



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 24, 2010
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2/19/10 TIME 3:40

SERVED BY _____

RECEIVED BY Indomiguerra

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 10, 2010
9. PRESENTATIONS
 - a) Muchas Gracias – Vicki Pozzebon. (5 minutes)
 - b) Santa Fe Eagle Scout Recognition. (Manny Ortiz) (5 minutes)
 - c) Copenhagen Climate Change Conference. (Ken Huges) (5 minutes)
 - d) Tree City USA Status for 2010. (Arthur "Butch" Blazer, New Mexico State Forester) (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 10/09/B – Frenchy's and Larragoite Parks Renovation Phase 2; Heads Up Landscape Contractors. (Ben Gurule)
 - b) Request for Approval of Amendment No. 2 to Professional Services Agreement – Santa Fe Canyon Hydropower Project; AECOM Technical Services, Inc. (Dale Lyons)
 - c) Request for Approval of Change Orders No.'s 1 and 2 – Construction and Engineering Services Associated with Canyon Road Water Treatment Plant Improvements; Weaver General Construction Company and Environmental Engineering & Technology, Inc. (Stephanie Reynolds)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 24, 2010
CITY COUNCIL CHAMBERS

d) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Calvert)

A Resolution Authorizing the Execution and Delivery of a Loan Agreement ("Loan Agreement") by and Between the City of Santa Fe, New Mexico (the "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation of the Governmental Unit to Pay a **Principal Amount of No More Than One Hundred Sixty-One Thousand Eight Hundred Seven Dollars (\$161,807)**, Together With Interest, Costs of Issuance and Administrative Fees Thereon, and to Accept a Loan **for the Purpose of Financing the Costs of Upgrades to the Governmental Unit's Water Utility System, Including Specifically a Micro-Hydroelectric Power Generation Project**; Providing for the Payment of the Principal of, Administrative Fees and Interest Due Under the Loan Agreement Solely from the Pledged Revenues; Setting a Maximum Interest Rate for the Loan; Approving the Form of and Other Details Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Resolution; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan Agreement. (Dale Lyons)

1) Request for Approval of Drinking Water State Revolving Fund Loan Agreement (No. 2431-DW); New Mexico Finance Authority.

a) Request for Approval of Budget Increase – Grant Fund.

e) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Bushee)

A Resolution in Support of a Cooperative Agreement Between the New Mexico Department of Transportation (NMDOT) and the City of Santa Fe (City) for the Design, Construction and Maintenance of Various Pedestrian and Bicycle Trails Within NMDOT Right-of-Way on St. Francis Drive in the City of Santa Fe. (Leroy Pacheco)

1) Request for Approval of a Cooperative Agreement – Various Pedestrian and Bicycle Trails Within Right-of-Way on St. Francis Drive; New Mexico Department of Transportation.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 24, 2010
CITY COUNCIL CHAMBERS

- f) CONSIDERATION OF RESOLUTION NO. 2010-_____.
A Resolution Relating to a Request for Approval of First Quarter Budget Adjustments for Fiscal Year 2009/2010. (Cal Probasco)
- g) CONSIDERATION OF RESOLUTION NO. 2010-_____. (Councilor Wurzburger, Mayor Coss and Councilor Romero)
A Resolution Supporting the Railyard Stewards Efforts at The Railyard Park and Directing the City Manager to Enter Into a Contract with the Railyard Stewards to Provide Services for The Railyard Park. (Bob Siqueros)
- h) Request for Approval to Publish Notice of Public Hearing on March 31, 2010:
 - 1) Bill No. 2010-5 – An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement by and Between the New Mexico Water Trust Board and the New Mexico Finance Authority (the “Lenders/Grantors”) and the City of Santa Fe (the “Borrower/Grantee”), **in the Amount of One Million Three Hundred Twenty-Four Thousand Four Hundred Sixty Dollars (\$1,324,460)**, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely **for the Purpose of Financing the Costs of the Borrower/Grantee’s Watershed Management Project**, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely From Pledged Revenues; Certifying that the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement. (Councilor Wurzburger) (Dale Lyons)
 - a) Request for Approval of Water Project Fund Loan/Grant Agreement (No. 171- WTB); New Mexico Finance Authority
 - 1) Request for Approval of Budget Increase – Grant Fund.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 24, 2010
CITY COUNCIL CHAMBERS

- 2) Bill No. 2010-6 – An Ordinance Authorizing the Execution and Delivery of a Water Project Fund Loan/Grant Agreement by and Between the New Mexico Water Trust Board and the New Mexico Finance Authority (the “Lenders/Grantors”) and the City of Santa Fe (the “Borrower/Grantee”), **in the Amount of Four Million Dollars (\$4,000,000)**, Evidencing an Obligation of the Borrower/Grantee to Utilize the Loan/Grant Amount Solely **for the Purpose of Financing the Costs of Construction of the Buckman Surface Water Direct Diversion Project**, and Solely in the Manner Described in the Loan/Grant Agreement; Providing for Payment of the Loan Amount Solely from Pledged Revenues; Certifying that the Loan/Grant Amount, Together with Other Funds Available to the Borrower/Grantee, is Sufficient to Complete the Project; Approving the Form of and Other Details Concerning the Loan/Grant Agreement; Ratifying Actions Heretofore Taken; Repealing all Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Loan/Grant Agreement. (Councilor Wurzburger) (Alan Hook)
 - a) Request for Approval of Water Project Fund Loan/Grant Agreement (No. 170- WTB); New Mexico Finance Authority
 - 1) Request for Approval of Budget Increase – Grant Fund.
 - i) Request for Approval of Consideration to Re-Establish Positions in FY 2009/2010 Budget. (Vicki Gage) (Postponed at February 10, 2010 City Council Meeting) **(Removed by Staff.)**
11. CONSIDERATION OF RESOLUTION NO. 2010-_____.
A Resolution Directing Staff to Review the Existing Rates for Use of the Santa Fe Community Convention Center in Order to Encourage Local Events. (Councilor Chavez) (Keith Toler)
12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY
14. MATTERS FROM THE CITY CLERK
15. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 24, 2010
CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
- H. PUBLIC HEARINGS:
 - 1) Request from Admiral Beverage Corporation for a Wholesaler Liquor License (Beer Only) to be Located at Admiral Beverage Corporation, 7 Paseo de River. (Yolanda Y. Vigil)
 - 2) Request from Jambo Cafe, LLC, for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Jambo Café, LLC, 2010 Cerrillos Road, Suite #13. (Yolanda Y. Vigil)
 - 3) CONSIDERATION OF BILL NO. 2009-44: ADOPTION OF ORDINANCE NO. 2009-_____. (Councilor Chavez)
An Ordinance Amending Section 14-6.3 (C)(1) SFCC 1987 Clarifying the Ownership of Accessory Dwelling Units and Requiring the Recording of Restrictive Covenants for Accessory Dwelling Units. (Jeanne Price)
(Postponed at December 9, 2009 City Council Meeting)
 - 4) Request for Approval of Amendment No. 2 to Professional Services Agreement – Santa Fe Complex. (Kathy McCormick)
 - 5) Request from The National Dance Institute of New Mexico (NDI-NM) for a Permanent Waiver of the 300 Foot Location Restriction to Allow the Dispensing/Sale of Alcoholic Beverages at NDI-NM, 1140 Alto Street which is within 300 feet of Desert Academy and the Former Alameda Middle School. (Yolanda Y. Vigil) (Postponed at February 10, 2010 City Council Meeting) **(Postponed to March 10, 2010 City Council Meeting)**



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 24, 2010
CITY COUNCIL CHAMBERS

- 6) CONSIDERATION OF BILL NO. 2010-2: ADOPTION OF ORDINANCE NO. 2010-_____.
An Ordinance Repealing Chapter 27 SFCC 1987 and Creating a New Chapter 27 SFCC 1987 Regarding Telecommunication and Cable Services. (Maureen Reed) (Postponed at February 10, 2010 City Council Meeting) **(PUBLIC HEARING IS CLOSED) (Postponed to March 10, 2010 City Council Meeting)**
- a) CONSIDERATION OF BILL NO. 2010-3: ADOPTION OF ORDINANCE NO. 2010-_____.
An Ordinance Granting a Non Exclusive Franchise to Newpath Networks, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, and Fixing the Terms and Conditions Thereof. (Maureen Reed) **(PUBLIC HEARING IS CLOSED) (Postponed to March 10, 2010 City Council Meeting)**
- b) CONSIDERATION OF BILL NO. 2010-4: ADOPTION OF ORDINANCE NO. 2010-_____.
An Ordinance Granting a Non-Exclusive Franchise to Citylink Fiber Holdings of Santa Fe, New Mexico, LLC to Rent, Use and Occupy the City's Public Rights-of-Way in the City of Santa Fe, New Mexico, Fixing the Terms and Conditions Thereof. (Maureen Reed) **(PUBLIC HEARING IS CLOSED) (Postponed to March 10, 2010 City Council Meeting)**

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 24, 2010

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 10, 2010	Approved	5
<u>PRESENTATIONS</u>		
MUCHAS GRACIAS – VICKI POZZEBON		5-6
SANTA FE EAGLE SCOUT RECOGNITION		6
COPENHAGEN CLIMATE CHANGE CONFERENCE		6-7
TREE CITY USA STATUS FOR 2010		7-8
<u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2010-12. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2009/2010	Approved	8-9

END OF CONSENT CALENDAR DISCUSSION		

CONSIDERATION OF RESOLUTION NO. 2010- ____. A RESOLUTION DIRECTING STAFF TO REVIEW THE EXISTING RATES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER IN ORDER TO ENCOURAGE LOCAL EVENTS	Withdrawn by sponsor	9-10
MATTERS FROM THE CITY MANAGER.	None	10
MATTERS FROM THE CITY ATTORNEY	Information/discussion	10

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY CLERK	Information/discussion	10
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	10-13
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	14
PETITIONS FROM THE FLOOR		14
<u>APPOINTMENTS</u>		
Complete Count Commission	Approved	15
Airport Advisory Board	Approved	15
Children & Youth Commission	Approved	15
<u>PUBLIC HEARINGS</u>		
REQUEST FROM ADMIRAL BEVERAGE CORPORATION FOR A WHOLESALE LIQUOR LICENSE (BEER ONLY) TO BE LOCATED AT ADMIRAL BEVERAGE CORPORATION, 7 PASEO DE RIVER	Approved	16
REQUEST FROM JAMBO CAFÉ, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT JAMBO CAFÉ, LLC, 2010 CERRILLOS ROAD, SUITE #13	Approved	16-17
CONSIDERATION OF BILL NO. 2009-44: ADOPTION OF ORDINANCE NO. 2010-3. AN ORDINANCE AMENDING SECTION 14-6.3(C)(1) SFCC 1987, CLARIFYING THE OWNERSHIP OF ACCESSORY DWELLING UNITS AND REQUIRING THE RECORDING OF RESTRICTIVE COVENANTS FOR ACCESSORY DWELLING UNITS	No action	17
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE COMPLEX	Approved	17-22

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A PERMANENT WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT NDI-NM, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF DESERT ACADEMY AND THE FORMER ALAMEDA MIDDLE SCHOOL	Postponed to 03/10/2010	22
CONSIDERATION OF BILL NO. 2010-2: ADOPTION OF ORDINANCE NO. 2010- _____. AN ORDINANCE REPEALING CHAPTER 27 SFCC 1987, AND CREATING A NEW CHAPTER 27 SFCC 1987, REGARDING TELECOMMUNICATIONS AND CABLE SERVICES	Postponed to 03/10/2010	22-23
CONSIDERATION OF BILL NO. 2010-4: ADOPTION OF ORDINANCE NO. 2010- _____. AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF	Postponed to 03/10/2010	22-23
CONSIDERATION OF BILL NO. 2010- _____. ADOPTION OF ORDINANCE NO. 2010- 4. AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO CITYLINK FIBER HOLDINGS OF SANTA FE, NEW MEXICO, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF	Postponed to 02/10/2010	22-23
ADJOURN		23

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 24, 2010**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on February 24, 2010, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Others Attending

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

6. APPROVAL OF AGENDA

A copy of a proposed amendment to Bill No. 2010-5, Agenda Item 10(h)(1), is incorporated herewith to these minutes as Exhibit "1."

A copy of a proposed amendment to Bill No. 2010-6 Agenda Item 10(h)(2) is incorporated herewith to these minutes as Exhibit "2."

Mr. Romero said there are amendment sheets on the desk to Items 10(h)(1) and (2) which are to the title only, and if this item is approved on consent, staff would ask that the amendment to the bill titles be included as part of the approval.

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

DISCUSSION: Councilor Chavez said Item H(3) on the evening agenda also needs to be postponed.

Councilor Bushee asked if can be withdrawn if it needs more work and then resubmit a bill, commenting it has been postponed 3 times to date.

Councilor Chavez understands, and said it was postponed after going to the Planning Commission, and he would leave it to staff to determine if the bill has changed substantially and a new bill needs to be introduced. He asked Ms. Price to address this issue, noting that staff and the Realtors Association have requested a postponement.

Ms. Price said if we do not postpone to a date certain, staff would start over with the request to publish, so that might be the appropriate thing to do.

Mayor Coss said then it won't show up on the next agenda because it isn't being postponed to a date certain.

Councilor Chavez said this is correct, and noted for the record that there was some interest in discussing this during the Legislature, and he doesn't know the outcome, so we need to look at that as well.

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

- a) **BID NO. 10/09/B – FRENCHY’S AND LARRAGOITE PARKS RENOVATION PHASE 2; HEADS UP LANDSCAPE CONTRACTORS. (BEN GURULE)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE CANYON HYDROPOWER PROJECT; AECOM TECHNICAL SERVICES, INC. (DALE LYONS)**

- c) REQUEST FOR APPROVAL OF CHANGE ORDERS NUMBERS 1 AND 2 – CONSTRUCTION AND ENGINEERING SERVICES ASSOCIATED WITH CANYON ROAD WATER TREATMENT PLAN IMPROVEMENTS; WEAVER GENERAL CONSTRUCTION COMPANY AND ENVIRONMENTAL ENGINEERING & TECHNOLOGY, INC. (STEPHANIE REYNOLDS)

- d) CONSIDERATION OF RESOLUTION NO. 2010- 9 (COUNCILOR CALVERT). A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT (“LOAN AGREEMENT”), BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A *PRINCIPAL AMOUNT OF NO MORE THAN ONE HUNDRED SIXTY-ONE THOUSAND EIGHT HUNDRED SEVEN DOLLARS (\$161.807)*, TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, AND TO ACCEPT A LOAN *FOR THE PURPOSE OF FINANCING THE COSTS OF UPGRADES TO THE GOVERNMENTAL UNIT’S WATER UTILITY SYSTEM, INCLUDING SPECIFICALLY A MICRO-HYDROELECTRIC POWER GENERATING PROJECT*; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (DALE LYONS)
 - 1) REQUEST FOR APPROVAL OF DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT (NO. 2431-DW); NEW MEXICO FINANCE AUTHORITY.
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- e) CONSIDERATION OF RESOLUTION NO. 2010- 10 (COUNCILOR BUSHEE). A RESOLUTION IN SUPPORT OF A COOPERATIVE AGREEMENT BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) AND THE CITY OF SANTA FE (CITY), FOR THE DESIGN, CONSTRUCTION AND MAINTENANCE OF VARIOUS PEDESTRIAN AND BICYCLE TRAILS WITHIN NMDOT RIGHT-OF-WAY ON ST. FRANCIS DRIVE IN THE CITY OF SANTA FE. (LEROY PACHECO)
 - 1) REQUEST FOR APPROVAL OF A COOPERATIVE AGREEMENT – VARIOUS PEDESTRIAN AND BICYCLE TRAILS WITHIN RIGHT-OF-WAY ON ST. FRANCIS DRIVE; NEW MEXICO DEPARTMENT OF TRANSPORTATION.

- f) *[Removed for discussion by Councilor Bushee]*

- g) **CONSIDERATION OF RESOLUTION NO. 2010-11 (COUNCILOR WURZBURGER, MAYOR COSS AND COUNCILOR ROMERO). A RESOLUTION SUPPORTING THE RAILYARD STEWARDS EFFORTS AT THE RAILYARD PARK AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE RAILYARD STEWARDS TO PROVIDE SERVICES FOR THE RAILYARD PARK. (BOB SIQUEIROS)**
- h) **REQUEST FOR APPROVAL TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 31, 2010:**
 - 1) **BILL NO. 2010-5 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE “LENDERS/GRANTORS”), AND THE CITY OF SANTA FE (THE “BORROWER/ GRANTEE”) *IN THE AMOUNT OF ONE MILLION THREE HUNDRED TWENTY-FOUR THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$1,324,460)*, EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT *SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF THE BORROWER/GRANTEE’S WATERSHED MANAGEMENT PROJECT*, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT (COUNCILOR WURZBURGER). (DALE LYONS)**
 - 1) **REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT NO. 171-WTB); NEW MEXICO FINANCE AUTHORITY).**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
 - 2) **BILL NO. 2010-6 – AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A WATER PROJECT FUND LOAN/GRANT AGREEMENT, BY AND BETWEEN THE NEW MEXICO WATER TRUST BOARD AND THE NEW MEXICO FINANCE AUTHORITY (THE “LENDERS/GRANTORS”), AND THE CITY OF SANTA FE (THE “BORROWER/ GRANTEE”) *IN THE AMOUNT OF FOUR MILLION DOLLARS (\$4,000,000)*, EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT *SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF***

CONSTRUCTION OF THE BUCKMAN SURFACE WATER DIRECT DIVERSION PROJECT, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR PAYMENT OF THE LOAN AMOUNT SOLELY FROM PLEDGED REVENUES; CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT (COUNCILOR WURZBURGER). (ALAN HOOK)

- 1) REQUEST FOR APPROVAL OF WATER PROJECT FUND LOAN/GRANT AGREEMENT NO. 170-WTB); NEW MEXICO FINANCE AUTHORITY).**
 - a) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**

- I) REQUEST FOR APPROVAL OF CONSIDERATION TO RE-ESTABLISH POSITIONS IN FY 2009/2010 BUDGET. (VICKI GAGE) (POSTPONED AT FEBRUARY 10, 2010 CITY COUNCIL MEETING). (REMOVED BY STAFF)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 10, 2010

MOTION: Councilor Romero moved, seconded by Councilor Chavez, to approve the minutes of the Regular City Council meeting of February 10, 2010, as presented.

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

9. PRESENTATIONS

- a) MUCHAS GRACIAS – VICKI POZZEBON.**

Mayor Coss presented Ms. Pozzebon with a Muchas Gracias for her outstanding and dedicated service during her years as a member of the Business & Quality of Life Committee.

Councilor Wurzbarger said she has really enjoyed working with Mr. Pozzebon, saying she has been an excellent Committee members, commenting that she doesn't forget how things will impact even the smallest business. She said Ms. Pozzebon was instrumental in developing and making the Locals Programs so effective. She thanked her for her years of service.

Ms. Pozzebon said it is an honor to be here at the same time as the Eagle Scouts. She is glad the City has committees such as this one. She thanked the Mayor and Council for this honor, and urged everyone to buy local.

b) SANTA FE EAGLE SCOUT RECOGNITION. (MANNY ORTIZ)

Manny Ortiz said there are 7 Eagle Scouts to be recognized , and 6 of them are away in College, and introduced Ian Duran who is attendance, noting he is in high school.

Mayor Coss read the proclamation into the record, declaring February as Eagle Scout Month. He commented that we are celebrating 100 years of Eagle Scouts.

Councilor Bushee commended Mr. Duran and the other Eagle Scouts for this achievement.

Councilor Ortiz complimented the Eagle Scouts, saying this is a prestigious accomplishment which will look good on their resumes well into the future. He told Ian Duran this recognition will make everyone very proud of him.

c) COPENHAGEN CLIMATE CHANGE CONFERENCE. (KEN HUGHES)

A copy of "The Lessons of Copenhagen," by Timothy E. Wirth, submitted for the record by Ken Hughes, is incorporated herewith to these minutes as Exhibit "3."

A copy of "Low Carbon Cities: Malmö Sweden," submitted for the record by Ken Hughes, is incorporated herewith to these minutes as Exhibit "4."

Ken Hughes reported on his attendance at the Climate Change in Copenhagen recently. He said he was sent as an observer by the Sierra Club.

Mr. Hughes said there were 4 conference goals leading up to the next 4 conferences:

- 1) how much industrialized countries are willing to reduce their greenhouse gas emissions;
- 2) how much are the major developing countries, such as China and India, willing to limit the growth of their emissions;
- 3) how much help developing countries can expect to help cope with climate change; and
- 4) what would be the financing mechanism to help pay for those adaptations needed by developing countries.

Mr. Hughes said those countries responsible for 80% of the emissions, did agree to goals for

cutting emissions, for inspections and verifications. There was a broad acceptance that there is a science-based decision making process for addressing climate change, "in about every country but ours." There was a direct involvement of 106 heads of states, and there were honest direct talks in workshops as well as on one-to-one. He said \$30 billion was pledged in the next 3 years for adaption purposes for developing countries, leading to \$100 billion by 2020. He said it was disappointing as a two-year process, but there was success in driving significant development in domestic climate change politics in many countries by major emitters, and a growing support for a low carbon future. He said the steps in policy go up and come down as well from the Copenhagen conference.

Mr. Hughes said President Obama tried to get India and China to make a grand bargain which did result in no pressure of those resisting change, such as Canada and Russia, noting they did make some broad agreements in moving forward. He said there were pledges for reductions of greenhouse gases which ranged from the U.S. at 17% all the way to the pledge by the Maldive Islands to 100% by 2020, noting other countries are working in this direction as well. He said Senator Bingaman has a bill separate from the Cap & Trade bill. There are lots of efforts to drive forward a renewable energies framework.

Mr. Hughes said there were significant changes, but he is unsure it will be enough. He said the key is to sustain the momentum, strengthen the global climate regime wherever possible, and build trust and change the politics. He said it was a great experience. He spoke about the two handouts which he gave to the Council.

Councilor Wurzbarger would like to have a more in-depth discussion of Mr. Hughes' report at the Public Utilities or Water Conservation Committees, and Mr. Hughes said he would be glad to attend.

Councilor Romero suggested that the Food Policy Commission and the Sustainable Commission would be two groups to whom to present, and believes they would benefit from a presentation and discussion.

d) TREE CITY USA STATUS FOR 2010. (ARTHUR "BUTCH" BLAZER, NEW MEXICO STATE FORESTER)

Mr. Chavez said staff began working on this at the direction of this Council. He introduced Bob Wood, the IPM Program Manager, Parks Division. Mr. Wood spoke about this program and introduced State Forester, Arthur "Butch" Blazer.

Mr. Blazer thanked the Mayor for the invitation to speak to this body. He congratulated Santa Fe on its accomplishments as a Tree City USA. He said everything is in place which demonstrates the City's commitment to its trees. He said there truly is strength in these great trees, noting many trees have been here 400 years and are celebrating the anniversary party. He thanked Mr. Wood for his work on this program, and the Governing Body for its support of the program.

Mr. Blazer presented a plaque and a banner to the City, and congratulated Santa Fe for becoming the 11th City to become a Tree City USA in New Mexico.

Mayor Coss thanked Mr. Blazer, Mr. Wood and Mr. Chavez for their work.

Councilor Calvert thanked the other Councilors and the staff who worked hard to make this happen. He noted the City must requalify each year, and this is not a one-time thing.

Councilor Trujillo thanked Mr. Chavez and staff for their work to make this happen.

Fabian Chavez said the banner can be hung at City Hall where they think it is most appropriate, and introduced the members of the Parks Advisory in attendance.

Councilor Bushee thanked former Councilor Heldmeyer for her work on some of these things, but said this has happened under Mr. Chavez's guidance and dedication.

CONSENT CALENDAR DISCUSSION

10(f) CONSIDERATION OF RESOLUTION NO. 2010-12. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2009/2010. (CAL PROBASCO)

Councilor Bushee said on page 2 of 3, an Arts position is listed, and on page 3 of 3 it says, "Art for CIP projects \$36,448. Redistribution of Arts position salary to cover commitments." She asked if we are not funding a position, and what are the commitments.

Mr. Millican said one of the Arts Commission positions was moved from full to part time funding, therefore additional funds remained in their budget which they needed to use for other expenses that were being incurred, which also included some part-time consultants. They were replacing the position with part-time consulting at about the same cost, noting they didn't believe it needed to be funded full-time.

Councilor Bushee asked what is the consulting.

Mr. Millican said he will have to get back with her on this.

Responding to Councilor Bushee, Mr. Millican said the SWMA items are paid by the SWMA Board, but we have to show these adjustments when reporting to DFA, and nothing is coming from City Funds.

Councilor Bushee would like a break-out of the expenditures for the Energy grants.

Mr. Millican said he will get back to the Council with this information.

Councilor Bushee asked about the Special Use Lodger's Tax, \$122,000 for the 400th Anniversary.

Mr. Millican said this is a State pass-through grant.

Councilor Bushee said there is \$110,000 for active and pending litigation in the Railyard development, and asked Mr. Zamora to add this to the items for which he is going to provide details to her.

Councilor Bushee asked if the Forfeiture program has "paid for itself."

Mr. Millican said the amount shown are set-up costs to prepare the lot, and will be recovered through the forfeiture program. He said he doesn't know the specifics of the revenue/expenditures, but he understands the program is generating a fair amount of revenue.

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

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2010- _____. A RESOLUTION DIRECTING STAFF TO REVIEW THE EXISTING RATES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER IN ORDER TO ENCOURAGE LOCAL EVENTS (COUNCILOR CHAVEZ). (KEITH TOLER)

Councilor Chavez said the Finance and Public Works Committees felt the Resolution wasn't needed, but still directed staff to do the work suggested by the Resolution, and believes that timeline is within the 60 days.

Keith Toler said the work is in process right now, staff is working on:

- policies and procedures;
- arranging a meeting with Risk Management Finance to discuss other issues which have been problematic with customers using the Convention Center;
- looking at the overall rate structure and comparing it to other centers throughout the southwest;
- going back to the original report from the consultant which was used to determine current pricing.

Mr. Toler said that report will be ready to go through the Committee process at the end of April 2010, and then to Council.

Councilor Bushee asked the reason this Resolution isn't on Consent.

Mayor Coss said both Committees voted against the Resolution, and the sponsor's choice now is to withdraw the Resolution or move for approval.

Councilor Chavez said he would like to withdraw the Resolution.

12. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

Mr. Zamora said he has been working with Councilor Bushee to determine some of the City Attorney's obligations in reporting, litigation, legal costs, etc., with the Council, noting she will be presenting a Resolution in this regard.

14. MATTERS FROM THE CITY CLERK

Yolanda Vigil noted early voting will continue through Friday at 5:00 p.m. The election is Tuesday, March 2, and the polls are open 7:00 a.m. to 7:00 p.m.

Councilor Romero said she voted in person on Monday, which took only 3 minutes, she and encourages the public to use this great service.

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 24, 2010, is incorporated herewith to these minutes as Exhibit "5."

Councilor Calvert

Councilor Calvert said he would like to know the status of the Resolution requesting the Affordable Housing staff to prepare a public education process.

Councilor Calvert introduced the following:

- a. A Resolution consenting to the inclusion of the municipality of the City of Santa Fe within the Santa Fe County Renewable Energy Financing District. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

- b. A Resolution amending Resolution No. 2009-84 Exhibit A, the Guidelines for the City's Rebates. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Trujillo

Councilor Trujillo had no communications.

Councilor Dominguez

Councilor Dominguez introduced a Resolution repealing Resolution No. 2007-30 regarding naming City owned public spaces, and establishes a new process. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Wurzbarger

Councilor Wurzbarger had no communications.

Councilor Bushee

Councilor Bushee said she was approached to cosponsor the Living River Resolution, but she isn't listed.

Councilor Bushee said she is introducing a Resolution directing the City Attorney to report to the Governing Body regarding the representation of the City of Santa Fe in litigation and non-litigation matters. She was expecting a spreadsheet and/or executive session to review what the Council has not been hearing with regard to these matters. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."

Councilor Bushee asked who is responsible for outside litigation management, noting she was dismayed to hear today that there is no oversight, and what he has are boxes of legal documents with the cost, the settlements in various locations. She thought someone was watching how these dollars are spent and she believes, systemically, we need to arrange some things.

Mr. Zamora said part of the request was for the previous four years of litigation, whether pending or settled. He said when closed, many cases are placed into storage. He said there is no one digital system which tracks those files. As discussed, he doesn't believe they have found one central document which tracks these files over time. He assumes when information was needed from closed files, those were removed and they searched for the requested document(s).

Councilor Bushee asked if there is an individual in the City Attorney's Office who is responsible for tracking the work of outside lawyers who are hired.

Mr. Zamora said a system needs to be in place to track those items, and he has been working toward this end. He said it is his understanding that for legal counsel not provided by our risk carriers, the City Attorney would hire outside counsel on a case-by-case basis. He said as discussed earlier, it is important for him to examine the process, what process needs to be in place, if an RFP need to be issued and establish a menu of attorneys and rates from which we can choose, and manage those expenses.

Councilor Bushee said this Resolution directs toward having a system in place. She said it would seem there are a fair amount of attorneys and someone is managing this.

Mr. Zamora reiterated that he has found no formal system which tracks this in one place, and he believes it would be effective management for him to work to establish a system.

Councilor Bushee looks forward to hearing a time frame for this information.

Councilor Ortiz

Councilor Ortiz said, although he doesn't have it with him, he wants to introduce a Resolution supporting the Boys & Girls Clubs, and recognizing and supporting their efforts to plan and construct a south side facility. He said he has a letter of request from them, and he will give the letter to Mr. Price, and ask her to copy the resolution he introduced in 2003.

Councilor Chavez

Councilor Chavez introduced the following:

- a. An Ordinance discussing a possible moratorium on the installation of towers and antennas. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "10."
- b. A Resolution supporting the 75th anniversary of the Sociedad Folklorica, recognizing the Baile de los Cascarones which is held after Lent. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Chavez noted there are issues getting in the way of scheduling the Baile, including the pricing and scheduling. He has spoken with Mr. Toler in this regard. His hope is that it could be scheduled and special accommodations can be made for this organization.

Councilor Romero

Councilor Romero had no communications.

Mayor Coss

Mayor Coss introduced a Resolution authorizing the City to support a living river by allowing water to bypass McClure and Nichols Reservoirs in 2010. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "12."

END OF AFTERNOON SESSION AT 6:00 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

Donato Coviello said he is here again to remind everyone of the census, urging everyone to respond to the request for Census information. He said everyone should have received a letter advising that you will be receiving a questionnaire in the mail. He said if you don't receive a questionnaire, you should contact one of the Questionnaire Assistance Centers (QUAC).

Councilor Wurzbarger said she hasn't received a letter, and asked when she should contact a QUAC if she doesn't receive one.

Mr. Coviello said April 1, 2010, is census day, and if you haven't received a letter by that date, then you should contact a QUAC.

G. APPOINTMENTS

Complete Count Commission

Mayor Coss made the following appointment to the Complete Count Committee:

Patricia Lee Mort Padilla – term ending 06/2010.

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

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

Airport Advisory Board

Mayor Coss made the following appointments to the Airport Advisory Board:

Robert Talarczyk – to fill unexpired term ending 02/2011;
Bill Sauter – Reappointment – term ending 02/2013;
John T. (Jack) Keiser – Reappointment – term ending 02/2013; and
Elizabeth C. Hunke – Reappointment – term ending 02/2013.

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

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

Children & Youth Commission

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

Sue Ann Hermann – Reappointment – term ending 01/2013.

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

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

H. PUBLIC HEARINGS

1) REQUEST FROM ADMIRAL BEVERAGE CORPORATION FOR A WHOLESALE LIQUOR LICENSE (BEER ONLY) TO BE LOCATED AT ADMIRAL BEVERAGE CORPORATION, 7 PASEO DE RIVER. (YOLANDA VIGIL)

The staff report was given by Yolanda Vigil, City Clerk, noting the business is not within 300 feet of a church or school, and staff requests that the business be required to comply with all City Codes.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee asked the location of the business, and if it is near the river.

Larry Montano, attorney for the Applicant, said it is off County Road 599, near the Airport and it is not by a river, noting the property recently was annexed into the City.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the request for a Wholesale Liquor License (beer only) to be located at Admiral Beverage Corporation, 7 Paseo de River.

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

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

Against: None.

2 REQUEST FROM JAMBO CAFÉ, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT JAMBO CAFÉ, LLC, 2010 CERRILLOS ROAD, SUITE #13. (YOLANDA VIGIL)

The staff report was given by Yolanda Vigil, City Clerk, noting the business is not within 300 feet of a church or school, and staff requests that the business be required to comply with all City Codes.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee said this is best new restaurant in Santa Fe and has great food.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at Jambo Café, LLC, 2010 Cerrillos Road, Suite #13.

DISCUSSION: Councilor Wurzbarger said this is an amazing restaurant, and she looks forward to him moving next door to a bigger facility.

Councilor Romero wished him luck, saying it is a fabulous restaurant with good food.

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.

- 3) **CONSIDERATION OF BILL NO. 2009-44: ADOPTION OF ORDINANCE NO. 2010-3 (COUNCILOR CHAVEZ). AN ORDINANCE AMENDING SECTION 14-6.3(C)(1) SFCC 1987, CLARIFYING THE OWNERSHIP OF ACCESSORY DWELLING UNITS AND REQUIRING THE RECORDING OF RESTRICTIVE COVENANTS FOR ACCESSORY DWELLING UNITS. (JEANNE PRICE) (Postponed at December 9, 2009 City Council Meeting)**

There was no action regarding this agenda item.

- 4) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE COMPLEX. (KATHY McCORMICK)**

A copy of an article from the February 21, 2010, Santa Fe New Mexican, "Santa Fe Complex Lands Defense Contract," submitted for the record by Kathy McCormick, is incorporated herewith to these minutes as Exhibit "13."

Kathy McCormick presented information regarding this matter from the materials in the Council packet.

Councilor Bushee asked how the Complex has grown the economy.

Ms. McCormick said last year the Complex brought in 39 contracts, valued at \$1.4 million. This is for work that was done out of and through the Complex. It is estimated that 21 jobs were created, 5 spin-out companies were started, and 300 students, locally, nationally and internationally, were engaged in projects at the Complex. She said the Santa Fe Complex and as a result the City are being branded as a simulation visualization center for New Mexico.

Councilor Bushee said 39 projects were launched, and asked if those details are set out in a Memorandum.

Ms. McCormick said she has those projects in a spreadsheet.

Councilor Bushee asked the reason this wasn't in the packet.

Ms. McCormick said they were being used to write the final report before bringing this to the Council. She said some of the projects involve working with the London Renewable Energy monitoring program which has been working with the Navy on distributed logistics, as well as Health Case Flow Visualization done for the City of San Francisco, and others.

Councilor Bushee asked if the Council would be given this detail at some point, and Ms. McCormick said she would do so.

Councilor Bushee said then this has generated \$1.4 million in GRTs.

Ms. McCormick said no, that is the value of the projects, noting GRTs aren't used as a measure in economic development and they use job generation. It was based on 1,000 hrs. for each of the projects, noting it is very similar to a consultant firm.

Councilor Bushee asked if they are hiring local people to do this.

Ms. McCormick said some are local, some are national and some international.

Councilor Bushee wants full information, such as work space for how many businesses, who else funds this program, etc. – bring it to the Santa Fe level.

Ms. McCormick said she is unsure as to how to respond, because this isn't a metric we asked them to track, and they are tracking the number of jobs created, number of companies which are local.

Kate Noble said based on the 6 month report we were asked to do for the Finance Committee, they did make efforts to bring this to local economy metrics, including the 21 jobs.

Councilor Bushee said it isn't reflected in the Memorandum.

Ms. Noble said 21 jobs were created based on the 1,000 paid consulting hours, because consultants have to write proposals, do billings and such.

Councilor Bushee would like, in the future, to have a complete break-out in terms of GRTs and who was hired and where.

Ms. Noble said they did a GRTs calculation, and the estimate is \$75,524 in GRTs being paid, but that doesn't reflect the multipliers from these 21 people.

Councilor Bushee asked the monthly rent, and Ms. Noble said it is \$7,000 for both buildings, with the negotiated reduction monthly.

Councilor Bushee asked how many buildings there are in the facility, and who else funds the Santa Fe Complex.

Ms. Noble said the City is the majority funder, noting there is \$50,000 in other non-City funding, including LANL, the Regional Development Corporation, Earth Care International, McCune, New Mexico Community Foundation, the Santa Fe Alliance, Swarm Development Group, the New Mexico Film Office and the AIGA.

Councilor Bushee said the bottom line is we got \$75,000 and spent \$150,000. Ms. Noble said it was \$75,000 in direct GRTs.

Councilor Chavez would like to see an FIR, noting this is approval for one year at \$150,000 and this is the second year of a 3-year agreement.

Public Hearing

Mayor Coss gave each person 3 minutes to speak to the issue.

Page Prescott works with Project GUTS [Growing Up Thinking Scientifically]. They have 12 after schools throughout Santa Fe. They have worked with 400-450 middle schools over the past 3 years, the oldest are now in the 10th grade. She said the organization teaches computer programming and technology skills in two-hour after school clubs. She said there are jobs in technology and they want to inform the students what they can do with this technology in the future. She said the older groups are at the Complex weekly and get to see how technology can be used. Project GUTS is based out of the Santa Fe Institute. She feels the Complex is a phenomenal facility for the youth in Santa Fe..

Mick Thompson has been at the Complex for 1 year. He went initially for lectures on computing technology involving large data sets and analysis. This has engaged him in the complex. He has hosted different networking and public events at the Complex, as well as being engaged in projects/work, and met

people at the Complex and started networking events such as Ignite, which has gotten him further work. He is a free lance web developer, and making connections is harder on your own, but the Complex provides a place where there are people looking to get things done. He appreciates that the Complex has been there.

John Paul Gonzales, Santa Fe, told his personal story about the Complex, saying over the past two years he has gotten jobs for pay on several projects. He said the Complex is a nexus for a fusion of ideas, and serves as an inspiring place and is a step forward in the future. It was featured in the New York Times as one of the hip places to be. He said they're doing something right to get that kind of national exposure. He urged approval of this request.

May Ann Johnston is with LANL in the Community Programs Office in the Tech Transfer Division, and she manages the Economic Development Investment for lands, called Northern New Mexico Connection which is operated through the Regional Development Corporation. They have funded and sponsored events at the Complex, because it is something which will create the entrepreneurial culture and climate and grow the ecosystem in Santa Fe and throughout Northern New Mexico. They have funded two companies for investment purposes.

David Lohman said he is a teacher at Ortiz Middle School. He has been involved with GUTS in the past and has had the joy of having some teacher professional development at SFI which has expanded and broadened his horizons as a learner. It is important for our kids to have these opportunities and experiences, and perhaps stay in Santa Fe if something like this could bring technology jobs to Santa Fe.

Dena Aquilina said she is part of the arts group at the Complex. She said the tag line is that they are a project space for art, technology and science. She said Councilor Wurzbarger attended some of the events last summer, during "Summer at the Complex," noting they had awesome robots from Taos. She said it was a great experience, totally exciting and fun. She knows no where else in Santa Fe where something like this would have happened with these kinds of cross disciplines. There was another program, Projected Lights, which ran for two weekends. She said this is a unique place in Santa Fe, and encouraged the City to continue to invest in it for our future.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Romero, to approve this request with the observation that one piece of information which hasn't been given is that a new grant was received yesterday.

DISCUSSION: Ms. McCormick said the grant hasn't been completed, and they don't know the final outcome although they are in the running.

Councilor Bushee said she supports this project, and thinks of it as an incubator with great potential which

fills a niche that no one else fills. She said some efforts have been made to reduce the very high rent. She said they really need to expand their funding from other sources, if they want to be self-sustaining and move off the City funding sources after 3 years. She would like the next report to be brought to the local economy as much as possible. She said the Complex feels more grounded this year than the first year. She would like the Complex to use the next year as its year to branch out, to grow beyond City funding, because "it won't go past this as far as I can see, if you don't start bringing in some other solid sources of funding and can really point to local jobs." We're in an economy where there isn't a lot of room for extras, and this could be considered extra. She said it is a stretch to call it economic development to her, although it has great potential. She said they have to move beyond just the City funding. She will vote for it this year, but she wants to see more progress and more funding.

Councilor Chavez said the Memo talks about the pending grant, and if approved, some of the work the Complex will be doing will be on emergency preparedness. Ms. McCormick said this is her understanding.

Councilor Chavez said he received emails today in support of funding, and this piece is contingent on that grant being approved, and this isn't not a service or program which the Complex currently is providing.

Ms. McCormick gave examples of the projects to bring to Santa Fe to generate work, revenues, to help offset the overhead cost. She said this is an example of the kinds of contracts they currently are pursuing.

Councilor Calvert said under emergency preparedness, the City would be doing some level of training with the Fire, Police and Emergency Responders, separate from what the Complex might be doing in the future.

Ms. McCormick said this is correct, noting this is a defense contract which is completely separate from any of our local efforts.

Councilor Chavez hopes there would be some disciplines and applications to be used as cross-over from different areas.

Ms. McCormick said they always are looking for those opportunities, and will stay close to them.

Councilor Romero said 60% of her work comes from non-profits, all of which are struggling with decreased revenues from grants and contracts. She said this company continues to reach, and needs support.

Councilor Calvert said he is heartened by the possibility of the contract which was mentioned in the newspaper. He said there are other benefits, one of which is the motivation and incentive for the young people to see potential in the future. He said this institution fills some of this void admirably, which pays many dividends in the community. He is looking for economic development, as well as the intangibles we're striving to attain in the community.

Councilor Ortiz asked who is the landlord, and Ms. McCormick said it is Matt Chavez. Councilor Ortiz said he doesn't necessarily agree that the information being requested in the next go-round is that germane. He said if our economic development funds are to be spread in the community and maximized for the biggest bang for the dollar, he would point out that we are spending half of the \$150,000 on rent to one person. He said the direction he would give when it comes back through Finance, if this is the last year of the agreement, and there is the opportunity to have a synergetic connection with the City's efforts at the College of Santa Fe for providing space, then we should explore this. We can leverage City space which is cheaper than \$7,000 per month, and put more money into seeding the kinds of business development that would happen. His concern is that we are spending half the money with one person for this space. He urged staff to look at the space requirements to see if there are opportunities to use public property to get more money into the hands of the people who are creating the jobs and not into the hands of a real estate person.

Ms. McCormick said they are looking, and will continue to look at those options.

Councilor Dominguez said he is excited to see the public reach output component, and appreciates the testimony given in that regard as well. He would hope we can somehow track the student achievement, because these opportunities touch individuals.

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.

- 5) **REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI-NM) FOR A PERMANENT WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE DISPENSING/SALE OF ALCOHOLIC BEVERAGES AT NDI-NM, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF DESERT ACADEMY AND THE FORMER ALAMEDA MIDDLE SCHOOL. (YOLANDA Y. VIGIL) (Postponed at February 10, 2010 City Council Meeting). (Postponed to March 10, 2010 City Council Meeting)**

This item is postponed to the Council meeting of March 10, 2010.

- 6) **CONSIDERATION OF BILL NO. 2010-2: ADOPTION OF ORDINANCE NO. 2010-____. AN ORDINANCE REPEALING CHAPTER 27 SFCC 1987, AND CREATING A NEW CHAPTER 27 SFCC 1987, REGARDING TELECOMMUNICATIONS AND CABLE SERVICES. (MAUREEN REED) (Postponed at February 10, 2010 City Council Meeting)**

Meeting). (PUBLIC HEARING IS CLOSED) (Postponed to March 10, 2010 City Council meeting)

- a) CONSIDERATION OF BILL NO. 2010-4: ADOPTION OF ORDINANCE NO. 2010- _____. AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO NEWPATH NETWORKS, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED) (PUBLIC HEARING IS CLOSED) (Postponed to March 10, 2010 City Council meeting)
- b) CONSIDERATION OF BILL NO. 2010-____: ADOPTION OF ORDINANCE NO. 2010- 4. AN ORDINANCE GRANTING A NON EXCLUSIVE FRANCHISE TO CITYLINK FIBER HOLDINGS OF SANTA FE, NEW MEXICO, LLC, TO RENT, USE AND OCCUPY THE CITY'S PUBLIC RIGHTS-OF-WAY IN THE CITY OF SANTA FE, NEW MEXICO, AND FIXING THE TERMS AND CONDITIONS THEREOF. (MAUREEN REED) (PUBLIC HEARING IS CLOSED) (Postponed to March 10, 2010 City Council meeting)

This item is postponed to the Council meeting of March 10, 2010.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:50 p.m.

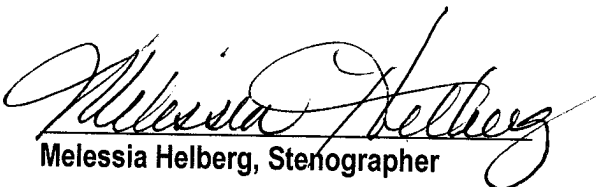
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer