguez thanked Councilor Romero and Ortiz. He said he has the picture of Councilor Romero's daughter in his office, and remembers telling her the decisions we make on the Council are important, but minor to some of the decisions we have to make in our private lives. He said, "To Councilor Ortiz, you are very articulate in your criticisms, but you are also very articulate in your compassion as well. And so, on a personal note, I remember when my mother got sick, you were the first one I called, because I knew through your ability to articulate you would be able to help me through some of that. So, thank you very much. I appreciate all the work you have done. This community is in a better place because of the work that both of you have done, and I look forward to enjoying you in the after life."

Councilor Calvert thanked Councilor Romero, Councilor Ortiz and Councilor Chavez for their service to the community, and the sacrifices you have made, and wish them well in future endeavors.

Councilor Wurzbarger said she is saving her major speech for next week, but she will say thank you to Councilor Romero, Councilor Ortiz and Councilor Chavez. She said this is a tremendous job which we all know. She said, "To Rosemary, I want to say how my life changed when you came on this Council, and you have been such a fabulous partner. And to be able to collaboratively represent District 2, and I always knew when I couldn't be there, you were there. And when you couldn't be there, I was there, and I think we better served our district."

Councilor Wurzbarger said, "And I'm going to say about Matthew tonight, I was thinking earlier about my kids when they were first in nursery school and they walked in and saw all the parents, they said, bye Mom. And I looked around and all the other kids were holding on the leg of the person, the mom or the dad, and saying, don't leave me, don't leave me. That's what I want to say Matt. You've been there for me, kept me out of trouble. He helps me with my papers. You were able to hone in on an issue and help us understand the proper legal, and coming from a perspective of ethics, and let me say your compassion for the community is unparalleled, and I don't know what I'm going to do, but I will truly miss you."

Councilor Ortiz said he is saving his big speech for March 12th.

Councilor Romero said she will save her speech as well for March 12th.

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:30 p.m.

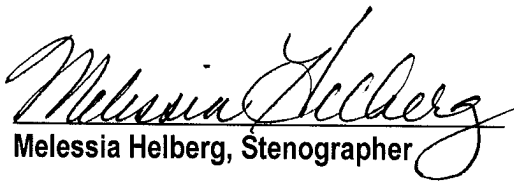
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer