



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 9, 2011
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3-4-11 TIME 1:20 pm

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 23, 2011
9. PRESENTATIONS
 - a) Employee of the Month for March 2011 – Bryan Armstrong – Water Equipment Engineer - PUD / Water Division. (5 minutes)
 - b) Proclamation – “Vicenta Josepha Ortiz-Martinez Centennial Celebration Day”. (5minutes)
 - c) Proclamation – “Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day”. (5 minutes)
 - d) Legislative Update – Mark Duran. (5 minutes)
10. CONSENT CALENDAR
 - a) Bid No. 11/02/B – St. Francis Drive/Arroyo de los Chamisos Multi-Use Trail and Underpass and Construction Agreement; David Montoya Construction, Inc. (Leroy Pacheco)
 - 1) Request for Approval of Change Order No. 1 – Custom Concrete Form Liners (Anti-Graffiti Enhancement); David Montoya Construction, Inc. (Leroy Pacheco)
 - b) Bid No. 11/28/B – One (1) Front-Loading Collection Unit for Solid Waste Division; Rush Truck Center/PendPac. (Lawrence Garcia)



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- c) Bid No. 11/30/B – Lighting Retrofits for Intersections within the City; LED Roadway Lighting, Ltd. (Nick Schiavo)
- d) Request for Approval of Agreement Between Owner and Landscape Architect – Southwest Activity Node Park – Master Plan Design (RFP#11/08/P); Design Office, LLC. (Mary MacDonald)
 - 1) Request for Approval of Budget Transfer – WIP Design Fund.
- e) Request for Approval of Memorandum of Understanding – Construction of El Camino Real Trail Along the Santa Fe River from NM 599 to Agua Fria Street; Santa Fe County. (Brian Drypolcher)
- f) Request for Approval of Amendment No. 1 to Professional Services Agreement – Security Services for Santa Fe Municipal Airport; ASI of New Mexico, LLC. (Jim Montman)
- g) Request for Approval of Fourth Renewal of Lease Agreement – Additional Parking for Health Club; Santa Fe Health Club, LLC by John Montoya, Managing Member. (Edward Vigil)
- h) Request for Concept Approval of Sale of Real Estate – Property Located at 1164 Camino San Acacio; Robert Martinez and Betty Martinez. (Edward Vigil)
- i) Request for Approval of a Memorandum of Agreement – Santa Fe Trails FY 2010/2011 Ridefinders Program for Transit Division; New Mexico State Department of Transportation. (Jon Bulthuis)
- j) Request for Approval of Amendment No. 1 to Professional Services Agreement – Advertising for Winter Fiesta Event for Santa Fe Convention and Visitors Bureau; TKO Advertising, Inc. (Keith Toler)
- k) Request for Approval of Sole Source Procurement and Professional Services Agreement – Shelter Stray Animals Retrieved by the City of Santa Fe Animal Services Division; Santa Fe Animal Shelter. (Police Chief Aric Wheeler)



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- i) CONSIDERATION OF RESOLUTION NO. 2011-_____.
(Councilor Bushee)
A Resolution Welcoming the IMBA Subaru Trail Crew to Santa Fe as a Partner with the Santa Fe Fat Tire Society, the Trails Alliance of Santa Fe and the City of Santa Fe to Complete Trail Project 10, a Quarter Mile Connecting Trail in La Tierra. (Bob Siqueiros)
- m) CONSIDERATION OF RESOLUTION NO. 2011-_____.
(Councilor Romero and Councilor Wurzbarger)
Request for Approval of a Resolution Directing Staff to Proceed with a Community Planning Process for the St. Michael's Drive Area that will Result in Form-Based Overlay Standards and Other Implementation Steps that Focus on Developing Creative and Cultural Industries Along the Corridor, and Establishing a Vibrant and Innovative Community, Streetscape Enhancements and Complimentary Adjoining Land and Economic Development. (Reed Liming)
- n) CONSIDERATION OF RESOLUTION NO. 2011-_____.
(Councilor Calvert and Councilor Bushee)
Request for Approval of a Resolution Directing Staff to Study the RM1 District Located North of East Alameda Street Between Armijo Street and Lorenzo Lane and the RM1 District Located East of Bishops Lodge Road and North of Paseo De Peralta; to Evaluate the RM1 District Zoning; and to Make Recommendations to the Governing Body as to the Necessity or Appropriateness of a City Initiated Downzoning. (Matt O'Reilly)
- o) Request for Approval of Consideration to Fill Vacant Position.
(Robert Romero)
- p) CONSIDERATION OF RESOLUTION NO. 2011-_____.
(Councilor Calvert and Councilor Romero)
A Resolution Directing Staff to Prepare Revisions to the City's Long Range Water Supply Plan for the Governing Body's Review with a Specific Emphasis on Climate Change. (Rick Carpenter)
- q) Bid No. 11/22/B – Emergency Repair for Operations and Maintenance and Construction Agreement for Water Division; Alpha Southwest, Inc.
(Michael Gonzales)



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11. Request for Approval of Procurement Under State Price Agreement - 32 Police Department Vehicles; Reliable Chevrolet and Bob Turner Ford. (Lieutenant Gillian Alessio)

12. MATTERS FROM THE CITY MANAGER

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION:

- a) Discussion of the Status of Communications with Railyard Company, LLC Regarding the Development of City Property at the Railyard, in Accordance with §10-15-1(H)(8), NMSA 1978, Relating to the Purchase, Acquisition or Disposal of Real Property.
- b) Discussion Regarding Pending Short -Term Rental Litigation; Anthony v. City of Santa Fe, Cause No. D-0101-CV-2009-03147, in Accordance with § 10-15-1(H) (7), NMSA 1978.
14. Action Regarding Pending Short -Term Rental Litigation; Anthony v. City of Santa Fe, Cause No. D-0101-CV-2009-03147, in Accordance with § 10-15-1(H) (7), NMSA 1978.
15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

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



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H. PUBLIC HEARINGS:

- 1) Request from M.V.I., Inc., for a Transfer of Location of Dispenser License #2569 from Catamount Bar & Grille, 125 East Water Street, Santa Fe, to Tracks, 530 S. Guadalupe Street, Suite B. (Yolanda Y. Vigil)
- 2) CONSIDERATION OF BILL NO. 2011-6: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Ortiz)
An Ordinance Amending Article 11-4 SFCC 1987 to Authorize the Finance Director to Approve Budget Adjustments Up to and Including Five Thousand Dollars (\$5,000); the City Manager to Approve Budget Adjustments from Five Thousand Dollars and One Cent (\$5,000.01) Up to and Including Fifty Thousand Dollars (\$50,000) and the Governing Body to Approve Budget Adjustments Over Fifty Thousand Dollars (\$50,000). (Kathryn Raveling)
- 3) CONSIDERATION OF BILL NO. 2011-2: ADOPTION OF ORDINANCE NO 2011-_____. (Councilor Trujillo)
An Ordinance Adopting the 2010 Compilation of the *City of Santa Fe Uniform Traffic Ordinance*, Article 24-1 SFCC 1987. (Melissa Byers)
(Postponed at February 23, 2011 City Council Meeting)
- 4) CONSIDERATION OF BILL NO. 2011-5: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Trujillo)
An Ordinance Amending Sections 24-4.4 and 24-4.5 SFCC 1987 Regarding the Santa Fe Traffic Operations Program in Order to Make All Speeding Fines One Hundred Dollars and to Make Clarifications and Corrections. (Captain Robbins)
- 5) CONSIDERATION OF BILL NO. 2011-4: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Trujillo)
An Ordinance Amending Section 1-3-2 SFCC 1987 Regarding the Distribution of Municipal Court Fees. (Judge Ann Yalman)
- 6) CONSIDERATION OF BILL NO. 2011-3: ADOPTION OF ORDINANCE NO. 2011-_____. (Councilor Calvert and Councilor Bushee)
An Ordinance Adopted as an Urgent Measure Establishing a Six Month Moratorium on the Approval of Permits for the Installation of Towers and Antennas Subject to Chapter 14 of the City Code Located on Private Property or City Property Excluding Public Rights-of-Way.
(Marcos Martinez) **(Postponed to March 30, 2011 City Council Meeting)**

I. ADJOURN



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CITY COUNCIL CHAMBERS

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

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

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

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 9, 2011**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on March 9, 2011, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Rosemary Romero

Others Attending

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

6. APPROVAL OF AGENDA

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to approve the agenda as presented.

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

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, 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 Trujillo and Councilor Wurzbarger.

Against: None.

- a) **BID NO. 11/02/B – ST. FRANCIS DRIVE/ARROYO DE LOS CHAMISOS MULTI-USE TRAIL AND UNDERPASS AND CONSTRUCTION AGREEMENT; DAVID MONTOYA CONSTRUCTION, INC. (LEROY PACHECO)**
 - 1) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – CUSTOM CONCRETE FORM LINERS (ANTI-GRAFFITI ENHANCEMENT); DAVID MONTOYA CONSTRUCTION, INC. (LEROY PACHECO)**
- b) **BID NO. 11/28/B – ONE (1) FRONT-LOADING COLLECTION UNIT FOR SOLID WASTE DIVISION; RUSH TRUCK CENTER/PENDPAC. (LAWRENCE GARCIA)**
- c) **BID NO. 11/30/B – LIGHTING RETROFITS FOR INTERSECTIONS WITHIN THE CITY; LED ROADWAY LIGHTING, LTD. (NICK SCHIAVO)**
- d) **REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND LANDSCAPE ARCHITECT – SOUTHWEST ACTIVITY NODE PARK – MASTER PLAN DESIGN (rfp #11/08/P); DESIGN OFFICE, LLC. (MARY MacDONALD)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET TRANSFER – WIP DESIGN FUND.**
- e) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – CONSTRUCTION OF EL CAMINO REAL TRAIL ALONG HE SANTA FE RIVER FROM NM 599 TO AGUA FRIA STREET; SANTA FE COUNTY. (BRIAN DRYPOLCHER)**
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES FOR SANTA FE MUNICIPAL AIRPORT; ASI OF NEW MEXICO, LLC. (JIM MONTMAN)**
- g) ***[Removed for discussion by Councilor Bushee]***
- h) **REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE – PROPERTY LOCATED AT 1164 CAMINO SAN ACACIO; ROBERT MARTINEZ AND BETTY MARTINEZ. (EDWARD VIGIL)**

- i) REQUEST FOR APPROVAL OF A MEMORANDUM OF AGREEMENT – SANTA FE TRAILS FY 2010/2011 RIDEFINDERS PROGRAM FOR TRANSIT DIVISION; NEW MEXICO STATE DEPARTMENT OF TRANSPORTATION. (JON BULTHUIS)
- j) *[Removed for discussion by Councilor Bushee]*
- k) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS RETRIEVED BY THE CITY OF SANTA FE ANIMAL SERVICES DIVISION; SANTA FE ANIMAL SHELTER. (POLICE CHIEF ARIC WHEELER)
- l) CONSIDERATION OF RESOLUTION NO. 2011- 16 (COUNCILOR BUSHEE). A RESOLUTION WELCOMING THE IMBA SUBARU TRAIL CREW TO SANTA FE AS A PARTNER WITH THE SANTA FE FAT TIRE SOCIETY, THE TRAILS ALLIANCE OF SANTA FE AND THE CITY OF SANTA FE TO COMPLETE TRAIL PROJECT 10, A QUARTER MILE CONNECTING TRAIL IN LA TIERRA. (BOB SIQUEIROS)
- m) *[Removed for discussion by Councilor Bushee]*
- n) *[Removed for discussion by Councilor Dominguez]*
- o) REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITION. (ROBERT ROMERO)
- p) CONSIDERATION OF RESOLUTION NO. 2011-17 (COUNCILOR CALVERT AND COUNCILOR ROMERO). A RESOLUTION DIRECTING STAFF TO PREPARE REVISIONS TO THE CITY'S LONG RANGE WATER SUPPLY PLAN FOR THE GOVERNING BODY'S REVIEW WITH A SPECIFIC EMPHASIS ON CLIMATE CHANGE. (RICK CARPENTER)
- q) BID NO. 11/22/B – EMERGENCY REPAIR FOR OPERATIONS AND MAINTENANCE AND CONSTRUCTION AGREEMENT FOR WATER DIVISION; ALPHA SOUTHWEST, INC. (MICHAEL GONZALES)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – FEBRUARY 23, 2011.

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of February 23, 2011, as presented.

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

9. PRESENTATIONS

a) **EMPLOYEE OF THE MONTH FOR MARCH 2011 – BRYAN ARMSTRONG – WATER EQUIPMENT ENGINEER – PUD/WATER DIVISION.**

Mayor Coss read the letter of nomination into the record and presented with Mr. Armstrong with a plaque and check for \$100 from Employee Benefit Committee. He thanked him for his years of service.

Mr. Armstrong said he had a lot of help and the team on Canyon Road really worked with him to make it happen, and he couldn't have done what he did without help..

b) **PROCLAMATION – “VICENTA JOSEPHA ORTIZ-MARTINEZ CENTENNIAL CELEBRATION DAY.”**

Mayor Coss, assisted by Councilor Trujillo, read a proclamation declaring March 10, 2011, as Vicenta Josepha Ortiz-Martinez Centennial Celebration day in Santa Fe.

Gilbert Martinez said it is an honor to accept this Proclamation on behalf of his mother.

Terry Martinez said her mother is a role model for her children, grandchildren, great grandchildren, friends, other family and all those in her catechism classes. She said they are blessed for having known her.

Judy Martinez thanked the Mayor and Council for honoring her mother, Vicenta, and said she is in good health, but can't be here this evening.

Councilor Trujillo said he has been blessed to have been a part of this family for 19 years, has been able to call Vicenta grandmother, and he and the other family members wished her *feliz cumpleaños* – a very happy 100th birthday.

c) **PROCLAMATION – “GOLDEN APPLE FOUNDATION OF NEW MEXICO TRIBUTE TO TEACHER EXCELLENCE DAY.”**

Mayor read the proclamation into the record declaring April 1, 2011, “Golden Apple Foundation of New Mexico Tribute to Teacher Excellence day in Santa Fe.

d) **LEGISLATIVE UPDATE – MARK DURAN**

A copy of “Legislative Report to the City of Santa Fe on the 2011 Regular New Mexico Legislative Session, dated March 9, 2011,” from Mark Duran is incorporated herewith to these minutes as Exhibit “1.”

Mark Duran reported on the Legislature, from his Report to the City. Please see Exhibit "1" for specifics of this presentation. He stressed that there is no funding for local capital projects this year, but it is hoped there will be funds next year. He said he is working closely with the NMML, and the bills regarding the City of Santa which are being followed by the NMML are part of his tracking system as well.

Responding to Councilor Bushee, Mr. Duran said the Senate not yet heard the Immigrant Licensing bill, and will hear that this evening or tomorrow. He said there is a very good chance of passing the condominium legislation. He said the film tax credit is only \$20 million, but the impact to Santa Fe is huge, but he can't predict the outcome. He said the State's strategy regarding the hold harmless is to reimpose the GRTs on food over the next several years.

Responding to Councilor Trujillo, Mr. Duran said he believes any capital funding will be only for statewide projects, but if they do decide to do local funding, the City does have a priority list which was submitted to our local legislators..

Mayor Coss said he will be attending an NMML function tomorrow to lobby on the hold harmless, and he thinks the pro-active strategy might be tax reform, rather than just fight the same battle year after year.

CONSENT CALENDAR DISCUSSION

10(g) REQUEST FOR APPROVAL OF FOURTH RENEWAL OF LEASE AGREEMENT – ADDITIONAL PARKING FOR HEALTH CLUB; SANTA FE HEALTH CLUB, LLC, BY JOHN MONTOYA, MANAGING MEMBER. (EDWARD VIGIL)

Councilor Bushee said she pulled this item because she can find no new information relating to her request for more information, including from City Legal. She said this is one of the old leases the City has, but there is no analysis of whether this is the best situation, and whether the individual is interested in purchasing this property. She said she wasn't at the Finance Committee meeting and she wants to send this back so she can get answers, and wants to know if \$800 is the appropriate amount.

Edward Vigil said Councilor Bushee had requested that he submit this to legal to request a position with regard to the lease. He said Judith Amer did review the lease and issued an attorney's opinion with regard to the City's position, which was submitted to City Attorney Geno Zamora, noting Ms. Amer requested that it not be included in the Council packet.

Councilor Bushee said she asked for other options as well. She asked if there was any interest on the part of the owner to purchase the property. She does not believe it is to the City's advantage to do twenty year leases.

Mr. Vigil said at that time, the City decided to enter into this lease. He said it actually is a 25 year lease – an initial 5 year term and four 5 year renewals. He said he asked the applicant if he is interested in purchasing the property, and he said perhaps in the future, but for now he's interested in this lease renewal.

Councilor Bushee asked if it is part of his job to do an analysis of whether this is the best arrangement for the City, and asked "if you just pushed this forward at the price established so long ago."

Mr. Vigil said no. He said the property was reappraised and the rental rate increased. He said Mr. Montoya had been paying \$707.24 per month, until recently. He said it was reappraised December 20, 2010, and that is included in the Council packet.

Councilor Bushee said that isn't in the packet.

Mr. Vigil said it is Exhibit E on pages 17-19 of packet. He said the appraisal was done by Matthew Pendleton, and the new monthly rental of \$800 is based on that appraisal. He said this rental term will end in five years. He said in the future, the owner would have to come back and renegotiate the lease, which would be based on a current appraisal.

Councilor Bushee reiterated that the 20 year lease term is too long, and doesn't believe it is in the best interest of the City to continue in this format.

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

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

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

Against: Councilor Bushee.

10 (j) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISING FOR WINTER FIESTA EVENT FOR SANTA FE CONVENTION AND VISITORS BUREAU; TKO ADVERTISING, INC. (KEITH TOLER)

Councilor Bushee said she wasn't at the Finance Committee on Monday, and asked if this is approval after the fact.

Mr. Toler said it is not after the fact *per se*. He said \$25,000 was budgeted for the Winter Fiesta rather than just paying Hutton to do that. He said they have done the advertising, so he is just moving this forward. He said this was the purpose of the funds, and it was a matter of moving it to the appropriate place.

Responding to Councilor Bushee, Mr. Toler said there was \$30,000 for Winter Fiesta, and the additional \$50,000 was for meetings and conventions advertising. He said they originally budgeted \$800,000 for advertising in the budget that was approved, and \$700,000 was issued on the contract. He held back \$100,000 to see where they might need some funds during the year. He said those funds are still available for advertising. He said Winter Fiesta was two weeks ago. He said this was approved in the other part of the budget, and this moves it to the advertising budget as opposed to leaving it in the general advertising line item.

MOTION: Councilor Bushee 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 Trujillo and Councilor Wurzbarger.

Against: None.

10 (m) CONSIDERATION OF RESOLUTION NO. 2011-18 (COUNCILOR ROMERO AND COUNCILOR WURZBURGER). REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO PROCEED WITH A COMMUNITY PLANNING PROCESS FOR THE ST. MICHAEL'S DRIVE AREA THAT WILL RESULT IN FORM-BASED OVERLAY STANDARDS AND OTHER IMPLEMENTATION STEPS THAT FOCUS ON DEVELOPING CREATIVE AND CULTURAL INDUSTRIES ALONG THE CORRIDOR, AND ESTABLISHING A VIBRANT AND INNOVATIVE COMMUNITY, STREETSCAPE ENHANCEMENTS AND COMPLIMENTARY ADJOINING LAND AND ECONOMIC DEVELOPMENT. (REED LIMING)

Councilor Bushee asked if there are any funds left in CDBG.

Mayor Coss said no. They just went through the process of allocating the anticipated \$750,000, but the new Congress budget proposal cut that in half to about \$350,000. He said they are waiting to see what comes out of Congress.

Councilor Bushee asked if there is any money left in Economic Development Fund reserves.

Robert Romero said it is the same fund.

Councilor Bushee wants to be sure we're going to do something, ambitious. She is concerned as to what funding will be used to move this forward once the planning process is done.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2011-18.

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

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

Against: None.

10 (n) CONSIDERATION OF RESOLUTION NO. 2011-19 (COUNCILOR CALVERT AND COUNCILOR BUSHEE). REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO STUDY THE RM1 DISTRICT LOCATED NORTH OF EAST ALAMEDA STREET, BETWEEN BISHOPS LODGE ROAD AND NORTH OF PASEO DE PERALTA; TO EVALUATE THE RM1 DISTRICT ZONING; AND TO MAKE RECOMMENDATIONS TO THE GOVERNING BODY AS TO THE NECESSITY OR APPROPRIATENESS OF A CITY INITIATED DOWNZONING. (MATT O'REILLY)

[STENOGRAPHER'S NOTE: The Committee initially voted to postpone this item to the first meeting in June 2011. In the evening session, the action to postpone was reconsidered, and Resolution 2011-19 was adopted as proposed by Councilor Calvert.]

Councilor Dominguez said he understands this is just a start, and doesn't initiate any downzoning, and wants to know the intent, and if we need to include other areas in this. He wants to make sure there are no unintended consequences considered as this moves forward.

Councilor Bushee said it indicates there is no fiscal impact, but believes we will be using staff time to do this, and wants a better analysis of that. She said a constituent has expressed concern that this will impact them negatively and would make their property unbuildable. She would like to have some sort of meetings in the neighborhoods to sort out those concerns before taking action. She said this sounds like the issue on Juanita Street where there was a lot of input about what was happening.

Councilor Calvert said there are two reasons for this. One is technical, because the current zoning doesn't agree with the Future Land Use Map in the General Plan, and there is a conflict. The other reason is more practical, which is that under the overlays which currently exist in this part of town, it is very unlikely that they could build under the current zoning map. The intent is to study this. He said if we don't change the zoning, people will look at the existing zoning and to build to that, which means variance after variance after variance if they try to build to that zone, which isn't reflective of what you can build there.

Councilor Dominguez asked what process was used for the Juanita Street rezoning.

Councilor Bushee said that was a neighborhood initiated downzoning, and there were several neighborhood meetings. She said there were several large developments which were changing the character of the neighborhood which isn't the case here. It is just that it is the same RM-1.

Councilor Dominguez asked if there were any ENN's.

Councilor Bushee said there were ENNs as well as mailings to concern parties. She would like to make a preliminary effort at outreach here before approving this. She has concerns about inappropriate

development. She agrees that it would be hard to start a study without having some knowledge of the number of people who would be impacted and the extent of that impact.

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to postpone consideration of this item until a preliminary study or an ENN could be done to determine some of the impact.

DISCUSSION: Mayor Coss believes Councilor Bushee would like to do something more general than an ENN, noting that process would be very expensive.

Councilor Bushee said she would like to have some kind of outreach.

Councilor Chavez said, with regard to Juanita Street, that debate spilled over to Onate and Hickox, and there are pockets where density is an issue, and the RM-1 is driving that, and sometimes it isn't. He believes it would be good to look at this in other parts of the City. He said at one time we had hoped to have a neighborhood planner to help with some of the outreach. He asked if there is someone who can assist with the outreach from the Land Use Department, to assist the neighborhood associations with this process. He asked how much of this relates to the work being done on the update to Chapter 14.

Mr. O'Reilly said there is a Land Use Planner Senior/Neighborhood Services person who is William Lamboy. He said if the Governing Body would like to have meetings on this issue, Mr. Lamboy will assist in this, and he would attend those meetings along with other technical staff to answer questions about this.

Mr. O'Reilly said the work on Chapter 14 is fixing clerical and other minor errors in the Code, and no rezoning is proposed as part of the Chapter 14 update.

Councilor Calvert asked, since this simply directs staff to study this, if that outreach could be a part of that study process, and asked if that was envisioned as part of this process.

Mr. O'Reilly said it was not envisioned, because his understanding of the Resolution is that it was direction to staff to gather data and facts about whether these parcels could be further developed, and how. He said staff's understanding of the intent is that staff would do an internal study of this using the Department's planners. He said he would be involved, and would create a small team from the Department to do this. He said they would study the effects of the multiple overlay zones that exist in this area. He said the actual density here isn't R-21, it is R-21 minus 25% which would be R-17 to start with. He said they would study these areas, looking at each of the parcels to see the development potential, and come up with staff's assessment of how much future development could happen. He said this really is a real estate development analysis, a planning analysis, which wouldn't necessarily benefit from public input in terms of how this is being analyzed. He said once this is done, it will be presented to the Council.

Councilor Dominguez said this is something he probably would support, but we won't know what can or can't be built until the study is done. He said, with regard to the consistency with the General Plan Land

Use Map, there already is a process in place to deal with this. He said if this was initiated by the neighborhood or the residents he might look at it differently.

Councilor Ortiz asked if this is a postponement to the next meeting, and asked Mr. O'Reilly if he can be prepared by the next Council meeting, and Mr. O'Reilly said no.

It was the consensus that it should be postponed to the first meeting in June 2011.

RESTATED MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to postpone consideration of this item to the first meeting in June 2011 [June 8, 2011].

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

[STENOGRAPHER'S NOTE: In the evening session, the action to postpone was reconsidered, and Resolution 2011-19 was adopted as proposed by Councilor Calvert.]

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – 32 POLICE DEPARTMENT VEHICLES; RELIABLE CHEVROLET AND BOB TURNER FORD. (LIEUTENANT GILLIAN ALESSIO)

Lt. Gillian Alessio presented information from her Memorandum of March 2, 2011, which is in the Council packet, noting these purchases are critical because of the aging fleet. Please see this Memorandum for specifics of this presentation.

The Council asked questions and made suggestions as follows:

- Councilor Trujillo asked the age of the vehicles, noting Lt. Alessio said some of them have 100,000 miles.

Lt. Alessio said 50% of the fleet is 100,000 miles or more, and the cars range from 2000 to 2008 models. She said those with 100,000 miles or more are 2000 to 2006.
- Councilor Trujillo said then there are 2008 models with 100,000 or more miles.

Lt. Alessio said she doesn't have the information with her, but she doubts there are 2008 models with more than 100,000 miles.
- Councilor Trujillo asked the criteria for vehicle replacement.

Lt. Alessio said there is no upper limit on mileage. She has looked at life cycle analysis and she has done research nationwide, and the average replacement mileage for police vehicles is 75,000 miles. She said the research indicates that once that mileage is reached, the maintenance and repair costs are more than the value of the vehicle.

Lt. Alessio said police vehicles generally break down after 75,000 miles, especially given the duty usage. She said there is no upper end mileage where vehicles are retired, and they generally "run until they drop," and the reason some vehicles have 130,000 to 140,000 miles. She said she has seen that the department spends more in maintenance and repairs than the value of the vehicle. She said they do not retire vehicles, and usually part them out and use what they can, and/or transfer them to other City divisions for use.

- Councilor Trujillo said, especially in view of the research information, the department needs to develop replacement criteria.

Lt. Alessio said they are looking at ways to maximize the fleet and minimize repair costs with the life cycle analysis and inventory control measures, and with increased maintenance which is overall better for the vehicle, as well as coming up with a replacement schedule to minimize the maintenance and repair costs.

- Councilor Trujillo asked Lt. Alessio if she has information on what other cities in New Mexico are doing.

Lt. Alessio said she did research this, and given the current economy, other departments are doing the same thing with the fleets as Santa Fe – running vehicles until they drop, parting them out, or utilizing them elsewhere in the municipality, noting Bernalillo County and Rio Rancho do the same as well.

- Councilor Trujillo said he would like to be a part of this process, noting this is the work he does with the State.
- Councilor Calvert noted the Memo indicates a cost of \$689,000, and \$350,000 to fully equip the vehicles. He asked if the \$350,000 is in addition to the \$689,000.

Lt. Alessio said yes, noting the \$350,000 is the upper limit to fully equip the vehicles. She said they are looking at different options to build out these vehicles.

- Councilor Calvert asked what happens to the equipment on the old vehicles, and can any of that be reused, such as the computers the City purchased.

Lt. Alessio said everything will be reused if at all possible. She said they deploy all equipment and reuse it, noting that is always done to avoid redundant expenditures.

- Councilor Calvert said Lt. Alessio said 100,000 miles is one of the criteria. He asked how much of the mileage is duty and how much is for the commute.

Lt. Alessio said it is estimated that in an average day, an officer drives 75-110 miles.

- Councilor Calvert understands that is the mileage for on-duty time. He said he wants to know how much of the mileage is due to take-home vehicles.

Lt. Alessio said the number changes depending on who is using the car.

- Councilor Calvert would like the average mileage for a take-home vehicle, commenting he believes it is as much as 50% of the total vehicle mileage.

Lt. Alessio said that is difficult to say, noting she has a new vehicle take home policy to present, but doesn't have that with her this evening. She will get that information, noting she is hesitant to say what it costs to take a vehicle home.

- Councilor Calvert said if the average mileage on duty is 75-100 miles, and the commute mileage is 80-90 miles, that is equivalent to a day on patrol. He said we are using the 100,000 miles as one of the criteria for replacing a vehicle, and he is concerned we are replacing vehicles more frequently because of the take-home policy.

- Councilor Calvert said on packet page 13, Lt. Alessio discusses that there were 73 police vehicle crashes in 2010 noting that 43 of those were preventable. He asked how that number relates to other department our size – is it typical or not typical, or average.

Lt. Alessio has contacted APD, Rio Rancho, Bernalillo County and surrounding law enforcement agencies in New Mexico, and Santa Fe is on par with the number and types of crashes and number of preventable and non-preventable.

- Councilor Calvert said he is presuming these crashes all happened on-duty.

Lt. Alessio said only two crashes were not on duty, and happened during the commute.

- Councilor Calvert said it is expensive to replace these vehicles.

Lt. Alessio said a few of the crashes were not the fault of the officers, and funds have been recovered from other insurance companies which would be an offset to that cost.

- Councilor Calvert asked, for purposes of discussion only, if these facts would be available when there is negotiation with the unions regarding the vehicle take home policy. He said if there was no take home policy, we probably could do away with about 1/3 of the vehicles, and maybe more depending on schedules. He thinks this needs to be thrown into the analysis.

Lt. Alessio reiterated that she has a packet of information she has been researching for months on the vehicle take home policy.

- Councilor Dominguez asked, regarding the \$350,000 to fully equip the vehicles, what kind of equipment that is. He understands they salvage as much as possible from the older vehicles, and asked if the \$350,000 is for old and outdated equipment that needs upgrading

Lt. Alessio said they will salvage everything possible – radios, light bars, etc. However, currently there isn't any equipment available for the new vehicles other than two light bars and two cameras. She said the \$350,000 would be the maximum dollars needed to fully equip the vehicles at build out in excess of the equipment which is reused.

- Councilor Dominguez said in her memo, Lt. Alessio says, the \$350,000 would be needed "depending on the vendor that performs the work." He asked if that means that we have to buy the whole package, and not just a part of the package.

Lt. Alessio said no, reiterating the Department is looking at different options for equipment. She said they are reanalyzing the budget to maximum the dollars for equipment, and currently they are working with 3 vendors. She said one of the vendors will do all equipment from start to finish and guarantee it for the life of the vehicle. She said they are looking at two vendors that will do most of the work. She said they are looking at several options to get the "best bang for the dollar," and how to get the vehicles on the street quickly. She said if there are many different vendors installing equipment piecemeal, that delays getting the vehicles on the street. They are looking at the cost to piecemeal versus getting the vehicle on the street quickly.

- Councilor Dominguez asked Lt. Alessio if the vehicle crash numbers correlate with the policy regarding leave for not crashing the vehicle.

Lt. Alessio said she considers the crash numbers high, and they have started analyzing the common thread in the crashes, and if there are things which can be done to prevent them – such as training, equipment, new cages which don't prevent officers from seeing behind them, not enough lighting on the front of the car so people can see them. She noted they are looking at going to a vibration system instead of sirens. She said we have been lucky that none of the crashes have resulted in death or serious injury.

Responding to Councilor Dominguez, Lt. Alessio said she has advised the Chief the City needs to reevaluate the policy of allowing leave days for a certain period of time without crashing a police vehicle, and that accountability is key.

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

DISCUSSION: Councilor Bushee asked Lt. Alessio to talk about the 44 preventable crashes.

Lt. Alessio said most of the crashes are intersection and backup crashes – officers backing into things which is preventable.

Councilor Bushee asked if they are getting better equipment to prevent these crashes.

Lt. Alessio reiterated this is one of the things they're looking at.

Councilor Bushee asked if they could get the "little cameras."

Lt. Alessio said this is one option and they contract with Digital Alley which installs the cameras. They are looking at different setups which would optimize the officer's visual acuity or range of vision.

Councilor Calvert asked, to be clear, if the money for these purchases is in the approved budget and not part of any sum which was used, or considered to be used, to balance this year's budget.

Lt. Alessio said this is correct, and these are monies which came from the Property Tax Safety Fund and the expenditures are budgeted currently.

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

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

Against: None.

Explaining Vote: Trujillo said, "I'll vote yes, and I would just like to make a comment. I think we need to get together with all fleet managers and come up with a criteria. I'll sponsor a resolution. I think it's something that the City needs to do, and do something quick."

12. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager.

13. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

- a) **DISCUSSION OF THE STATUS OF COMMUNICATIONS WITH RAILYARD COMPANY, LLC, REGARDING THE DEVELOPMENT OF CITY PROPERTY AT THE RAILYARD, IN ACCORDANCE WITH §10-15-1(H)(8) NMSA 1978, RELATING TO THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY.**

b) DISCUSSION REGARDING PENDING SHORT-TERM RENTAL LITIGATION; ANTHONY V. CITY OF SANTA FE, CAUSE NO. D-0101-CV-2009-03147, IN ACCORDANCE WITH §10-15-1(H)(7) NMSA 1978.

Geno Zamora, City Attorney, said the Railyard Company has requested, and it is his recommendation, that Item 13(a) be postponed and not heard this evening, and to consider only Item 13(b) in executive session this evening.

MOTION: Councilor Calvert moved, seconded by Councilor Dominguez, that the Council go into Executive Session for the purpose of discussion regarding pending short-term rental litigation, Anthony v. City of Santa Fe, Cause No. D-0101-CV-2009-03147, 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 Trujillo and Councilor Wurzbarger.

Against: None.

Abstain: Councilor Chavez.

Explaining his vote: Councilor Chavez abstained from voting and asked to be excused from the Executive Session.

The Council went into Executive Session at 6:25 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:00 p.m., with Mayor Pro-Tem Wurzbarger presiding, Councilor Ortiz moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

14. ACTION REGARDING PENDING SHORT-TERM RENTAL LITIGATION, ANTHONY V. CITY OF SANTA FE, CAUSE NO. D-0101-CV-2009-03147, IN ACCORDANCE WITH §10-15-1(H)(7), NMSA 1978.

MOTION: Councilor Ortiz moved, seconded by Councilor Calvert, to adopt staff's recommendation and to direct the staff to take action to accomplish the goals of the proposed settlement that was discussed in Executive Session.

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

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

Against: None.

Absent for the vote: Mayor Coss, Councilor Bushee and Councilor Chavez.

Mayor Pro-Tem Wurzbarger moved Items 15 and 16 on the Afternoon Agenda to the end of the Evening Agenda.

END OF AFTERNOON SESSION AT 7:00 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Rebecca Wurzbürger, at approximately 7:00 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Councilor Rosemary Romero

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of a statement for the record by Mary Layne, entered for the record by Mary Layne, is incorporated herewith to these minutes as Exhibit "2."

A copy of a statement for the record by Rebecca Frenkel, entered for the record by Rebecca Frenkel, is incorporated herewith to these minutes as Exhibit "3."

Mayor Pro-Tem Wurzbürger gave everyone two minutes to petition the Governing Body.

R. Francis Budman Johnson, 208 ½ Polacos Street, said he didn't realize the Council was in session earlier this afternoon. He said he has an Invocation or a prayer, which is his story that is as close as you get to a miracle in these days. He was camping in Northern New Mexico about 25 years ago and was getting ready to leave, when something called him into a group of scrub oaks. He moved some leaves out of the way, and he found this carved mother bear fetish, and how long it had been there he doesn't know. He said it has been with him since that time. His personal message from the mother bear is to listen. He said in the modern world we are so assaulted by technologies we don't listen to our hearts. He

said this is a magical bear which came to him in dream time last night and said it would like to talk to the Mayor and Councilors, and that could be done by coming to the meeting and putting it in their hand for a minute. In his experience, the bear talks to people quite perceptively and quickly.

Mayor Pro-Tem Wurzbarger said if Mr. Johnson could stay to the end of the meeting, those who would like to share that experience could do so after the meeting.

Mary Layne, said she is a realtor and a concerned citizen, and read her statement into the record, urging the City Council to rewrite the telecommunication ordinance and to reject the request of the Coalition for a Connected West. Please see Exhibit "2," for the specifics of this presentation.

Mayor Coss and Councilor Bushee arrived at the meeting

Rebecca Frenkel said she is here representing herself only. Ms. Frenkel read her statement into the record regarding the Ethics Ordinance which she understands may be on the March 30, 2011, Council Agenda. She requested the Council amend the proposed Ordinance to: (1) impose restrictions on travel and require any travel to be approved by the Ethics Committee which could be the City Council; (2) require full disclosure of any travel, whether paid by the City or by a private source, made by a member of the Governing Body traveling on City business, including a posting of the travel itinerary on the internet; and (3) provide that each Councilor shall appoint a member to the Board and provide for staggered terms in accordance with the appointing Councilor's own term of office. Please see Exhibit "3," for specifics of Ms. Frenkel's statement.

Mayor Coss assumed the duties as Chair

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM M.V.I., INC., FOR A TRANSFER OF LOCATION OF DISPENSER LICENSE #2569 FROM CATAMOUNT BAR & GRILLE, 125 EAST WATER STREET, SANTA FE, TO TRACKS, 530 S. GUADALUPE STREET, SUITE B. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, saying the business is not within 300 feet of a school or church, and staff requests that the business be required to comply with the City's litter and noise ordinance as a condition of approval.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Ortiz, to approve the request from M.V.I., Inc., for a transfer of location of Dispenser License #2569, from Catamount Bar & Grille, 125 East Water Street, Santa Fe, to Tracks, 530 S. Guadalupe Street, Suite B.

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

For: Councilor Bushee, Councilor Calvert, Councilor Ortiz, Councilor Trujillo, and Mayor Coss.

Against: None.

Absent for the vote: Councilor Chavez, Councilor Wurzbarger and Councilor Dominguez

- 2) **CONSIDERATION OF BILL NO. 2011-1: ADOPTION OF ORDINANCE NO. 2011-3 (COUNCILOR ORTIZ). AN ORDINANCE AMENDING ARTICLE 11-4 SFCC 1987, TO AUTHORIZE THE FINANCE DIRECTOR TO APPROVE BUDGET ADJUSTMENTS UP TO AND INCLUDING FIVE THOUSAND DOLLARS (\$5,000); THE CITY MANAGER TO APPROVE BUDGET ADJUSTMENTS FROM FIVE THOUSAND DOLLARS AND ONE CENT (\$5,000.01) UP TO AND INCLUDING FIFTY THOUSAND DOLLARS (\$50,000), AND THE GOVERNING BODY TO APPROVE BUDGET ADJUSTMENTS OVER FIFTY THOUSAND DOLLARS (\$50,000). (KATHRYN RAVELING).**

Councilor Ortiz said Ms. Raveling asked him to sponsor this Ordinance to align the Budget Adjustment Resolution (BAR) process with the Purchasing Manual. He said there was a problem in that the City Manager could approve budget adjustments over \$30,000, and yet budget adjustment items have to come to the Council, and there was a disconnect. He understands this Ordinance is to allow the City Manager to have budget authority for purchases up to \$50,000, and budget adjustments up to \$50,000, and allows the Finance Department Director to have the same kind of approval up to \$5,000, and nothing in this Ordinance changes the requirement that the Finance Department has to report these quarterly to the Finance Committee, and nothing in the Ordinance changes that.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ortiz moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2011-3.

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

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

Against: None.

Absent for the vote: Councilor Chavez.

***RECONSIDERATION OF PREVIOUS VOTE TO POSTPONE ITEM 10(n) TO THE
FIRST COUNCIL MEETING IN JUNE 2011, AND
ADOPTION OF RESOLUTION NO. 2011-19 APPROVING
ITEM 10(n) AS PRESENTED***

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to reconsider the previous action by the Governing Body on Item 10(n) from the Consent Agenda.

DISCUSSION: Councilor Wurzburger said the reason she is doing this is because she spoke with staff, and believes we are wasting time asking people generically what they are concerned about in this regard, when we don't have the baseline information which was requested in the Resolution.

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

MOTION: Councilor Wurzburger moved, seconded by Councilor Calvert, to adopt Resolution No. 2011-19, approving Item 10-(n) as originally presented by Councilor Calvert.

DISCUSSION: Councilor Wurzburger said this will allow the creating of an outline of what can be permitted and might be proposed, and then public meetings can be held.

Councilor Bushee asked if Councilor Wurzburger is changing the word "study" to "outline."

Councilor Wurzburger said no, the word "study" remains.

Councilor Bushee asked if someone is going to define the study.

Councilor Calvert said the Land Use Director, Matthew O'Reilly, outlined what the study would include.

Councilor Bushee would like that in writing. She noted there is a zero fiscal impact, but Mr. O'Reilly told her it would involve quite a bit of staff time, and time in general. She asked Mr. O'Reilly what he means by study.

Mr. O'Reilly said he would anticipate a planning and technical review study of properties in these areas, including looking at each property and its current built density, and based on its acreage, setbacks, slopes, and terrain, determine how much more development could be placed on the property under the current Development Code. They would consider things such as the Escarpment Overlay District, restrictions of height in the Historic District, as well as the restriction on 30% slopes, and the Mountainous and Difficult Terrain Zone which overlays much of this, and which already reduces the allowable density.

Councilor Bushee said her constituent waited for the previous vote and is no longer here, "which I feel badly about that we are doing it this way." She said that gentleman determined if he were to down zone his property under this Ordinance it would be unbuildable. She asked what kind of analysis would be done for his situation.

Mr. O'Reilly said it may be that there are some situations where people determined they were going to build somewhere, but by changing the density, they wouldn't be able to build. He said in the case of the gentleman Councilor Bushee spoke about, he has a unique situation. He said he purchased two reserve development rights as part of a condominium, and it may be that if the density is reduced on this parcel which already has condominium units on it, the two reserve development rights could not be exercised. He said these are the kinds of things staff would be reviewing on the properties in this area, and would report back to the Council.

Councilor Bushee asked how long the study will take.

Mr. O'Reilly said the Resolution provides it will be complete within six months.

Councilor Bushee asked the number of staff persons who will be assigned to the study.

Mr. O'Reilly said it would vary, saying he probably would lead the study, asking various members of the staff to help him as needed. He said they will methodically study these areas, commenting he believes six months is enough time to get this done. He said this would be the kind of analysis which a developer or potential property buyer would do to find out what they could build on it, although this study won't be as exhaustive as that done by a potential buyer, but they would do a decent analysis, and report back to the Council.

Responding to Councilor Bushee, Mr. O'Reilly said staff time will be expended in doing the study, but they won't have to hire consultants to do the study portion. He said they have six months to do the study and can fit it into the schedule as necessary, and they will be doing all of the areas listed in the Resolution.

Councilor Wurzbarger said then, for clarification, "The bottom line is the product of this study is "more or less a map and an explanation on what can be done, based on all the different factors that are in place. Is that correct."

Mr. O'Reilly said yes.

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

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

Against: Councilor Dominguez said he is going to vote yes, but he is also anxious to find out what kinds of policy come out of this.

Absent for the vote: Councilor Chavez.

- 3) **CONSIDERATION OF BILL NO. 2011-2: ADOPTION OF ORDINANCE NO. 2011- 4 (COUNCILOR TRUJILLO). AN ORDINANCE ADOPTING THE 2010 COMPILATION OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE, ARTICLE 24-1 SFCC 1987. (MELISA BYERS) (Postponed at February 23, 2011 City Council Meeting)**

It was the consensus among the City Council that no presentation is necessary for Item H(3).

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2011-4.

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

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

Against: None.

Councilor Chavez arrived at the meeting

4) CONSIDERATION OF BILL NO. 2011-5: ADOPTION OF ORDINANCE NO. 2011-5 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTIONS 24-4.4 AND 24-4.5 SFCC 1987, REGARDING THE SANTA FE TRAFFIC OPERATIONS PROGRAM IN ORDER TO MAKE ALL SPEEDING FINES ONE HUNDRED DOLLARS AND TO MAKE CLARIFICATIONS AND CORRECTIONS. (CAPTAIN ROBBINS)

Captain Robbins reviewed the proposed Ordinance which includes all proposed changes, noting the only fine increase was in the School Zone between 5-10 mph, which is the only location you could get a citation for 5 to 10 miles per hour over, noting any other location starts with 11 mph, and this change impacts only about 600 citations. A copy of the proposed Ordinance is in the Council packets. Please see the proposed Ordinance for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Councilor Calvert asked, for clarification, if this Ordinance amendment applies solely to the STOP, or Speed Van Program.

Captain Robbins said yes, it only impacts speeding tickets issued by the speed van.

- Councilor Calvert asked if this Ordinance amendment impacts citations issued by a traffic unit.

Captain Robbins reiterated that it impacts only speeding tickets issued by the speed van.

- Councilor Calvert said there are only two categories in a school zone, and asked if the fine for a citation issued by the speed van would be \$100, regardless of the speed.

Captain Robbins said the fine was set by the State Legislature, and \$100 is the maximum fine that can be imposed for a citation issued by any photo enforcement.

- Councilor Calvert said this isn't the case with citations which are issued by an officer.

Captain Robbins said there is a tiered fine structure for regular uniform traffic citations issued by a Santa Fe Police Officer, noting officers routinely issue tickets for 5 miles over the limit in a School Zone.

- Councilor Calvert said then we end up with two sets of fines depending on how a person is cited – \$100 for a citation issued by the photo enforcement and a fine under a tiered structure for citations issued by a Police Officer.

Captain Robbins said this is correct, and SB-519 as adopted by the Legislature, “knocked down” the tiered structure under State code.

- Councilor Wurzbarger said she believes the bill as proposed was not changed in the Committee process.

Captain Robbins said this is correct.

- Councilor Bushee said this changes that all citations issued by speed vans are changed to \$100 and not just those issued in the school zone.

Captain Robbins said yes, it only affects fines for citations issued by speed vans.

- Councilor Bushee said she read things in the newspaper after she came home, and asked if this is part of the plan to raise \$1 million to balance the budget.

Mayor Coss said no.

Captain Robbins said it is a separate issue altogether.

- Councilor Dominguez asked if there are any mathematical errors in the calculations.

Captain Robbins said no.

- Councilor Dominguez asked if it will be necessary to amend the contract with this change, noting there were amounts and costs of the program in the contract.

Mr. Zamora said he will look into that with Captain Robbins, and if an amendment is necessary with regard to a number, they will work with RedFlex to ensure that number is updated in the contract.

- Councilor Dominguez asked if this means there are no amendment clauses in the contract, noting he can't see any. He wants to ensure that we are not, with good intentions, violating the contract and giving RedFlex, or others, the opportunity to hold us accountable in some aspect in the future.

Mr. Zamora reiterated that he will ensure that everything complies with the contract, believes the likelihood is very slim that Redflex will have difficulty with an increase in fines which will increase fees to Redflex. He reiterated he will ensure that this complies with the contract.

- Councilor Dominguez said, then Mr. Zamora is saying that taking action this evening doesn't violate the contract.

Mr. Zamora said, "Not that I'm aware of Councilor."

- Councilor Dominguez said, "Then you're saying that if we take action tonight, well intended action, that it could be a violation of the contract."

Mr. Zamora said, "I am not Councilor."

- Councilor Dominguez said this makes him somewhat uncomfortable.
- Councilor Ortiz said he doesn't like the proposed change on packet page 6, line 14, which doesn't allow the public to ask for a hearing, and believes that is a substantive change and not an administrative change. He said the default provision is that people have 35 days to request a hearing. He said to say in the next sentence that you take out the ability to have that hearing, seems that you are forcing only one option for the public which is to pay the fine after that time.

Captain Robbins said this is past the 35 days they had initially to request a hearing, so it is now the 55th day when the person has gone into default, and the initial 35 days when a person could request a hearing has passed. He said under the existing language, they could go into default infinitely and then a year later request a hearing. He said they still have the 35 days to request a hearing, plus the 20 days until the clock starts on the 35 days, which is 55 days. He said it is only past that time that they can no longer request a hearing.

- Councilor Ortiz on packet pages 5 & 6, under Form and contents, there is nothing on the notification saying someone has a right to a hearing and to appeal this, so people have to know when they get a ticket in the mail that they have the right to appeal, because it isn't going to show up on the notice. He said then when you get a default notice, you still have no right to appeal because we're deleting that language. The person is stuck without the right to challenge what could have been a bogus photo, or other defenses, such as your kid was driving and you want them to pay the fine.

Captain Robbins said there is language on the citation providing that the person has 35 days to cure the citation, or request a hearing, and that failure to do that could impose additional penalties or it can go into default.

Jeanne Price said that language is on packet page 6, line 4.

- Councilor Ortiz said that doesn't give him any idea that there is a time limit to request a hearing, otherwise they will be held in default.

Captain Robbins said, although he doesn't have a copy of the citation with him, the citation does say, in bold letters, that you have 35 days to either cure the citation or request a hearing, with a stipulation that additional fines or penalties can be imposed.

- Councilor Ortiz said then people have 35 days to request a hearing. He suggested amending the Ordinance to include that language under Form and content, because the Ordinance doesn't say that is a requirement. He said perhaps that is on Redflex's corporate citation, but it's not in the law.
- Councilor Ortiz said there is language on line 3, packet page 6, "...The STOP fine notification shall inform the registered owner or the nominee of the right to request a hearing by so indicating in the space provided on the form and returning same to the City Clerk."
- Mayor Coss said it says 35 days in the Ordinance.
- Councilor Ortiz said it needs to parrot the language on packet page 6, about how many days people have and make that the law.

Captain Robbins said it does say that on the Citation.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Ortiz, to adopt Ordinance No. 2011- 6, with the recommended language to be added on page 3 of the Ordinance as suggested by Councilor Ortiz.

DISCUSSION: Ms. Price said there is a little clarification on page 2, line 20, which provides, "... the response due date..."

Councilor Ortiz quoted from page 2, beginning on line 20, "...The STOP fine notification shall conspicuously and in bold face type state: "Failure to pay this fine on time will lead to serious legal consequences including the loss of your vehicle and the assessment of additional fines and monies due."

Ms. Price said on that same page just prior to that language on line 20 there is language "...the response time."

Councilor Ortiz said then we put in scare words that there will be legal consequences, but we don't have the requirement in law stating there are a certain number of days to request a hearing. He said perhaps we can add a sentence stating that, noting this already is on the citation.

Captain Robbins said there is an exact date printed on the citation which says you must pay the fine or request a hearing by that date, which includes the 35 days.

Councilor Ortiz asked if that date is 35 days from the citation or the date the citation is received.

Captain Robbins said it is 35 days from the issuance of the citation.

Councilor Ortiz recommended adding language to the end of Section C-1 which provides that, "There shall be a notice in bold face type stating that the fine must be paid or a hearing must be requested within 35 days from the date the citation is issued."

Councilor Ortiz said people could argue that the citation went to the wrong address, and that they did file a notice of appeal when they received the citation and should not be subject to penalties.

Captain Robbins said, "We've heard every defense there is, and we look at every citation. If citations are one or two days late, we review all citations, and we haven't turned anybody away from a hearing. The other defense is I got the default letter a year late, but I never got the original citation.

Councilor Ortiz said we've been fair, noting the current statute provides people have 20 days from the receipt of the default notice to request a hearing. He said once we eliminate that language, there could be a time when you might be gone, and that administration takes a strict interpretation, and denies the person a hearing whether 1 day or 1 year late.

Captain Robbins said the proposed language does say once you pass the 35 days you can only pay the citation.

Councilor Ortiz said this is correct and the only option is to pay the fine.

Captain Robbins said there is a 10-day buffer which "is put in there, so the date of the citation..."

Councilor Ortiz said this is the result of having the citations issued out of Arizona, and that isn't in the law but it has been the practice.

Captain Robbins said this is correct.

FRIENDLY AMENDMENT: Councilor Ortiz would like to amend the motion to not strike the language on page line 14 of the Ordinance, "or request a hearing from the hearing officer." **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

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

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

Against: Councilor Bushee and Councilor Dominguez,

Explaining his vote: Councilor Dominguez said, "I want to explain my vote real quick. I certainly appreciate and agree with Councilor Trujillo's intent, and I want to trust the analysis by the Department, but I do not trust Redflex, so I vote no.

Explaining her vote: Councilor Bushee said, "And I am concerned that the justification.... I thought it was just starting with the school zone charges, and I understood that fee, but I honestly... when we put these programs in place, I believed that it was not to raise money, and it was a preventative measure, and I think this is heading in the opposite direction of what we intended to start with, so I vote No."

5) CONSIDERATION OF BILL NO. 2010-25: ADOPTION OF ORDINANCE NO. 2011-6 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 1-3-2 SFCC 1987, REGARDING THE DISTRIBUTION OF MUNICIPAL COURT FEES. (JUDGE ANN YALMAN)

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2011-6.

DISCUSSION: Councilor Ortiz asked the reason for the change. He asked if we are expecting more money to be deposited into the City fund by saying two-thirds instead of saying \$20 out of the \$30.

Ms. Price said the language change was recommended so everyone understands – between the Judge, the Finance Department and the Police Department. It was felt that this language made that clear, partly because of the time period between the violation, appearance and payment. She said this is done to clarify the split between the different time periods.

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

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

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2011-3: ADOPTION OF ORDINANCE NO. 2011-____ (COUNCILOR CALVERT AND COUNCILOR BUSHEE). AN ORDINANCE ADOPTED AS AN URGENT MEASURE ESTABLISHING A SIX MONTH MORATORIUM ON THE APPROVAL OF PERMITS FOR THE INSTALLATION OF TOWERS AND ANTENNAS SUBJECT TO CHAPTER 14 OF THE CITY CODE, LOCATED ON PRIVATE PROPERTY OR CITY PROPERTY EXCLUDING PUBLIC RIGHTS-OF-WAY. (MARCOS MARTINEZ) (Postponed to March 30, 2011 City Council meeting)**

This item is postponed to the Council meeting of March 30, 2011.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 9, 2011, is incorporated herewith to these minutes as Exhibit "4."

Councilor Dominguez

Councilor Dominguez said he would like to see an assessment of the reservoirs at the next Public Works Committee, given the dry weather, and the outlook for the rest of the summer. He said an email from staff would be sufficient.

Councilor Dominguez said this Governing Body has a good relationship with the Public Schools, noting 3 new members were just elected, and suggested it would behoove us to have some sort of 60-day meeting with the School Board.

Councilor Calvert

Councilor Calvert said the weather is warming up, and with that comes increased graffiti. He said there is increased graffiti at some of the drainage boxes, such as at Paseo de Peralta, and we need to gear up again to remove graffiti.

Councilor Calvert said he received the Judge's report in his box today, and suggested perhaps the Judge might consider providing that information in an email to avoid paper use.

Councilor Trujillo

Councilor Trujillo said there will be a grand opening of the park on April 20, 2011, and asked if the Mayor could consider throwing out the first pitch.

Mayor Coss said yes, and asked him to call Marge and advise her of the date.

Councilor Trujillo wished a very happy 100th birthday to his wife's grandmother.

Councilor Wurzbarger

Councilor Wurzbarger had no communications.

Councilor Bushee

Councilor Bushee said she will be giving Mr. Romero a letter from the Downtown Merchant's Association regarding the violation of the stress sale signage, in response to a letter from one of "our staff enforcers."

Councilor Bushee said she will be amending Chapter 27, the Telecommunication Ordinance, the associated Resolution relating to the Advisory Committee. She is concerned that the Advisory Committee has not been allowed to advise us because of the ongoing lawsuit. She said she is going to change their charge to some degree, with the same aim she has in supporting a moratorium for 6 months to get the baseline, mapping or coverage and where we are deficient, and an indication we will be moving toward the newer technology – the smaller antennas which are less visible. She asked if this will take as long as an Ordinance amendment, because she wants to hear from them.

Mr. Zamora said he will look at both the Ordinance and Resolution, and where possible, we can possibly amend the Resolution and streamline the changes she is proposing.

Councilor Bushee asked when there will be a resolution on the Qwest lawsuit.

Mr. Zamora said there are still time frames with the Courts until late summer for a more final resolution of the litigation.

Councilor Bushee said then she will proceed with the proposed amendments.

Councilor Ortiz

Councilor Ortiz said he introduced and then withdrew a Resolution regarding redistricting. He spoke with the City Clerk who advised that staff already is working on the redistricting which needs to be in place prior to the 2012 election. He understands we will be using the same kind of process we used when we redistricted in 2002. He said he will request a status report at the Finance Committee. He would like the process in place so it is completed by July 1, 2011, for the 2012 election.

Councilor Ortiz introduced a resolution honoring the life of Don Lovato, a great person and a great musician, to honor him by putting up plaque or a memorial. He suggested the Resolution go to Public Works and then back to the Council. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Ortiz said there are billboards on St. Frances, announcing a meeting on Monday, March 14, 2011, at Capshaw at 5:30 p.m., to get neighborhood input on whether the City can reopen the Zia Rail Runner Station, and how that can be done. He said we have gone back and forth with State Department of Transportation about that authority. He said it is clear the City has the ability to reopen that Station, but it is on private land which is not developed. It is his hope that the developer attends the meeting on Monday to give their comments.

Councilor Chavez

Councilor Chavez said, regarding the concept of buying locally, recently he went to the Spotted Owl Timber Company on personal business. He said while he was there, he was informed by the owner that there is a pallet of material in their yard, purchase order date 1-27-2010, which has been paid for. He said he is troubled that the pallet of material is Western Cedar trucked in from the Pacific Northwest. He understands it is material for a storage shed at Frenchy's Field. He doesn't believe it is necessary or needed for this application, and believes local materials will do as well. He asked Mr. Romero to look into this.

Councilor Chavez said there is a project moving through the system, funded with stimulus funds, to provide tin panels for the bus stops. He would like a status report at Public Works. He said we were led to believe the prototypes would be done out of state by machine, which is not authentic and doesn't represent the quality of work that can be done in the area. He said because these are stimulus funds, we can't apply the local preference, but believes we can be selective in terms of the image and presentation of the work.

Councilor Chavez said we received a document dated March 26, 2010, requesting a peer review of the CVB, which was supposed to have been done and presented to the Finance Committee by July 1, 2010. He asked if this has been done, and if so he wants to see that information on the Finance Committee Agenda when it fits in the discussion.

Councilor Chavez said he would like to postpone consideration of the Ethics Ordinance to the first meeting in April, noting the March 30th Council Agenda is very full, and he would like to have more time for that discussion.

Mr. Zamora reminded the Council that Jeanne Price will no longer be with the City for its first meeting in April.

Councilor Chavez said he still would like to request postponement of the Ethics Ordinance to the first meeting in April.

Councilor Chavez wished his grandson Nathan, a very happy birthday, noting he is 6 years old today. He said the reason he was late is that he joined the family for a family birthday dinner.

Mayor Coss

Mayor said there will be a "Coffee with Coss" on China, on March 16, 2011, at 9:00 a.m. at the Convention and Visitors Bureau. He said there will be great speakers who have been to China speaking on tourism, the sale of art and other things.

Mayor Coss introduced a resolution on behalf of Councilor Romero, repealing Resolution 2001-35 that established the Transit Advisory Board for the purpose of eliminating the Transit Advisory Board. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

I. ADJOURN

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

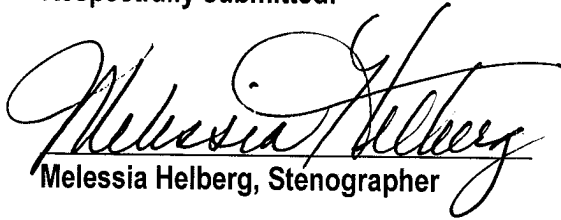
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer