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January 14, 2015**

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 14, 2015**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, January 14, 2015, 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 Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Bill Dimas

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

A proposed Amendment to the City/County Power Resolution in Item #14, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "1."

Mr. Snyder said Item 10(r) is postponed to the Council meeting of January 28, 2015.

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to approve the agenda, as amended.

FRIENDLY AMENDMENT: Councilor Dominguez would like to remand Item #14 back to the Finance Committee, because the caption has changed and "I believe that the bill has changed significantly, and the Finance Committee has not had an opportunity to review it and consider any potential fiscal impacts to it, and also because it hasn't been considered at Public Utilities the way it has been advertised. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

MOTION: Councilor Dominguez moved to postpone Item #14 to the Council meeting of January 28, 2015, and to remand it back to the Finance Committee.

DISCUSSION PRIOR TO SECOND. Mayor Gonzales asked if this is a tabling or postponement, because for people who want to weigh in on a tabling there is no discussion, and asked if a postponement is the same.

Ms. Brennan said, "I think that a postponement, you can discuss the motion and it would be, I assume, to align with the Finance Committee to hear it, act and come back to the Council."

Councilor Dominguez said basically it gets postponed and sent back to Finance Committee to be heard in its new form with the changes and then back to the Council.

Responding to Councilor Trujillo, Councilor Dominguez said, "Basically that we hear what is brand new in the bill at Finance, since we haven't heard it.

SECOND: Councilor Trujillo seconded the motion.

Councilor Bushee arrived at the meeting

DISCUSSION: Councilor Maestas said, "I just want a clarification of the procedure, the rules of procedure, because when I had staff implement some amendments based on discussions in Committee, I was told that it could continue on to Council. So who decides that it is a material change. Can anyone maybe clarify the rules of procedure. If a piece of legislation goes through this committee track and it's changed, what is the threshold for sending it back."

Ms. Brennan said, "It can advance to Council which it has done tonight, but a motion can be made to send it back for a hearing before Finance Committee, and that would be sufficient upon a vote of this body. I will say that the next Finance Committee meeting appears to be the 20th, and the 28th is the next Council meeting, so it will conceivably come back at the next Council meeting."

Councilor Maestas said, "Just, before I yield the floor, I think the nature of the changes are completely consistent with the discussions that we've had in the Committees. I don't think there is anything really materially different, certainly not anything that represents a significant change in the fiscal impact, so I can't support it."

Councilor Ives said, "Just because I'm unclear what the changes are that have been made, or which ones..."

Councilor Dominguez said, "Quite frankly, the caption itself has been changed, so the public has not had an opportunity to hear the bill in its current caption."

Councilor Ives said, "Unfortunately, I don't have those prior captions in front of me. I'm just wondering what those changes were that are causing the concern."

Councilor Dominguez said Ms. Byers might have that.

Councilor Maestas said he thinks the original is in the packet.

Ms. Byers said, "There is an amendment sheet on your desk [Exhibit "1 "] that reflects the amendments that were made to the Resolution. What changed was the caption as well, the result of the revisions. So the resolved provision reflects what the caption is now on the agenda, which is consistent with what the action was at Finance, which was, 'Have the City Manager arrange a meeting with the County to see if there is interest in pursuing a public utility jointly with the County. And then for staff to review the next steps in the Report and for staff to report back to the Governing Body within sixty days on their findings.' So, those are the proposed changes. There is a Substitute Resolution in the packet that shows what the changes are."

Councilor Ives said, "I guess I'm troubled. Do they think the changes were made to accommodate requests that were made at those Committee hearings, and I guess I'm inclined to agree with Councilor Maestas that those changes are functionally contained within the original as well as then being modified, based upon input from doing public meetings. So, I'm personally not convinced that there is enough of a change to necessarily dictate that. I don't think, personally, there is lack of clarity for the public on those issues."

CLARIFICATION ON PRIORITY OF MOTIONS CURRENTLY BEFORE THE COUNCIL: Councilor Rivera said, "We did have a motion and second to approve the Agenda, as amended, with the postponement of 10(r). Are we still taking that vote first."

Mayor Gonzales said, "The vote that will happen now is on Councilor Dominguez's motion to postpone, and to direct this Resolution to Finance to be considered, and then brought back at the next City Council meeting, which hopefully, should be the 28th if it is the next."

Councilor Dominguez said, "As the maker of the motion, Mayor, I certainly appreciate the comments made by both Councilor Maestas and Councilor Ives. I definitely understand his sense of urgency, if you will, or this need to keep the pedal to the metal. However, I think that we owe it to public, because there is not even stakeholder provisions in this Resolution, and so I think that that's something that could be discussed, that should be discussed at Finance. I have no problem even doing a public hearing at Finance. And, the fact is, that the caption is changed, the public has been looking at one caption, even though there may not

be, according to some people, some significant changes in the content of the bill. Nonetheless, the public is not looking at the same caption, and so I think, with all due respect to transparency, we need to continue giving the public the opportunity to follow these two bills.”

Councilor Dominguez continued, “And then the other thing too, I guess the last thing, is that it has changed, because I appreciate the fact that you’ve tried to incorporate everything we had.... the discussion we had at Finance, in this bill. But the bill doesn’t allow it to go back to Finance, it comes straight to Council. And so, we’re skipping a step there even, once staff comes up with their findings. That’s really my rationale Mayor, thank you.”

Councilor Trujillo said, “Can I get clarification then. If Councilor Maestas is directing in this Ordinance [Resolution] for Brian to talk to the County Manager, when should I receive an email to say that we’re going to have a meeting between the County and the City. I thought that was the whole reason we were setting up this meeting.”

Mr. Snyder said, “No. That’s not the reason we’re setting up the meeting. We had discussed at the last Joint City/County meeting that we would have meetings on a quarterly basis, so I started trying to get that accomplished – a meeting in January.”

Mayor Gonzales said the agenda for that meeting is still being developed, so this could be part of it.

VOTE ON THE MOTION TO AMEND: The motion to amend was approved on the following roll call vote:

For: Councilor Bushee, Councilor Dominguez, Councilor Lindell, Councilor Trujillo and Mayor Gonzales.

Against: Councilor Ives, Councilor Maestas and Councilor Rivera.

VOTE ON AGENDA, AS AMENDED. The motion to approve the agenda, as amended, was approved unanimously on a voice vote with Mayor Gonzales, Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

7. APPROVAL OF CONSENT CALENDAR

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

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10. CONSENT CALENDAR

A copy of an Action Sheet Item from the Public Works/CIP and Land Use Committee meeting of Monday, January 12, 2015, with regard to Item 10(b), is incorporated herewith to these minutes as Exhibit "2."

- a) *[Removed for discussion by Councilor Lindell]*
- b) **BID NO. 15/08/B – BARRICADING AND TRAFFIC CONTROL SERVICES CITY-WIDE; SOUTHWEST SAFETY SERVICES, INC. (ISAAC PINO)**
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING DESIGN SERVICES FOR PASEO DEL SOL (WEST) SPINE INFRASTRUCTURE EXTENSION; TIERRA CONTENTA CORPORATION. (ALEXANDRA LADD)**
- d) *[Removed for discussion by Councilor Trujillo]*
- e) *[Removed for discussion by Councilor Trujillo]*
- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADVERTISEMENT PROGRAM FOR SANTA FE PUBLIC TRANSIT SYSTEM; TEMPLETON MARKETING SERVICES. (JON BULTHUIS)**
- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONDUCT PERSONNEL INVESTIGATIONS FOR CITY OF SANTA FE HUMAN RESOURCES DIVISION (RFP #15/11/P); UNIVERSAL INVESTIGATION SERVICES. (SANDRA PEREZ)**
- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY-WIDE EQUIPMENT AND SERVICES FOR ITT COMMUNICATIONS DIVISION; ADVANCED NETWORK MANAGEMENT, INC. (RENEE MARTINEZ)**
- i) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO 2 TO AGREEMENT – HOSTING AND DEVELOPMENT SERVICES FOR CITY'S GIS INTERNET MAPPING SYSTEM (IMS); LATITUDE GEOGRAPHICS GROUP, LTD. (RENEE MARTINEZ).**
- j) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENTS TO COVER COSTS FOR WATER DIVISION SOLAR PROJECT AND WATER LINE RELOCATION PROJECT FOR CRWTP IMPROVEMENTS FROM CIP FUND. (NICK SCHIAVO)**

- k) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AGREEMENT – SOFTWARE MAINTENANCE AND SERVICES FOR FIRE DEPARTMENT; ZOLL DATA SYSTEMS, INC. (JAN SNYDER)**
- l) **REQUEST FOR APPROVAL OF QUALIFICATION AND ALLOCATION OF WATER CREDITS WITHIN THE CITY OF SANTA FE’S WATER BANK, PURSUANT TO SECTION 25-9.5(H) & SECTION 25-9.6(D) SFCC 1987. (ALAN HOOK)**
- m) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENTS – SOFTWARE HOSTING, MAINTENANCE, SUPPORT AND INTEGRATION FOR WATER CONSERVATION AND WATER RESOURCES; CONSERVETRACK, LLC. (ALAN HOOK)**
- n) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT – HVAC MAINTENANCE AND REPAIR SERVICES FOR SANTA FE CIVIC CENTER; YEAROUT SERVICES, LLC. (RANDY RANDALL)**
- o) **CONSIDERATION OF BUDGET INCREASE FROM NEW MEXICO VETERAN’S SERVICES FOR USE OF FUNDS FOR VETERAN PROGRAMS. (TERRIE RODRIGUEZ)**
- p) ***[Removed for discussion by Councilor Trujillo]***
- q) **CONSIDERATION OF RESOLUTION NO. 2015-1 (MAYOR GONZALES, COUNCILOR RIVERA, COUNCILOR IVES, COUNCILOR DIMAS, COUNCILOR BUSHEE, AND COUNCILOR LINDELL AND COUNCILOR TRUJILLO) A RESOLUTION DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO EXPLORE THE OPTIONS FOR ESTABLISHING A COMPREHENSIVE PLAN FOR A LONG-TERM COMMUNITY PROTECTION INITIATIVE (“CPI”) AND REPORT BACK TO THE GOVERNING BODY ITS FINDINGS AND RECOMMENDATIONS, INCLUDING THE FISCAL IMPACT FOR ESTABLISHING AND MAINTAINING SUCH A PROGRAM. (ANDRES MERCADO)**
- r) **CONSIDERATION OF RESOLUTION NO. 2015- ____ (COUNCILOR LINDELL). A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMITTAL OF THE CITY’S PROJECT APPLICATION TO THE SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR FUNDING UNDER THE FISCAL YEAR 2016/2017 NMDOT ADMINISTERED FUNDS FROM THE TRANSPORTATION ALTERNATIVES PROGRAM AND RECREATIONAL TRAILS PROGRAM. (LEROY PACHECO) This item is postponed to the Council meeting of January 28, 2014.**

- s) **CONSIDERATION OF RESOLUTION NO. 2015-2 (COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING AN EXTENSION OF TIME FOR PRESENTATION OF THE SPECIAL AUDIT OF THE 2008 PARKS, TRAILS AND OPEN SPACE BOND TO MARCH 31, 2015. (LISA KERR)**
- t) *[Removed for discussion by Councilor Trujillo]*
- u) **REQUEST FOR APPROVAL OF THE WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN 2015. (ALAN HOOK)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – DECEMBER 10, 2014
SPECIAL CITY COUNCIL MEETING – DECEMBER 15, 2014.**

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of December 10, 2014, and the Special City Council meeting of December 15, 2014, as presented.

VOTE: The motion was approved on a voice vote with Mayor Gonzales, Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

9. PRESENTATIONS

- a) **INTRODUCTION OF LAW ENFORCEMENT ACADEMY GRADUATES AND HIRED LATERALS. (CHIEF ERIC GARCIA)**

Chief Garcia introduced the new Law Enforcement Academy graduates and hired laterals, with a brief bio on each.

Councilor Bushee welcomed the new graduates and laterals. She asked the Chief the status of our staffing levels after these officers.

Chief Garcia said, with 11 cadets starting the Academy in late February and the additional 8 laterals, within the next two months we'll have 8 vacancies, hopefully by the end of February.

Councilor Bushee said she was grateful some of them have attended our Community College and our other higher learning institutions in New Mexico. She noted someone has a degree in Psychology which probably is highly necessary in serving in these tense times. She asked how many plan on living in the community, and asked them to "let us know what we can do to keep you living here in Santa Fe."

Mayor Gonzales thanked the new officers for their service and dedication to our community. He said he had the opportunity to go on a couple of night ride-alongs with Police Officers. He said, "My respect and my admiration has grown tremendously for the work that you do to protect our community, and I want to say thank you. Today's Police calls for a very different type of police person. We are a community that wants to be able to call you when we feel threatened, or that we're vulnerable. But we're also a community that wants to make sure that you are able to participate in helping to address some of the needs that may not rise to a violent nature."

Mayor Gonzales continued, "And we're counting on all of you to help lead this nation and this community in what it means to be community police officers, to be accessible to the community, know that you City stands with you and we're very very proud of the fact that you're wearing the badges that you're wearing. This is a community that has been around for 400 years. Protect us and honor this community with the work that you do. I know that we are a safer place because of the oath you've taken and the commitment you've made to make Santa Fe a safer place. So thank you on behalf of our City."

Councilor Rivera said he has known two of these gentlemen since they were young boys. He said, "I'm glad they're on this side of the law. Mr. Anaya it's a pleasure to have you here. I had the opportunity to work the streets with your grandfather and I think you will make great addition. And Jonas Padilla, I've known you since you were young man as well, so welcome aboard. I know you have grown up in this community, understand this community and I know you will serve this community well. Thank you."

Mayor Gonzales said he has been receiving the updated crime statistics monthly from Chief Garcia, and has been pleased with the decline in property crimes. He knows there are challenges that remain other areas, particularly in the areas of domestic violence and violence against children in our community, and he continues to support the Chief's efforts to do what we can. He has met some of those who are trying to get drugs out of the community which is a noble job, and he is proud of their efforts.

Mayor Gonzales said he has seen a change among the rank and file he has spent time with on the ride-alongs, in terms of a shift of morale and how they feel about the opportunity to grow within the Police Department, and their appreciate for the 4/10's. He reiterated to them what he told this Council, "As long as the performance was met and we were able to keep this town safe and address some of the issues our community is having, those are almost easy decisions to support," and to continue doing what they're doing. He is very proud of what they do, and to see how they engage the community in terms of the homeless or might need a ride because they're in a dangerous area. He said everything is available to this community when a Police Officer is on the streets, and it was good to see that.

Chief Garcia thanked the Mayor and Councilors for their support, as well as Mr. Snyder and Ms. Brennan.

Councilor Bushee asked if there are any female applicants, and Chief Garcia said there will be a female starting the academy at the end of February.

Mayor Gonzales said on the last ride-along he rode with a Police Officer who is an ally of the LGBT community, and there is an organization within the Santa Fe PD which is inviting more people from the LGBT community to sign up to be Police Officers and to engage in the community. It was a treat to meet an ally to the community, and somebody who goes out, not only amongst the officers to say how important it is to embrace the community, but also to go out into the schools and talk about the importance of creating allies for LGBT community. He said he was pleasantly surprised, and didn't know that existed inside the PD and it's nice to know that it does.

Councilor Bushee said we should make sure the group that is doing the study, the Human Rights Campaign, knows about that, as well as to make sure we are reporting hate crimes stats.

Councilor Maestas asked the status of the deployment of the lapel cameras.

Chief Garcia said currently, the SFPD is evaluating several different programs. He said currently there are at least 8 units in our bike patrol officers, noting several officers have purchased their own lapel-cams, because they think it is an asset for them. In terms of deployment, it will be a phased-in because they are costly, and they will be looking for funds for this purchase.

Councilor Maestas asked if there are any kinds of law enforcement grants we could use to pay for that equipment.

Chief Garcia said Lt. Strahan is looking several opportunities for us as well as Deputy Chief Salbidrez.

Councilor Maestas said he would like to see the deployment of the lapel-cams, whether phased or in one purchase. He thanked the Chief for working on that purchase.

Mayor Gonzales said it does seem of critical importance that we understand how to deploy them sooner than later. He said instead of going into it tonight, he would suggested a presentation to Public Safety and Finance as a separate presentation on the cameras, the costs, and why it's important, and begin the active discussion, especially now during the budgetary process of how we allocate funds. He said this is something we need today. It's important for both the community and the officers that we have as much as possible of this video technology available. He is concerned if we phase it, we may find ourselves in an event or incident where it may have been a critical need and it wasn't there.

Councilor Dominguez said, "I appreciate your comments about the LGBT community, because when it comes to being safe it shouldn't matter what the situation is as long as we're safe, so thank you very much for those comments. And the second thing is I learned a term today, I think it's called statutory stress, something like that. What it is, is that Police Departments have a direct impact on Early Childhood development and learning. Learning how to deal with situations like domestic violence really helps a young child grow, not only in a better environment in our community, but they're able to perform better in school and of course become better citizens. The Police Department's function is I think, as you said Mayor, is not just what it use to be. It touches a lot of people in many different ways and I think that we

need to keep striving to making sure we make our community as safe as possible, and not just with good old police forces the way we used to. Or maybe as some of the communities do it. So thanks for your work. You're right, Mayor, we need to get on other things that pertain to the Police Department like fiscal impacts of cameras, but also what we can do to keep and recruit officers from within the City of Santa Fe. So thanks for all your help."

Councilor Bushee asked where we are in terms of accepting any of the federal equipment. She said she gets nervous when she sees the SWAT tank parked at Zozobra, she gets nervous. How are we approaching that.

Chief Garcia said he has some very strict guidelines for personnel. He said, "Captain Mike Waring has been hired through Sierra Ford Consulting to work with the Santa Fe Police Department in finding us viable assets for the Police Department. Of course there are Mark 19, AR 15, 308 caliber, sniper rifles and such, but we're not getting any of that stuff. What we're getting are viable resources for the Police Department, cages to keep the K-9 dogs in, these cost almost \$10,000 apiece and that is a cost savings for the City of Santa Fe. We're talking about pickup trucks, regular cars, cots, things we can use, viable resources. Now that other stuff, like excessive SWAT vehicles, no you're not going to see us getting any more of that stuff. But I am participating in a 1033 program, respectfully, because it is a good resource for our agency."

Councilor Bushee said with the number of new officers that may be staying in the community, is there something we can bring forward what I think everybody up here wants, which is a community policing effort.

Chief Garcia said absolutely, noting that is one of the tasks the Mayor has put on his shoulders, and they are doing that, and are at the forefront of community policing in Santa Fe, and described the activities they are doing.

Councilor Bushee said twenty years ago, under Mayor Jaramillo, that concept came up, and we've really never have been able to put it place, because the majority of our officers don't live in our community which makes it difficulty. She wants to know what we can do to support that effort.

Mayor Gonzales said, "I love the 'Coffee with the Cops,' so keep it up. It's great to allow the public to just go..... I've also heard from the public that participated in the Citizens' Academy, which I had no clue that you make it available. But if people want to learn, train and understand what you're doing, that is available for the public to participate in.

b) MUCHAS GRACIAS – SANTA FE CONSERVATION TRUST, VOLUNTEERS AND THE CITY'S PARKS AND ENGINEERING STAFF FOR THE CAMINO DE CRUZ BLANCA TRAIL. (COUNCILOR MAESTAS)

Councilor Maestas said he asked for this to be placed on the agenda. There is a pedestrian trail along Camino de Cruz Blanca where there was an unfinished 90-foot section. He bikes by there and he would see the families with strollers who would have to get on the roadway and then get back on the trail. He said one of the residents called him about this and one concerned citizen got the ball rolling. He said he wanted to recognize all the people that helped to construct the 90-100 foot section that is used by a lot of people. He said this epitomizes a real community project where government is on the periphery, and although they facilitate, it's the community that really gets it done. So he wanted to highlight the accomplishments of these folks.

Councilor Maestas, assisted by Councilor Ives, presented Muchas Gracias certificates to those who participated.

Tim Rogers said, "It was an honor and pleasure to work with various parts of the City and our volunteers from the Trails Alliance and the landowners, and volunteers from Santa Fe Fat Tire Society. We all learned a lot by working together and we got something done. So thanks for the opportunity."

Councilor Bushee noted that Mr. Rogers serves as the Bikeways Trails Coordinator for the City, and is charged with gathering volunteers and he 's been a watch dog for all of the bike riding/pedestrian community.

Mayor Gonzales expressed thanks to Councilor Maestas, Mr. Rogers and the other volunteers who go above and beyond to give to their community in ways that improve the quality of life for everybody. He said, "You don't have to do this, but you do it on your own time, of your own care and love for Santa Fe. And we all don't get a chance to thank you enough, but we sure take advantage of your generosity when we're on the trails. Thank you for recognizing these great citizens. Thank you all very much."

CONSENT CALENDAR DISCUSSION

10(a) CONSIDERATION OF RESOLUTION NO. 2015-3 (MAYOR GONZALES). A RESOLUTION REPEALING RESOLUTION NO. 2014-1 RELATING TO THE OPEN MEETINGS ACT; ADOPTING THE STATE OF NEW MEXICO OPEN MEETINGS ACT BY REFERENCE; AND ADOPTING NOTICE REQUIREMENTS.

Councilor Lindell said most of us got a letter from the League of Women Voters. She said, "In October 2011, the Governing Body did pass a Resolution Adopting League of Women Voters position on transparency. A couple of those items that I'd like to just read into the record:

To hold meetings in Executive Session only when absolutely necessary, even though the OMA

may allow otherwise. Include an explanation of the purpose of the Executive Session in the meeting agenda. Keep a public record of all attendees at the Executive Sessions and make that information public when the public body reconvenes after Executive Session. And finally, on important matters of wide public interest that have been discussed in Executive Session, publish a draft motion based on what was discussed in Executive Session and allow public input on it at a public meeting before a vote is taken.

So, I just wanted to read these into the record as a friendly reminder to myself and my colleagues that this was passed in October 2011, a Resolution.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-3.

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10(d) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – AIRLINE EQUIPMENT PROCUREMENT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JON BULTHUIS)

DISCLOSURE: Councilor Trujillo said, "As with anything that comes before us with the New Mexico Department of Transportation, I work for the NMDOT, I do not work for the Aviation Division, so there is no conflict of interest."

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

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10(e) REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – AIRPORT TERMINAL EXPANSION PROJECT AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION. (JON BULTHUIS)

DISCLOSURE: Councilor Trujillo said, "I work for the New Mexico Department of Transportation. This is a review between NMDOT and the City. I do not work for the Aviation Division, so there is no conflict of interest."

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

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10(p) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR FEBRUARY 11, 2015: BILL NO. 2015-1: AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE (COUNCILOR LINDELL, ~~AND~~ COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ) (JOHNNY MARTINEZ)

Councilor Trujillo said he said there was a discussion at the Finance Committee with regard to gophers being included in the category of wild animals.

Officer Martinez said, "We identified it as a vermin, and the definition has been included in the Ordinance."

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

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Responding to Councilor Bushee, Councilor Trujillo said Prairie Dogs are considered vermin.

10(t) CONSIDERATION OF RESOLUTION NO. 2015-4 (MAYOR GONZALES, COUNCILOR IVES, AND COUNCILOR BUSHEE AND COUNCILOR LINDELL). A RESOLUTION DECLARING THE GOVERNING BODY'S CONTINUED SUPPORT FOR THE NEW MEXICO SCHOOL FOR THE ARTS AND THEIR EFFORTS TO ESTABLISH A PERMANENT LOCATION FOR THEIR CAMPUS WITHIN THE CITY OF SANTA FE. (MATTHEW O'REILLY)

Councilor said there was a discussion at Finance about the possibility of putting the School in one of the parks, which gave him heartburn. He supports finding a place for the school within this community, but said we try very hard to create and expand our parks. He said this he doesn't feel buildings such as this should be placed in a City park. He wanted to clarify that language is included which amends the Resolution to exclude open spaces and parks for the location of the school.

Mr. O'Reilly said there is an amendment on page 3 of the packet adding the following language: "A permanent campus location for the NMSA shall exclude any location within an existing City of Santa Fe park."

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas to adopt Resolution No. 2015-4, with the amendment.

DISCUSSION: Responding to Councilor Bushee, Mr. O'Reilly said, "My understand is that NMSA has really focused in on the property at the intersection of Alumni Drive and Siringo, and that is the property that's referenced in the Resolution and that they are working at the State level to secure that property."

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

STENOGRAPHER'S NOTE: At the time Item #11 was called for discussion, Mr. Bulthuis was absent from the Council Chambers, and Mayor Gonzales exercised the discretion of the Chair to hear Item #12 and then hear Item #11 when Mr. Bulthuis returned to the Council Chambers.

12. UPDATE ON FLEET REPLACEMENT POLICY. (MARIO SALBIDREZ, DEPUTY POLICE CHIEF)

A Memorandum dated October 15, 2014, to the Public Safety Committee from Mario Salbidrez, City of Santa Fe Police Deputy Chief, regarding Fleet Replacement Policy (Informational), is incorporated herewith to these minutes as Exhibit "3."

Mayor Gonzales commended Deputy Chief Salbidrez and other officers, saying we are thankful for his encouragement to positions that help elevate their career, and that is great. He said, "We cannot ask for more from the command staff looking to for ways to mentor officers on the front line and showing them pathways to be able to move their way up and hopefully become future command staff people and Deputy Chiefs and Chiefs. I appreciated hearing from them that you take that personal interest, and I think that's great across the board."

Deputy Chief Mario Salbidrez reviewed the information in Exhibit "3." Please see Exhibit "3," for specifics of this presentation.

Captain Andrew Padilla presented answers to the questions asked by the Finance Committee at its meeting on January 5, 2015, as follows:

- * They have looked into the maintenance software, the basic Pro-M costs approximately \$15,000, and they are exploring ideas of where to install it, either the City Maintenance warehouse or at the Police Department so the Fleet Manager would have access to that so we can project how much the Department is spending on tires, oil changes, transmission repairs and so on. So they are exploring that option.
- * The second question was "what Councilor Maestas mentioned, the flat budget," how we are doing with it. He said the Deputy Chief explained that a bit ago to a certain level. He said they are looking at it, and you may see that increase over the next 2-3 years to bring the fleet up to 100% serviceable vehicles, getting rid of the old ones and sending them to auction. Or if they are still serviceable, remove the emergency equipment, and give them to the other departments or divisions within the City.
- * The other question which was asked is do all the police cars need to be Police rated. We've evaluated that, and we understand the cost of these vehicles, and we can honestly say, "No, not all police vehicles need to be police rated. For the Patrol Division, yes, they need to be police rated. The police rated vehicles come with transmission oil coolant reservoirs, higher capacity to cool these vehicles that are running all the time. They have larger brakes, brake loaders for stopping capabilities. If a police rated vehicle is stopped on the side of the highway or stopped at a red light and get rear ended they are crash tested to 75 mph rating. Another option, the police rated vehicles give you the option of having ballistic door capability or panels inserted in the vehicles, safety cells in the vehicles that direct the impact of these crashes, roll cages built in or 'crunch zones' if you understand the vehicles, which takes the force off the officer and occupants of the vehicle and puts it around the officers."

We have explored there are non-police rated vehicles for some admin personnel and detectives. We are going to explore the option and go with the test and evaluation process of looking at the Ford Fusion, which makes a hybrid version. He said they have a proposal put together to evaluate either two Ford Fusions with its basic 1.5 liter in-line for a motor, and a comparable vehicle the Ford Fusion hybrid which has the capability of producing up to an EPA ranting of 44

within City and 41 on highway. The Fusion electric model up to 85 mph. And the Ford Fusion non-hybrid will give an estimated EPA of 22 City and 30 for highway. So we've put together that program, we'll evaluate it and then go from there."

Mayor Gonzales asked if the Fusions would be put into the fleet, asking if they meet the requirements for acceleration.

Captain Padilla said, "They do not."

Mayor Gonzales asked who would use them.

Captain Padilla said it would be for adm personnel and detectives.

* One question asked was if we can use our reserve vehicles as commuter cars for the officers living out of town. They evaluated that, and the whole purpose of our presentation over the last two months has been to reduce our fleets and avoid all these maintenance costs, and bring it down. He said, "If we do that.... right now we just have a limited number of cars. If we continue on and we want to evaluate that, we could estimate, based on our current number of officers in the department and based on a study they conducted August 26, 2014 of the officers that live within the City limits and the officers that live outside the City limits. Based on that study, we can estimate that we would need 76 vehicles on standby to be used as commuter cars. So the vehicles currently used as reserve vehicles, all have 80,000 plus miles, and that's where we're going to have to start evaluating what. The transmission usually gives out on them, the upkeep that officer is now going to be responsible for two vehicles, his daily driver here within the City limits while on duty as well as to maintain, and we'll have to spend those maintenance and fuel costs, as a commuter car. So, in my opinion and in our Department's opinion, it would not be cost effective.

* The other question asked was whether we could use DWI seizure vehicles as commuter vehicles. He said, "Based on the current City Ordinance, it only allows 6 cars currently to be used at this time. And they are currently being used as undercover cars for investigation personnel. So if you are going to change any of that stuff, I'm going back to the study we conducted, we obviously have to do a City Ordinance change. The upkeep on these vehicles.... these vehicles are not in the best conditions. Maybe of the 10 vehicles we do seize, only 1 or 2 are in any great condition that we are able to use and easily convert into this undercover capacity or use for the Police Department. They have high mileage, but we have money to bring them to the basic capabilities for day to day driving."

Captain Padilla said these are the basic questions.

The Governing Body commented and asked questions as follows:

- Mayor Gonzales asked what percentage of the officers use motorcycles when the weather permits, and he assumes that is obviously a lower cost of vehicle. He asked when they go to the motorcycles and how long are they there and what percentage.

Captain Padilla said, "It is weather dependent, that's the key factor. We see them riding up until early December they were riding them, and they do have an alternate vehicle, obviously, which is used if it is raining or snowing outside, so they do have a backup vehicle and they're currently using that vehicle. Percentage wise, I know we currently have 5-6 traffic officers in the traffic division, and there's a lot of training that goes into it, so we can't have every patrol officer maintain those qualifications and the monthly training. That's stress on the body and it is physically demanding to be out there on those motorcycles. Did that answer your question?"

- Mayor Gonzales said it is a lower cost per mile to have them on the motorcycles, and asked where it makes sense if we can build a program over time to expand the number of police officers on motorcycles, especially on the traffic side, I'm assuming that might make sense.

Captain Padilla said, "On the traffic side, on the patrol side, probably not."

- Mayor Gonzales asked the difference between traffic and patrol, saying he thought it was the same.

Deputy Chief Salbidrez said, "Actually patrol is, the officers respond to calls regularly any call that come in. The Traffic Division is a support of the Police Department of patrol. So currently, we do have approximately 4 full time traffic officers and several other auxiliary officers who have been assigned a motorcycle as well. If you spoke to Officer James Plummer, many times we have to tell him to get off the motorcycle, it's too cold. He just loves that bike, and would rather drive his motorcycle. And we have spoken with the Chief and Deputy Chief Lettenberger, and hopefully in the near future, we will expand that program, because I think it's a very good program. It's also easier to speak to them, because the public has more accessibility to them than behind the wheel of a car."

- Mayor Gonzales asked the difference per mile to care for a motorcycle versus an automobile, and have we broken that down yet.

Deputy Chief Salbidrez said he doesn't have that answer.

- Mayor Gonzales said he knows the costs of the vehicles are different, but he is speaking in terms of the maintenance of the motorcycles versus the Police car.

Deputy Chief Salbidrez said the Fleet Manager will get that report and he will forward it to him.

- Mayor Gonzales said it isn't a priority, but it would be good to know as we think about trying to shave costs in areas that are easy without affecting the safety of the public, and more motorcycle officers might make some sense for consideration. He said, "Please don't put in extra work if you can't pull it."
- Councilor Dominguez said this isn't just a Fleet Replacement Policy, this is a Fleet Replacement Policy specific to the Police Department, and Deputy Chief Salbidrez said that is correct.
- Councilor Dominguez said in the policy you say that adm vehicles will be retained for 7 years.
Deputy Chief Salbidrez said that is correct.
- Councilor Dominguez why was the number 7 chosen.
Deputy Chief Salbidrez said they discussed what happens to a vehicle that's parked for a long period of time. Do the bushings wear out, do other components wear out on it because it's not being used, and there is a potential there. He said they decided 7 was a safe number, but it's not a definite number, and that's when we put back the Chief's discretion to extend it beyond 7 years.
- Councilor Dominguez said it says 7 years or 100,000 miles, at which point the vehicle will go to auction unless otherwise deemed by the Chief of Police for reuse, and Deputy Chief Salbidrez said this is correct.
- Councilor Dominguez said, "What is really comes down to is that you all are going "to be making an ask" here pretty soon for \$1.5 million for vehicles."
Deputy Chief Salbidrez said that would be coming up the next fiscal year, and Councilor Dominguez is correct.
- Councilor Dominguez said during the past budget cycle we were able to buy some snowplows and other things through a tax was in existence that we learned about. He asked, "Do you have any proposal or know where that \$1.5 million might come from."
Deputy Chief Salbidrez said they just finished budget review, and there are areas where there are monies, but he can't tell you they have the \$1.5 million in their budget.
- Councilor Dominguez said this may not be a fair question to ask in the early stages of budgeting and such. He said that's going to be a task for the City Manager to help resolve, because there are recurring costs to the extent that you always need vehicles. However, if you're going after 30 vehicles that will be a one-time cost, but there will be recurring costs and after that there will be another cost for more vehicles.

Deputy Chief Salbidrez said, "That is correct, yes. There's going to be a recurring cost and the intent of the Fleet Policy is to give us a predictability to look forward into the next fiscal year so we can start preparing for that. And if we can find some funding within our budget, we will do that and be fiscally responsible. But..... Nancy knows we don't have that much money."

- Councilor Dominguez said salary savings can be used as a one-time hit, noting we did some of that last year.
- Councilor Dominguez asked what do we spend on maintenance, noting there is an amount which is the purchase of the vehicle with all the equipment needed. He said he has never seen what the maintenance costs are in the budget.

Deputy Chief Salbidrez said, "In Finance, there is a mechanism in place to do that. For some reason, the warehouse, the shop can't derive that number for us. They're working with IT to get that number. That's why part of the proposal for the questions answered was the fleet software program that was \$15,000, so we have more fiscal control of these types of issues. So we can come with a report and say this is the cost of maintenance, tires, etc., and why we're exploring that."

- Councilor Dominguez asked if the Police Department has its own maintenance operation, or is it the entire City of Santa Fe Fleet that gets maintained.

Deputy Chief Salbidrez said, "We have our own budget for maintenance."

- Councilor Dominguez said then you have your own budget for maintenance, but you don't have a maintenance shop within the Police Department. You don't have a division for vehicle maintenance.

Deputy Chief Salbidrez said that is correct, it all goes to the warehouse. He said in the past, Nancy has been going from historical what has been needed. He can't give an exact cost right now because of some issues with the software.

- Councilor Dominguez said, "If they're both, I suppose they're both General Fund operations."

Deputy Chief Salbidrez said that is correct.

- Councilor Dominguez said you have a maintenance budget and you use that money to pay to the General Fund for maintenance, commenting he isn't quite sure how this works, or if this is a maintenance budget for stuff that maintenance can't take care of.

Nancy Jimenez said, "We actually have several different line items within the budget. We have Repair and Maintenance of Vehicles which is for larger items – transmissions, things that may have to go to the dealer to get fixed. What our Fleet Warehouse does within the City are oil

changes, purchase tires for us and put new tires on, small things that they can handle and that they are certified for. So in the Police Department budget in several different business units, we have Repair & Maintenance, Auto Parts, Tires and of course Gasoline. So all of this is grouped together in an overall Repair & Maintenance, and then separate by each item that you're purchasing. So when the vehicle goes to the warehouse, the officers tell them what line item or business unit that they are being billed out of, and the Fleet Warehouse then bills whatever they're purchasing, whether an alternator, whatever items need to be going into that vehicle. So it hits our account and draws down from our budget. And that's how basically every City department is set up."

- Councilor Dominguez said, "The reason I asked, Mayor, because I know we're really looking at trying to find efficiencies and we're really getting down into the weeds, if you will, about that. And I'm just kind of curious to find out what the policy is with regard to how those specific functions happen. Is it the Police Department that decides what piece of equipment that maintenance initially.... I was going to use an oil filter as example, but that's not a good example. Is it a policy that exists in the Police Department that is severed from maintenance, or do they jive together, are there some efficiencies available by, for lack of a better word, putting it under one operation."

Deputy Chief Salbidrez said he doesn't totally understand the question.

- Councilor Dominguez said, "What I'm hearing is that you've got a budget for maintenance for things that the Fleet Management can't take care of. Right. And so the question is, are those policies in place for those line items, those budgeted line items, are they consistent with all the other policies that exist throughout the City with regard to where do you get a new transmission. Has there been a review of potential efficiencies in that regard. Again, it may be a premature question right now. It's stuff we're talking about in Finance."

Mr. Snyder said, "I don't know if there has been a formal review in comparing the Police's Fleet Maintenance, versus Finance's Fleet Maintenance, versus.... but I can say that there policies, this is a written policy on replacement. But there a policies in place at the Fleet Managers that both Fleet Managers follow, whether it's Fire or Police, and/or Finance on replacement of parts, wear and tear on parts, what to do in-house, versus send out to the dealer. There definitely are policies and procedures in place that are there. I'm not sure what opportunities there would be for efficiencies, but we can definitely explore that."

- Councilor Dominguez said he just throws this out again, and it's not necessarily specific to fleet replacement, but they obviously go hand and hand. He said, "So I would just recommend that we kind of look for some of those efficiencies if they're available."
- Mayor Gonzales said, "If I understand what's been brought to my mind through your questions, is that there is the vehicle the Police Officer uses, and everything that goes into that vehicle in many respects is something that some of the Parks & Recreation need with a vehicle. And if we have independent procurement operations, we may lose the opportunity to leverage a combined

purchase program. In my mind, if you're owning your operations maintenance budget, do you get to procure however you should procure tires and oil, and some of the things you can do on site. Are you doing it under the auspices of a broader City policy that is consistent with how other departments may procure similar items in their vehicles. Or is it just a stand alone for you."

Deputy Chief Salbidrez said, "The Warehouse makes those purchases."

- Mayor Gonzales said, "The Police Warehouse or the City Warehouse."

Deputy Chief Salbidrez said, "The City Warehouse does all that, and will buy what is recommended for that vehicle. Such as the new Taurus requires synthetic oil, so they will purchase the synthetic oil."

- Mayor Gonzales asked if the Police Department has its own set of vendors which are separate from vendors of the Warehouse that are specific.

Deputy Chief Salbidrez said, "No. They're all the same. They handle all that for us."

- Councilor Maestas said, "I want to thank you. I think we said loud and clear we really need this Fleet Replacement Policy. And as I mentioned at Finance, we're discovering that we have a surplus, and we have a reasonable, I think, reserve based on the number of officers. But if I go back and look at this information, and I know you did a good job in doing research in terms of what other highway patrols, what their policy is. But in looking at the City PD's that you use as an example, their maximum replacement mileage threshold is much lower than what we're proposing.

- Councilor Maestas continued, "And then I mentioned at Finance that the equipment requests are fluctuating greatly. It's been as high as a \$400,000 increase from one fiscal year to another up to \$600,000. And I think Councilor Dominguez is really alluding to that, that we need to add some stability, because that is a major line item in your budget. And I think maybe we can address that through this policy by perhaps putting a range, like Missouri Highway Patrol did, is put a range of maximum mileage that would require that vehicle be considered. And then you can look at other factors if the maintenance cost starts jumping up, and if it doesn't really meet the total max, then you replace it."

- Councilor Maestas continued, "So, I would suggest you guys go back and look at \$75,000 to \$100,000, look at the rolling average of your police equipment requests, and have an average there, and factor in some flexibility in the Fleet Replacement Policy to stay within your budget and add stability to it. And it gives you flexibility, so you might keep vehicles maybe longer if the maintenance costs aren't as high. Or you might have some that have mileage below the 100,000 that have a lot more maintenance costs, and you might have that discretion to replace it. Just a suggestion, because these fluctuations I think are really not sustainable. And I think Councilor Dominguez is correct in that you're going to go from \$853,000 to \$1.5 million, which is a substantial increase."

- Councilor Maestas continued, "So I commend you on this, but I think there's some more work that needs to be done. And I know this is an information item, but think about adding more flexibility. And I really think our mileage is too high. You look at those county and highway patrols, those folks drive real easy miles, but look at the City's vehicles and you see their maximum mileage is about half that of County and highway patrols that you cited in your research. So I would support a lower mileage, but include a range to give you more flexibility and help stabilize your budget on the equipment request side."

- Councilor Lindell said, "I just want to remind you that when you come forward with vehicle purchases, \$1.5 million, we're all looking at that number and going, boy that's a big number. I would like to throw out there that I would really see us not necessary have to buy so many Sport Utility Vehicles. I would like us to take into consideration with what we buy mileage. And another thing, that I don't know if it's a consideration, is if we're talking about purchasing some Ford Fusion hybrids, that maybe we have some kind of designated fleet of cars like hybrids that we actually use as commuter cars, rather than the fleet cars, the regular fleet cars. That's something that we might look into with that."

Deputy Chief Salbidrez said, "I'll take that into consideration, I appreciate it. Just remember the last part you said is an expense to use those as commuter cars. What we priced out is about \$27,000 for a hybrid Ford Fusion, so it's \$1,000 more than the regular Ford Taurus, and yes, the cost savings on gasoline is where make up that difference, but it's definitely things we can consider."

- Councilor Trujillo said, "I think we've had the discussion, for a first try it's great. But the thing I want you to look at and take into consideration, and something I didn't notice we didn't have here.... All you did the study on was strictly the police vehicles, right."

Deputy Chief Salbidrez said that is correct.

- Councilor Trujillo said, "If we're looking at this service software, the way they're defined is by class and sub-class. And to me, if we are looking at the software which I think will end up saving us some money, and helping us in making decisions. You can produce these nice pretty bar graphs which makes it a lot easier to understand what's working and not working. I hope that we pursue this really hard. This is a good thing. I think we need to take it another step, the subclasses, the classes, because that's what you're going to end up doing. I think this is a good exercise. I think from you guys going this, this is something that I think we can probably adopt around the whole City including Fire, Public Works. We want to get the most from our vehicles, but at the same time we want to make sure that these vehicles we're putting on the highway our employees are driving are safe. I just want to say this is a working document, and it's going to change constantly. You guys did a helluva job, you really did. I commend you on this, because for this being your first try it's a good job, so just keep it going. And like I said, any help I can be to you guys, I am more than willing to help you guys."

Deputy Chief Salbidrez thanked him.

- Councilor Rivera said in the Policy, Item (e) says, "Vehicles assigned to Santa Fe Police Department Administration." He asked who is considered administration.

Deputy Chief Salbidrez said the administration would be anybody from Lieutenant and above. They have 8 Lieutenants, 3 Captains, 2 Deputy Chiefs. "And to include in there, we also have some civilians that some of these older vehicles. That would include Ms. Bowen, a Paralegal for the Internal Affairs Professional Standards, our Office Manager and such. They have vehicles they can use for business purposes, but not to take home."

- Councilor Rivera said Item (h) those are the individuals we're talking about and Deputy Chief Salbidrez said this is correct.
- Councilor Rivera said, "When the Mayor asked you a question, you said something about sometimes these administration vehicles stay parked for long periods of time, or maybe the civilian vehicles stay parked for long periods of time. Why would that be?"

Deputy Chief Salbidrez said, "The reason that some vehicles would be parked for a long time, for example, mine. I don't demand as much from it as a Patrol Officer does, so mine does get parked many more hours than a patrol car. Then the other ones that are included in this are the officers who have bicycles or motorcycles. Many of them prefer to be on a bike downtown or on a motorcycle, so that unit gets parked much more than any other patrol unit that's out there..... so that's why, in the policy for those types of units in our fleet, we increase the years of service for that vehicle to 7."

- Councilor Rivera said, "The last thing is on page 7(a), it says, "13% of the reserve fleet would be based on the number of sworn personnel that are employed, so that's current officers."

Deputy Chief Salbidrez said, "That's correct."

- Councilor Rivera said Chief Garcia said they have several people entering the Academy now and 8 vacancies you hope to fill shortly after. He asked if the vehicles for those people are being counted in this number.

Deputy Chief Salbidrez said, "That is correct. If you give me 20 more officers, then I will increase the 13% by adding the 20 plus 2 that we already have. So if I'm at 200, it's 13% of 200 officers. That allows me to prepare to have those units available for these officers when they graduate, when we hire."

- Councilor Rivera asked, "Is that going to mean brand new vehicles for all these new officers, or do you have enough in the reserve fleet?"

Deputy Chief Salbidrez said, currently there is enough in reserves, noting the Fleet Manager has been working diligently to have vehicles for the officers you were presented today when they get off field training status, so they have a unit. We'll be okay."

- Councilor Rivera said based on what you said earlier in Finance, for the people who commute from outside the City limits, the lifetime of their vehicle is decreased by 40% based on the additional drive time. He would encourage him to make sure that those front line units are able to be utilized much longer, whether that's the take-home policy that includes reserves, or maybe something like Councilor Lindell said, so those primary units stay functional and their lifetime use is 40% longer.

Deputy Chief Salbidrez said they definitely will explore additional options.

- Councilor Ives said, "In the policy drafted, on page 7 of the packet, under Section L, it says, 'Obsolete equipment will be replaced and/or updated if it is deemed appropriate by the Chief of Police or his designate.' In all the other circumstances where it says 'otherwise deemed by the Chief of Police,' the word appropriate has been left out, and I believe grammatically it would be better to put in appropriate in all those instances. And personally, I would like to see that determination that there is some written instrument the Chief has made that determination in the instance, just for accountability and tracking purposes. So, I'd love in each of those instances to see it read, 'If deemed appropriate by the Chief of Police in writing.'"

Deputy Chief Salbidrez said he will add that language. He said, "I didn't talk about this, but we do have a Vehicle Equipment Evaluation Summary Report, which the Fleet Manager prepares and delivers to the Deputy Chief who then has to agree or disagree with his recommendation. That recommendation carries, why should we do this, do you support it, Deputy Chief and Chief, and then we have a historic document two years down the road, if you ask me how many vehicles you got rid of, why did you get rid of them, and there is a variety of reasons, we can give you a more factual answer than just a guess."

Councilor Ives said, "The only other thing I would note, and I realize this is a replacement policy as opposed to a new acquisition policy, the Governing Body did pass a Resolution calling for fuel efficiency and other similar considerations to play into any new acquisition. So I would hope, if any when you bring any new acquisitions to the Governing Body, you have reviewed that policy. I was trying to find it as we were talking, but I was told that page is not available on our web..... but we'd love to make sure as you bring a request like that forward that you have specific references to that Resolution and to the issues that are identified in that Resolution. So thank you."

- Councilor Bushee said, "I was just going to add to Councilor Lindell's request on the SUV's, my dismay has been that the PSA got them and those Nissan Xterras, and wonder if there's any way to turn that around."

Deputy Chief Salbidrez said, "We just had this discussion yesterday with the Fleet Manager. My preference would have been something like a Malibu of some sort. But the purchase has been made, the life span of that vehicle has begun."

Deputy Chief Salbidrez said, "I made the statement, if the Chief supports me, in the future we will go to a smaller vehicle for them, something that is more fuel effective and efficient. Will be fiscally responsible with the monies and bring forward a compelling argument for the items we ask for."

- Mayor Gonzales thanked the Deputy Chief and staff for presentation. He said, "For Brian and Oscar, obviously as we prepare for the upcoming budget, it would be good to make sure that those budget items that pertain to fleet in particular from acquisition to maintenance, that we're able to have some type of program in place that is constantly driving for efficiency in the delivery of the programming."
- Councilor Maestas asked if we can address annexation as well in terms of meeting our public safety obligations, because we didn't approve the full request of the previous Police Chief for FTE's, and if that is a factor, or if that already is factored into the proposed equipment request.

11. BID NO. 15/05/B – SECURITY SERVICES AT SANTA FE MUNICIPAL AIRPORT; AAA SECURITY. (JON BULTHUIS). (Postponed at October 29, 2014 City Council Meeting)

A copy of *City of Santa Fe Amendment No. 1 to Santa Fe Municipal Airport Airline Terminal Lease Agreement*, entered for the record by Jon Bulthuis, is incorporated herewith to these minutes as Exhibit "4."

A copy of *Santa Fe Municipal Airport Airline Terminal Lease Agreement*, dated June 27, 2012, entered for the record by Jon Bulthuis, is incorporated herewith to these minutes as Exhibit "5."

A copy of an email to Jon Bulthuis, from Cindy Madrid, AAA Security, dated January 12, 2015, entered for the record by Jon Bulthuis, is incorporated herewith to these minutes as Exhibit "6."

- a) **REQUEST FOR APPROVAL TO INCREASE COMMERCIAL AIRCRAFT LANDING FEES.**
- b) **REQUEST FOR APPROVAL OF BUDGET INCREASE – AIRPORT FUND.**

Jon Bulthuis presented information in this matter from his Memorandum of January 7, 2015, with attachments, to the City Council regarding Santa Fe Municipal Airport Security PSA. Please see this document for specifics of this presentation. Mr. Bulthuis noted the Budget Adjustment Request will budget the new revenue coming in and then we will be expending that on Security Services with the PSA that is in the packet. He said, "I have one comment to make about that. I received an email from AAA Security Services [Exhibit "6"] that is also placed on your bench that requests, due to the fact that we are having

armed security for the duration of this term, and the duration is a 6-month period, during which the Airport Advisory Board has directed me to work with the Police Department and TSA to see if continuing with a private security company is our best way forward. But in that duration, we will have a continued practice of having armed security guards at the rate of \$17 per hour. So in the packet that you have, the Professional Services Agreement shows some different language, that's located on page 11 of the contract, page 12 of your packet, so we would need to do some minor amendment to the language there as well. And starting on the fourth line down where it shows an hourly rate of, if we can strike the \$15.50 per hour and replace that with \$17.00 per hour. And then 3 lines down, for the months January through June, so we would strike May and replace it with June and then the remainder of that sentence. So with those amendments, I'll stand for any questions that you may have."

Councilor Bushee asked in the distant past, didn't we rely on some Homeland Security and/or the fact that we had National Guard helicopters there.

Mr. Bulthuis said, "Many years ago, so this is fairly distant past, post 9/11, there was Homeland Security money that was granted to the City to pay for the security services. That fund is no longer being provided by the federal government through the FAA or Homeland Security."

Councilor Bushee said the whole idea of having the helicopters out there, didn't that supply some kind of security operation.

Mr. Bulthuis said, "It doesn't provide the terminal security that this contract intends to deal with."

Councilor Bushee said, "So to bring in TSA or have our police officers there, is that a lot of many more steps."

Mr. Bulthuis said, "I think it's a discussion that we haven't had in the past.. We've taken, as you mentioned, the grant funds that were available through Homeland Security, contracted for those services for some years, and haven't really taken a fresh look at if this is the best means to meet the requirements that TSA has and to cover our desires for security at the Airport. So, that's what the Airport Advisory Board and the new Chair have tasked staff to do, so over the coming months, and as a part of the budget process, we'll be bringing recommendations back to the Council on that."

Councilor Bushee said then there is no preference at this point.

Mr. Bulthuis said he doesn't have a sufficient understanding at this point, but he does know that we need a security presence, and what we've done in the past is what is being proposed for the next 6 months.

Councilor Bushee asked if that will change with the expansion.

Mr. Bulthuis said they are taking that into account, noting if the P.D. is able to provide services in lieu of a private contract, they would look at housing them in some way. He said we currently don't have a facility right now, so that's part of that process as well.

Councilor Rivera said the current language reflects the changes, noting it was \$15.50 per hour plus applicable GRTs for each armed security guard and vehicle for the months of January through May and then a higher amount for June. He asked why it was different, and asked if it is based on the number of people coming in, flights.

Mr. Bulthuis said, "That was the question that came up at the Committee level, and the response was that there was a miscue in terms of the way that the bid requirement was read by the contractor. So the private security firm, now that we've talked about reducing the term to 6 months, has made the statement, and that's documented in the email that I provided, and we also have a representative from AAA Security here tonight, if you want to speak to him about this. But their latest communication with me, was that if we are asking for armed security, which we are, it would be at that rate of \$17, as I mentioned."

Councilor Rivera asked the reason it was \$15.50.

Mr. Bulthuis said that was the rate that they were providing for unarmed security.

Councilor Rivera said, "Even though their contract says armed security guard."

Mr. Bulthuis said, "That's the amendment that I just explained a moment ago, that under the current proposal terms, it would be an armed guard for \$17 per hour."

Councilor Rivera asked what the original language provided.

Mr. Bulthuis said the current contract under which we're operating has the rate at \$17 per hour, and it was in the bid where that confusion took place.

Councilor Rivera said then the current contract does say \$17, and Mr. Bulthuis said that is correct.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve Items 11, 11(a) and 11(b).

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None

Mayor Gonzales said, "Thank you Jon and good job Jon. You stepped into serve as Airport Manager and you cleared and FAA inspection and did all kinds of good stuff very quickly, so well done."

13. FINDINGS REGARDING RESOLUTION #2014-51 – FEASIBILITY FOR OFFERING A REDUCED RATE FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER BY LOCAL RESIDENTS. (RANDY RANDALL)

Randy Randall presented information from his Memorandum of December 15, 2014, regarding the Community Convention Center pricing, which is in the Council packet. Please see this Memo for specifics of this presentation. He noted he reviewed the policy with Councilor Rivera the sponsor of the Resolution.

Councilor Bushee asked about the parking.

Mr. Randall said they don't control the parking, but they work with Parking to get, for example, an evening event to get a \$5 fee and they pay on the way in, so it facilitates the departure. He said Parking generally is cooperative, but the parking can't be free.

Councilor Bushee said she understands, and said perhaps he could collaborate with the new Division Director to incorporate a parking plan that works along these lines.

Mr. Randall said he certainly will. He said many times organizations don't ask for reductions in parking, noting they have to be careful we "don't get so generous we can't pay the debt service."

Councilor Lindell said the Memorandum says, 'in the attached rate sheet a rate structure has been instituted,' commenting she didn't see that attachment.

Mr. Randall said he has one with him and he will get a copy to each of the Councilors tomorrow.

Councilor Rivera thanked Mr. Randall, saying he met with him two weeks ago. He said this was designed to make sure the local residents have the opportunity to use our beautiful Convention Center for weddings, Quinceaneras, graduations, or any special event so they have access with the facilities. He said after meeting with Randy and his staff, he is confident that they do everything possible to make sure that local residents have the opportunity to use the facilities and be able to book them for their special events. He thanked Randy and his staff for that, and said he appreciates the work they've done on this..

Mayor Gonzales asked if the Santa Fe show for The Bachelor is coming up and when is it.

Mr. Randall said it is a secret, but it is the closest Monday to the Super Bowl. He said there will be a celebration to watch the event together at Buffalo Thunder and you are invited at no charge. They expect to have 500-600 people there to celebrate the event. He said they're showcasing every well, but he has seen none of the production. He said the way the program works, he is confident it will be great for us. He said the Legislative event will be that evening at the Convention Center, and there will be transportation provided by Buffalo Thunder to bring some of us from the Legislative event out and then back.

- 14. CONSIDERATION OF RESOLUTION NO. 2015- ____ (MAYOR GONZALES, COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING THE CITY MANAGER TO COORDINATE A JOINT CITY COUNCIL/COUNTY COMMISSION MEETING TO DISCUSS AND DETERMINE IF AND HOW THE CITY AND COUNTY MAY PURSUE A JOINTLY OWNED ELECTRIC UTILITY; DIRECTING STAFF TO REVIEW THE LEGAL AND TECHNICAL OPTIONS RELATED TO THE DECEMBER 2012 FINAL REPORT OF A PRELIMINARY ECONOMIC FEASIBILITY ASSESSMENT OF A PUBLICLY-OWNED ELECTRIC UTILITY FOR THE CITY OF SANTA FE AND SANTA FE COUNTY AND REPORT BACK TO THE GOVERNING BODY ON STAFF'S FINDINGS RELATED TO THE PRELIMINARY ASSESSMENT AND OTHER RESOURCES, REPORTS, STUDIES AND DOCUMENTS AS DEEMED NECESSARY. (JOHN ALEJANDRO)**

This item was postponed to the next Council meeting on January 28, 2014, and remanded to Finance for consideration prior to the next Council meeting.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City manager.

16. MATTERS FROM THE CITY ATTORNEY

Kelley Brennan, City Attorney, said everyone has a handout which has the agenda items, the kind of vote and the source, so we're hoping this gets enshrined so somebody has it any one moment.

17. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk, said they are still accepting applications for membership on the Independent Citizens Redistricting Commission, until tomorrow, Thursday, January 15, 2015 at 5:00 p.m. She said there is someone this evening in the hallway accepting applications, and they have applications in the Clerk's Office, and on-line as well, but they do need to be filed in the City Clerk's Office by 5:00 p.m. tomorrow. She said as of 4:30 p.m. today there has been a total of 9 applications.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of January 14, 2015, is incorporated herewith to these minutes as Exhibit "7."

Discussion on Executive Session on December 10, 2014

Mayor Gonzales said he will be asking for a motion regarding the Executive Session of the Council last month. He said there was some concern by the public with regard to the Council's right to be able to discuss the items which were discussed under the rules for Executive Session.

MOTION: Mayor Gonzales said, "In an effort to open those discussions and to address concerns brought forward by information that was pushed out, I would like to move to waive the Attorney-Client privilege for the sole purpose of authorizing the City Attorney to disclose her basis for recommending on December 10, 2014, that the Governing Body go into Executive Session specifically with respect to the Interfaith Homeless Shelter at 2801 Cerrillos Road." The motion was seconded by Councilor Ives for purposes of discussion.

DISCUSSION: Mayor Gonzales said, "So the idea, obviously, through this is to be able to allow the public to get access to all information as it related to the Interfaith Shelter on that evening. Kelley maybe you can elaborate more."

Councilor Bushee asked, "Are we going into Executive Session to do that."

Mayor Gonzales said, "No."

Kelley Brennan, City Attorney, said, "No. This is really for a very limited purpose. It's not to discuss what was discussed in the Executive Session, but merely to give the basis for going into Executive Session specifically."

Mayor Gonzales said, "Give the basis, but we also want to make available whatever was discussed in Executive Session, make available to the public."

Ms. Brennan said, "The document that I'll be referring to is already in the public record, Mayor."

Mayor Gonzales said, "The document that was discussed in Executive Session. Okay, got it. All right. Questions."

Councilor Bushee said, "I'm not sure I understand what we're voting on here this evening. What document. Are you making the agenda that you had in the Executive Session that was not labeled Attorney-Client privilege available to the public and can we not have this discussion right now out in the public."

Ms. Brennan said, "Mayor, Councilors, Councilor Bushee, I would not recommend entering into the discussion in the public. I think that probably you missed part of the discussion that evening. The question that was raised by Fogg and others was whether we had any basis for even going into Executive Session. And I'm going to say that we did have a basis and I can't explain why unless the privilege is waived to allow me specifically to say that."

Councilor Bushee said, "But what I'm trying to get at is I would prefer, and one of the reasons I missed some of the discussion, and I left and I made a record with Melessia, I said, let the record reflect I'm leaving this meeting. I'm less and less comfortable with the topics being discussed. I did not feel like they should be discussed behind closed doors. I think it's important to remedy and I think that was part of the letter that Fogg wrote, that we have that discussion out in public. So I'm hopeful that with this waiver, it's not just going to allow you to talk, but that we can all talk about why we were in Executive Session and if we thought we should have been."

Mayor Gonzales said, "This does, if it's passed, does certainly allow for any member of the Governing Body to talk on the issue regarding the Interfaith Homeless Shelter."

Councilor Bushee said, "I mean that's not going to be this discussion here this evening."

Mayor Gonzales said, "First of all, we've got two minutes until we move to 7:00 p.m., so we're going to into our public hearing very shortly. Second, if we're going to talk about it, we should properly notice it so the public knows we're going to talk about it and they could be here to listen to the conversation."

Councilor Bushee said, "Okay, so is that part of the motion or can that be part of the motion?"

Mayor Gonzales said, "No. The motion right now is specifically to waive the Attorney-Client privilege."

Councilor Bushee said, "Why don't we take it to the next step to get it on the agenda."

Mayor Gonzales said, "We need to get through this one first. This item, specifically to waive the Attorney Client privilege."

Councilor Rivera said, "Kelley what does this waiver do that whoever talked to the press hasn't already given them. It sounds like they had all the information that we already spoke about anyway, which brought all the issues up."

Ms. Brennan said, "It will allow me to say what the basis for going into Executive Session was. It was a general citation New Mexico. Fogg asserted that it was their understanding that we didn't have any basis for the discussion and I would clarify what that basis was. And I would say that when you waive the privilege you waive a very specific thing. You are not waiving anything but the thing that you waive. I would not want to get into waiving the substance in the discussion. I've had a number of Councilors say to me that they were concerned because they felt they needed to be able to speak frankly to the issues without feeling they were going to read about it in the newspaper the next day. So I would just say that when you waive the privilege you waive it as to a very specific thing and this motion was very specific. And that's... if you want to make another motion subsequently to discuss everything that was there that's up to you entirely."

Councilor Dominguez said, "I stand in support of the motion. I understand that we need to be able to waive that privilege. I guess this is specific to this item. Correct."

Ms. Brennan said, "That's correct Councilor. It is not a waiver of everything discussed in the session, of any other documents that were discussed in the session, it is a specific thing. And, in fact, the document that I will be discussing is a public document and has been the subject of an IPRA."

Councilor Dominguez said, "Again, I support the motion, Mayor. I understand what it is that is being done, and I understand why. I guess, one word of caution is that if we are going to truly, in the future, protect taxpayer money and protect our rights with those Attorney-Client privileges, we need to be careful not to necessarily set a precedent here. Because there are going to be instances where, although it's fruitful for the public to have knowledge, we need to be able to do the work that we need to be able to do in Executive Session, as well to protect the public's interest as well. So I just make that word of caution that we ought not set a precedent necessarily and that we be diligent in, not only this proceeding, but in future proceedings."

Councilor Ives said, "Kelley, I just draw a distinction, which based on the discussion I'm not clear, is clear. That being the motion, as made by the Mayor and seconded by me, is to waive the attorney client privilege as to specifically why an Executive Session was appropriate in the instance, and that distinction I draw is that is very different that waiving the privilege with regards to the discussion itself. So this motion is merely to allow you to advise the public the basis for the assertion of Attorney-Client privilege in that context. It is not an authorization for anybody on the Governing Body to discuss what was discussed in that meeting, and I'm happy to have that discussion. I think it would be important, perhaps at our next meeting, to go into Executive Session to discuss whether or not there is an inclination or a desire to waive the privilege with regards to the particular discussion, but that's not what we're considering at this point in time. Is that correct?"

Ms. Brennan said, "That's correct. And if you look at the handout, you will see that the waiver of Attorney-Client privilege or other privilege requires a majority of the whole, it's in the Governing Body Rules. And anyone can make a motion at any time, whether in Executive Session or after Executive Session and the Governing Body can vote on it. But the distinction you make is absolutely the distinction that I was making earlier."

Mayor Gonzales said, "And I do appreciate that. My hope is that because I think there's been a lot of discussion out there, in terms of what was discussed in Executive Session, that we can move at some point in a short order to open up what was actually discussed. And we'll follow the proper..."

Councilor Ives said, "Given that it was in that context, it is important for us to hear from the City Attorney counsel on that particular issue, which I suggest maybe an Executive Session at our next regularly scheduled meeting, to do exactly that."

Councilor Maestas said, "I stand in support of the Motion as well, but I must admit that I was uncomfortable when the subject was raised in Executive Session. And obviously, we're going to hear again, the basis for discussing it which was explained in Executive Session. But I will state for the record that I thought the basis was tenuous, but I still felt like it was justified. And then lastly, I want to echo what Councilor Dominguez said. I think Attorney-Client privileges is really up to us, with our fiduciary duties as elected

officials and I think that a full admonishment ought to be considered in the future. And I realize Councilor Dominguez your remarks were cautionary, but I really think this could cause a lot of problems. In fact, we've resorted to do this to kind of set the record straight in the spirit of transparency and reiterate the basis for discussing that topic. So I would just echo what Councilor Dominguez said."

Mayor Gonzales said, let me just really quickly, clarify what was indicated, because it is an education tool for all of us that are up here. If at any point, there is a discussion going on in Executive Session that a Councilor or I say, no wait, we're uncomfortable with this, and feel that this doesn't qualify, you have indicated that they can say, or in fact it could be our obligation to actually make a motion to stop the discussion and to move it outside, and by a majority of the Council decision in there, it stops and it moves outside. Is that correct.

Ms. Brennan said, "That's correct."

Mayor Gonzales said, "So it's upon us individually to own up to our own responsibility as elected officials to stop a discussion that's going on and to be able to try and move, which that was not done during the Executive Session when we were in Executive Session. So I just want to make sure. It was good for me to understand that, because I do want to be able to know that if there is a discussion that's going on that I don't agree with, or I think should be outside, I want to be able to pose that to the Council and to ask that it be stopped through some formality. I do also want to make sure that we go back to what we had started and that is making sure that we are listing items that we are discussing in Executive Session for the public so that we don't find ourselves coming back out on this. It's something that you and I need to make sure that we're, and Yolanda, that we're able to post it appropriately. Okay. Roll call on the motion."

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

For: Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Mayor Gonzales.

Councilor Bushee said, "Mayor, you didn't call on me, but I would like to say that I do believe that it's incumbent on the City Attorney Office to actually be more clear about what we are listing as items that go in Executive Session. I had a discussion with the City Attorney before that was listed, once we received an Attorney-Client Privilege Memo with regard to the topic, and challenged her at the time about why we would be going into Executive Session. And so I would just say that I will be bringing forward, after I work with Common Cause and perhaps the League of Women Voters, some changes to really tighten up how we are going to use the Open Meetings Act. I think it's incumbent on us to be as clear, crystal clear, as we can be about why we are going into Executive Session. And I know it's fairly liberal in its interpretation. I've been here to see many a City Attorney, I think misuse that provision. So I would suggest that we need to rely on the advice of the City Attorney's Office, first and foremost."

Mayor Gonzales said, "Agreed. And also, we need to accept our own responsibility that if we see something going on wrong in Executive Session that we use our voice and promotion to stop it and bring it out into the public domain. So let's go ahead and move on to other items from the Governing Body."

Councilor Maestas

Councilor Maestas had no communications.

Councilor Bushee

Councilor Bushee introduced a Resolution urging the New Mexico Department of Transportation (NMDOT), in the interest of public safety, to expedite the construction of the NM 599/Via Veterans (CR70 connector) Interchange Project. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Councilor Bushee said, "I am hopeful that Melissa will get the opportunity to find some cosponsors at the County because there are a lot of folks that have concern. There have been accidents there at the at-road crossing. Bicyclists use it, pedestrians use it. It's almost impossible to get across. It's really difficult. The hope is that it will speed up that possibility."

Councilor Ives

Councilor Ives introduced a Resolution supporting an appropriation of 1.44 million dollars by the New Mexico State Legislature, during the 2015 Legislative Session, for the NM Grown Fresh Fruits and Vegetables for School Meals Initiative. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9"

Mayor Gonzales

Mayor Gonzales introduced a Resolution establishing a City of Santa Fe Veterans' Advisory Board that will address matters affecting veterans, propose solutions to address the needs of local veterans and advise the Governing Body on strategies and solutions on such matters. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Mayor Gonzales said there need to be some Legislative fixes to energy policy here in the State, and he asked Councilor Maestas, because of his involvement with the Municipal League and understands the Legislature, to help us come up with the statutes that need to be changed or amended to help create broader authority for the City of Santa Fe to determine its own energy future. He said this will be coming forward through Resolution for us to be able to prepare for the Legislature.

Mayor Gonzales said, "Kelley, so when, just to go back to the motion that I made on the Open Meetings, when will you fulfill the motion, basically stating the cause and the reason."

Ms. Brennan said, "I can work with Matt and [inaudible] to do a press release tomorrow."

Mayor Gonzales said, "So basically have it.... and then have it maybe brought back to Council to enter into the record, or how..."

Ms. Brennan said, "Sure, or I can make a short comment."

Mayor Gonzales said, "Why don't you make a short comment so we get it into the record, and then have it released tomorrow if you can."

Ms. Brennan said, "Mayor, Councilors, on November 17, 2014, we received an offer to purchase the Homeless Shelter property at 2801 Cerrillos Road. An offer to purchase real estate is a basis for going into Executive Session. A second item discussing the Homeless Shelter which seems to have been confused with the first, there was some confusion and I asked for clarification regarding the term of the extension for the Homeless Shelter lease. The motion had been 'not less than two years,' which was not something I could put in a lease form, and I wanted to clarify whether the Council wanted two or three years. An extension of lease is a disposition of real estate, a lease is a disposition of real estate, the lease term is a material factor in that."

Mayor Gonzales said, "And both those items are outlined in the Open Meetings Act as being allowable for discussion in Executive Session."

Ms. Brennan said, "That is correct, and they were cited in the notice of the Executive Session that night."

Councilor Dominguez

Councilor Dominguez asked Mr. Snyder, regarding the Redistricting Commission, if we have sent out an RFP and if that's already been awarded, saying Mr. Snyder doesn't have to answer now.

Councilor Dominguez said, following up on an email he sent two weeks ago, he spoke with Lisa Martinez in the hallway about the manufactured homes that are popping up there on Lopez Lane and Rufina. He said there are two separate issues. One is to ensure what is there is complying with the City's litter ordinance, and the second is that it has been properly vetted through the proper procedure, so that ingress and egress are considered, etc. He said he needs follow-up on that.

Councilor Lindell

Councilor Lindell introduced a Resolution authorizing the continuation of the additional one dollar (\$1.00) parking fee at the Sandoval Parking Garage on all users after 6:00 p.m., on those evenings when the Lensic Performing Arts Center has events; and dedicating the additional funds for the support of educating local youth about the performing arts. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Trujillo

Councilor Trujillo told Mr. Snyder, he was at Franklin Miles two weeks ago and it looks like a mine field. He said the pocket gophers are completely destroying what we are putting there. He said we need to look at all the parks, because kids and people will be out, and he doesn't want someone to step in a hole and get hurt.

Councilor Trujillo said he and his wife, along with Councilor Rivera, were able to tour the Higher Learning Center today. He said the City finally has a 4 year college with the partnership of UNM, NMSU, Highlands and AIA. He said this is great and is something for which this Community has waited for a long time. It's a fabulous facility so everyone should go and look at it.

Mayor Gonzales said it is a very nice facility.

Councilor Rivera

Councilor Rivera said he was at a fundraiser at the Genoveva Chavez Community Center this past week. He walked around the facility and there seem to be leaks all around the walking track, and he noted bunches of towels on the floor in the gym which took quite a lot of space. He said they're working on the dehumidifier and asked for an update on that installation and what the impact will be – will it be necessary to close the pool for any length of time. He would like an update on that before that happens.

Mr. Snyder said he can give a brief update with more details as we get closer. He said it is the Dectron units that have been discussed at numerous committees and at Council. He said there are total of two Dectro units, and only 1/4 of the two is working properly. We are in the process of scheduling the replacement of those two units, noting the pool could be shut down for as long as a month. He said the High School meets and season is wrapping up in February, and they are working to schedule the replacement around the swim schedule and other things. He said more information will be forthcoming. He said the perceived leaks are because of the different humidity and zones within the facility.

Councilor Rivera asked if the wood floor has been damaged, and if they will have to drain the pool. He would like to know before that happens..

END OF AFTERNOON SESSION AT APPROXIMATELY 7:15 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:15 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Bill Dimas

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

David McQuarie, 2997 Calle Cerrada asked Councilor Bushee, regarding the presentation on the trail at Camino Cruz Blanca the reason the Committee on Disability didn't receive the courtesy of being notified of this action. He said it does meet the requirements of a certain dollar amount. *[inaudible]* He said there is a City document that specifies that the disabled are not supposed to use the trails behind the High School, and are to use the sidewalk along Siringo Road. He said Councilor Bushee, as the Chair of the Bicycle and Trail Advisory Committee to please give them an answer because they can't get an answer from the City. In September there was news release about ramps. He met with the City Manager about the reason there is not a crossing at Zia Road. He said it is ludicrous to say you can't cross Zia Road from Galisteo to Yucca except at the light, noting the closest light is at Zia. He said something about disabled covering everything including wheelchairs, and being discriminated against because don't have wheelchairs. People that use mobility devices cannot use the sidewalks for access to the County Courthouse, we have to use Cerrillos Road going to the Railyard.

Councilor Bushee invited Mr. McQuarie to attend the BTAC meeting next Wednesday.

Mr. McQuarie said he has a hard time getting around.

Councilor Bushee said he can send a representative or send something in writing.

Arthur Firstenberg, 102 Agua Fria. Mr. Firstenberg said, "In 2005, Verizon built a cell tower with no zoning permission and no building permit, on top of a one-story warehouse in the middle of a residential district. Verizon disguised it to look like two air conditioner units, so no one would know it was there and no one would now that are antennas inside. When the neighbors found out 8 years later, they were outraged. Many people who have been sick since 2005, without knowing why, and a few have died. I knocked on every door within one block of that cell sit. 3 people have colon cancer, others have breast cancer, heart disease, memory disease, lung disease, Parkinson's disease. A little boy has a rare form of anemia, a little boy has seizures, *[inaudible]* people are finding dead birds in their yards. Nobody is sleeping and every single person on that block has insomnia. Everyone has headaches. No one feels well. In my 19 years of fighting cell towers, I've never seen anything like it. I measured the radiation levels across the street and it's 1,000 times higher than at my house. On October 30m 2013, the City granted Verizon permission to upgrade that illegal facility. Fifty-one people who live on that block got their signatures notarized and appealed. There appeals were required to be heard at the next available City Council meeting. Instead, the Land Use Department gave Verizon a building permit, retroactive to 2005. On August 8, 2014, the neighbors appealed that decision too. That appeal was never heard either. There are now 66 appellants, including everyone who works at the *[inaudible]*. I met with the City Attorney 3 weeks ago and demanded due process for these constituents. She told me that, after all this time, she was going to recommend dismissal of both appeals without a hearing. I expect this will be on the agenda at your next meeting. These people should have their grievances investigated and not dismissed. They have followed the rules and have had enormous patience. They have the right to a public hearing. Whatever you ultimately decide, they have a right to due process of law. Thank you very much."

Ben Chavez, Plaza Vendor, said he is a Plaza Vendor, but his petition has nothing to do with vending on the Plaza. He would like for the City to start looking at a lot of the handicapped stickers people are using in the City, parking downtown and taking up a lot of room that should be for tourists or people that really need them. He said, "I personally have seen people that have these handicapped stickers for their cars to stay parked on City meters all day long. There is such thing as loading permits if you really need that to load and unload. Some of these people are even healthier than I am. But you guys are losing a lot of revenue by allowing this. And I'm just asking for you guys to please take a look at this, because it's really being abused out on the Plaza."

G. APPOINTMENTS

Human Services Committee

Mayor Gonzales made the following appointment to the Human Services Committee:

Brian Serna – to fill unexpired term ending 03/2016.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales, Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

Santa Fe Regional Juvenile Justice Board

Mayor Gonzales made the following appointment to the Santa Fe Regional Juvenile Justice Board:

Aaron Garcia – to fill unexpired term ending 03/2015.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

Bicycle and Trail Advisory Committee

Mayor Gonzales made the following appointment to the Bicycle and Trail Advisory Committee:

Paul Cooley – to fill unexpired term ending 06/2016.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

Mayor's Youth Advisory Board

Mayor Gonzales made the following appointments to the Mayor's Youth Advisory Board:

Alicia Trujillo (Santa Fe High School) – to fill unexpired term ending 12/2016; and
Rudy Flores (Santa Fe High School) – to fill unexpired term ending 12/2015.

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

Parks and Open Space Advisory Committee

Mayor Gonzales made the following appointment to the Parks and Open Space Advisory Committee:

James William Stodgel – to fill unexpired term ending 06/2017.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

Mayor's Committee on Disability

Mayor Gonzales made the following appointments to the Mayor's Committee on Disability:

Sharon O'Neal Wirtz – term ending 01/2019; and
Aurore Bleck – to fill unexpired term ending 01/2017.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

H. PUBLIC HEARINGS

DISCLOSURE: Councilor Maestas said, "Mr. Mayor, if I may, I would like to read a statement into the record. I have disclosed that I have an interest in a family business that owns an inter-local dispenser liquor license in Espanola that is currently for sale and I stated that I will be recusing myself, until the family licenses is sold, from voting on any inter-local license transfer request, and from any discussion this body may have about inter-local transfer licenses in general. Although Item H(2) on tonight's agenda relates to the transfer of an inter-local license, only the ownership is changing. The license itself is not being transferred into Santa Fe and will remain in its current location. The City Attorney has advised me that she does not believe that is any real or apparent conflict. Nevertheless, in order to avoid any perceived conflict, I will recuse myself from participating in the matter of H(2)."

Mayor Gonzales asked if Item (1) is related to Item H(2), and Ms. Vigil said no. Mayor Gonzales said, "I just want to enter that in right now."

Councilor Maestas said, "That way, it's clear that I can participate in H(1)."

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

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of January 9, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve the request from Jambo Café, LLC, for a Restaurant Liquor License (on-premise consumption only – indoor only) to be located at Jambo Café, 2010 Cerrillos Road, Suite #13, with all conditions of approval as recommended by staff.

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

*Mayor Gonzales left the meeting temporarily and
Mayor Pro-Tem Ives assumed the duties of the chair*

- 2) **REQUEST FROM SANTA FE FIRE WATER, LLC, FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LICENSE #2773 (WITH ON-PREMISE CONSUMPTION ONLY) FROM ABIQUIU SAINT-FLOUR, INC., TO SANTA FE FIRE WATER, LLC. THIS LICENSE WILL REMAIN AT THE LOCKER ROOM, 2831 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of January 9, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said the location is not within 300 feet of a church or school, there are staff reports in the packet regarding litter, noise and traffic. She said staff does not anticipate any changes in litter and noise, or any unacceptable traffic impacts due to this request. Staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve the request from Santa Fe Fire Water, LLC, for a transfer of ownership of inter-local Dispenser License #2773 (with on-premise consumption only) from Abiquiu Saint-Flour, Inc., to Santa Fe Fire Water, LLC, to remain at The Locker Room, 2831 Cerrillos Road, with all conditions of approval as recommended by staff.

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

For: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dominguez, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

Against: None.

Abstain: Councilor Maestas

Absent for the vote: Mayor Gonzales

- 3) **CONSIDERATION OF BILL NO. 2014-36: ADOPTION OF ORDINANCE NO. 2015-1 (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ , MAYOR GONZALES AND COUNCILOR IVES). AN ORDINANCE RELATING TO THE PLAZA PUSHCART VENDOR ORDINANCE; AMENDING SUBSECTION 23-5.5 SFCC 1987, TO CHANGE THE NUMBER OF LICENSES ISSUED AND THE TERM OF EACH LICENSE AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE ORDINANCE. (SEVASTIAN GURULE)**
- a) **CONSIDERATION OF RESOLUTION NO. 2015-5 (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ, MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION AMENDING RESOLUTION NO. 2002-79 TO CHANGE THE ANNUAL LICENSE FEES FOR PLAZA PUSHCART VENDORS. (SEVASTIAN GURULE)**

Items 3 and 3(a) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A copy of a proposed amendment to this bill, submitted by Councilor Lindell, is incorporated herewith to these minutes as Exhibit "12."

Sevastian Gurule presented information in this matter from the materials in the Council packet. Please see these documents for more specific information on this presentation. He noted that this bill will change the number licenses from 4 to 6, change the license term from 5 to 3 years, to improve the selection criteria, increase the space from 54 sq. ft. to 96 sq. ft., establish an annual minimum operation number of months and days and hours a vendor would be required to be on the Plaza, redefine how the Combined Reporting System tax returns are to be submitted to Santa Fe, increase annual fee from \$1,500 to \$3,000 and to establish a subsequent increase to the annual license fee of 2% per license term. He said, "For the record, there were two additional public hearings regarding this Ordinance amendment at the November 12, 2014 CBQL meeting and at the November 17, 2014, Finance Committee meeting. .

Mr. Gurule noted there are amendments in the packet as the result of public committee meetings, and he highlighted those amendments. He noted there is an additional amendment on the Governing Body's desks this evening [Exhibit "12"]. He said the amendments before the Governing Body are in the best interests of the City's existing and future vendors, and is fair and equitable to all who choose to participate in this unique program located in the heart of the City.

Councilor Lindell said they started working on this several months ago, and have had numerous meetings, two public hearings, and a number of amendments which have been incorporated into the final copy of the Ordinance. She thanked staff who worked closely with Mr. O'Reilly, Ms. Byers, Mr. Shandler, Mr. Gurule and Jenna Martinez. She appreciates staff's guidance and the number of hours they put into this and were always willing to listen to one more idea. She appreciates the work the cosponsors did on this legislation.

Councilor Lindell asked to have the public hearing prior to comments from the Governing Body.

Public Hearing

Speaking to the Request

Mayor Pro-Tem Ives gave everyone 3 minutes to speak to this request.

Michael Murphy, 4607 Solecita Loop, said he has many problems with the changes. He said, "Councilor Lindell did say she has done some research, however I can tell you that no one has come to any of the City vendors to ask them questions about any of this. Some of the problems, it is obvious to us that little research was done, and much of it is going to affect the vendors. I'd just like to give you a quick comparison between Plaza vendors and other surrounding vendors in the malls. It is the comparison between the fees paid by a food shop in one of the malls on the Plaza and the Plaza vendor. The fees paid by the food shop include a Business License, a Fire Inspection, Health Inspection, Parking Permit, Loaders Permits and rent. None of these are included in the rate fee, utilities, heat, air, western access, security, a roof and a smoke free environment. The total for the year is about \$10,200 or \$850 a month. The food shop does not have to close or pay extra fees for special events on the Plaza, and does not have to shut down due to inclement weather. The shop is around 200 sq. ft. which comes to about \$4.25 per sq. ft. Plaza vendors also pay fees to operate on the Plaza."

Mr. Murphy continued, "The fees include a business license, plus a temporary business license for every special event on the Plaza. A Fire Inspection Fee for every special event on the plaza, a Health Inspection Fee plus an additional Health Inspection Fee for every special event on the Plaza. A parking permit times two for a trailer. Plaza vendors pay for a State Gas Inspection also. They also pay a Plaza Users Fee which does include the special events on the Plaza. This fee does not include a roof, electricity, heat, air, access to water or rest rooms, security or a smoke free environment. To be a part of special events on the Plaza, additional fees must be paid. Plaza vendors are required by the City to rent or maintain a commissary kitchen, the total of which is about \$11,400, or \$950 per month. This is for 54 sq. ft., which comes to 17.29 per sq. ft., compared to \$4.25 per sq. ft. for the food vendor in the mall. The proposed Plaza fee increase would raise the amount to \$19.90 per sq. ft. What is not included in the fee is the wear and tear on equipment that is exposed to the elements, wind, hail, extreme cold, etc. An example would be the high wind with gusts, and the wind and blowing dust can cause a Plaza vendor to have to discard any kind of product. The number of licenses is proposed to be increased from 4 to 6. We have to work with the space constraints given, but because no space is adequately allocated, vendors must deal with obstacles such as light poles, water fountains, electrical boxes, water control boxes, etc. And I'll stop right there and let my wife pick it up."

Lynn Murphy, 4607 Solecita Loop, Santa Fe 87507, continued with the statement of Mr. Murphy [*Ms. Murphy's statement is, for the most part inaudible in places*], "Mayor Gonzales, City Councilors, respectfully, and I am paraphrasing what is already in the body of work that we emailed to you and give

you a hard copy. The only problem with changing the number of vendors from 4 to 6 is in conflict with others who use the Plaza like Buskers and other special interest groups. With the changes to the Busker's Ordinance passed last year, Buskers are not allowed to set up within 50 feet of a vendor. Where will the new spaces be. What happens if the judgement process generates *[inaudible]*. A variety is lost and all that ensues is confusion and frustration. Then during the last judging process, the vendor that came in 5th place was another hot dog vendor was a competitor for the current hot dog vendor on the Plaza. Under the proposed pushcart ordinance he would have been awarded a spot and we would have had two hot dog carts operating on the Plaza. In fact, he actually brought a lawsuit against the City to add a food spot which was denied. By our research, many cities are charging smaller fees for their food vendors and restoring the number to two person blocks so the vendor has a good chance of surviving and being financially successful."

Ms. Murphy continued, "The current vendor license is proposed to be changed from 5 years to 2 years. There are multiple problems with the changes there. First of all, small businesses cannot run in a 2-3 year cycle. The vendors on the Plaza have *[inaudible]* on their spot in the Plaza. Businesses need the time to grow and build a customer base. They went through the judging process every year, they've created a revolving door on the Plaza that would not be desirable or sustainable. A very important point to consider is that being a part of this program is what constitutes the livelihood of a family. It pays the mortgage, business license even college tuition. *[Inaudible]*. My husband and I won a spot on the Plaza in 2004, and found out that we had missed the judging by only a month. We waited for 5 years for the next judging process to come around and we received a Plaza license from 2010-2014. *[inaudible]* The proposed changes provides that only one person listed on the application is identified as one family member and one employee. Both can be changed during the license term. And obviously whoever wrote this has ever owned a business in Santa Fe. That just needs to be deleted."

Ms. Murphy continued, "I thank you for the time. The rest of this is already included in what we emailed to you and now we only have 3 minutes. What we are asking, if I could just finish, is that you consider the things we put in here and perhaps we need to sit down and revisit some of these things, and advise some of them. I appreciate Sevastian, some of those made sense. But there is still some work that needs to be done Councilor Lindell. And that you for that consideration, and thank you for not passing it tonight."

Andrette Tecondeta (sp), said she works on the corner of San Francisco and Lincoln. She took a different route. She said, "I contacted Sevastian and I really appreciate, and it's like talking to Jethro when you're talking to me. And he sat for over an hour and went through each item and explained everything to me. So I'm okay with a lot of what's going on, and sure the revisions should be fine. But the other thing is, I also called Councilor Lindell and spoke with her on numerous occasions and she was more than willing to speak about it and more than willing to offer my input. She took my input and we actually decided a lot of the amendments that are going in were things we decided together, the 3 of us. I just feel bad that everybody didn't take that opportunity to make some phone calls to remedy the situation before we came here to the meeting on the last meeting of this whole process. So I just want to thanked Sevastian, Jenna

and Councilor Lindell for being open and open minded and allowing me to access them and tell them my concerns, and worked me instead of just closing that off. And I wish everybody had taken the opportunity, called up or made an appointment to speak about this amongst us rather than bring it out in front of everyone. So thank you.”

Edwin Ramos said he own La Cocina and has tamales. He has been coming to Santa Fe for 6-7 years to be a vendor on the Plaza. This is a great opportunity for a lot of us. He said he doesn't know the whole content of the Resolutions and he would like to have a copy of them so he can understand what are the commitments and guidelines. He has he has always wondered about City Different and this gives him an opportunity and other members of the constituency to participate in downtown Santa Fe. He said they are doing good for us to participate and a fair opportunity with what we have to offer. He said, “I just came to say that to you guys and to thank you.”

The Public Hearing was closed

The Governing Body commented and asked questions as follows:

- Councilor Bushee asked how they arrived at the fee increase.

Mr. Gurule said he and his staff, working with Legal identified the costs and staff dedicated to administer this program. Additionally they worked closely with Matt O'Reilly to get the fair market value of having a business on the most prime real estate in the State of New Mexico.

- Councilor Bushee said she would like more detail of Mr. O'Reilly's thinking. She said her view and perspective is the reason for the Plaza Vendor Program is to have moderately priced, accessible food and crafts to visitors and tourists. It is prime real estate for sure. She said these people are out in the cold, rain, snow and heat, and providing what she considers to be a service to our visitors. She understands we have prime real estate, but she doesn't think you can equate the two. Either we don't have the program or we do, but she is uncertain it can be categorized in the same vein or light as a high end downtown shop. She this is similar to the short term rental where we just picked a fee, and she wants to understand the justification of that fee.

Mr. Gurule said the Ordinance requires a minimum of 8 months to be on the Plaza which is \$240 per month, or \$12.50 per day which is what the fee would be.

Matthew O'Reilly said, “With regard to the way the fee was calculated. There were two parts of the fee. There was what Sev alluded to just a few minutes ago, which is the actual cost of the City to actually administer this Ordinance, and so part of the fee was that. The other part of the fee was an assessment of the actual value of land at the Plaza, which is how the City goes about figuring out what to charge people when they want to lease or purchase parcels of City property.”

- Councilor Bushee asked the percentage of increase of the current fee – what percentage more we are asking the vendors to pay..

Mr. O'Reilly said the current fee is \$1,500 and we are asking them to \$3,000.

- Councilor Bushee said then we've doubled the fee.

Mr. O'Reilly said, "That's what Ordinance proposes."

- Councilor Maestas said he supports the general intent to provide additional opportunities, to add more vendors, but thinks we should talk about the current cycle for permits. He said, "It was a November application, right, at the beginning of the following calendar year, and now we're going to a shorter term with an April application period. Correct. So what's the status of the current licenses that just expired at the end of the last calendar year. Did we notify them and tell them we're changing the cycle of the permitting process and such."

Mr. Gurule said currently, the Ordinance as it exists allowed the City Manager to grant extensions twice up to 6 months each time. The City Manager has exercised that to allow us to get through this Code amendment process. He said he sent a letter to the vendors in November notifying them that as we were going through this progress their licenses were being extended with no additional cost until we get through the licensing process. He said because we are approving the amendment in January, we will be advertising applications in February, accepting applications in March, scheduling the selection process in the second to last week in April, and license jury process will be calculated, with the award of licenses late May/early June to be effective on July 1st.

- Councilor Maestas said when he was approached to consider support, he wanted to be sure no current vending permits would be cut short. He said he heard in public testimony that some aspiring vendors had to wait their turn. He said, "Can you reiterate that no current permits were cut short."

Mr. Gurule said, "That is correct. No current license term has been cut short, and as a matter of face it has been extended an additional time up to 6 months.

- Councilor Maestas asked the reason the permits are staggered.

Mr. Gurule said, "The permits for the Pushcart Ordinance are all going through the same licensed term, they're not staggered from one another."

- Councilor Maestas said but there are two seasons – 2015-2017 license term.

Mr. Gurule said we are going from a 5 year license term to a 3 year license term.

- Councilor Maestas asked Mr. Gurule how this is going to work with the amendments we made to the Busker's Ordinance, noting we did create buffers around the vendors. He asked if it will work in adding the additional vendors, and if staff has scaled out the Plaza to make sure this will work and that we're not putting the Busker's in a situation where they can't comply with the buffer since we're adding the density of vendors.
- Mr. Gurule said Mr. O'Reilly and Jenna went out after one of the meetings and looked at the Plaza and identified locations for the additional vendors. It is his understanding, "That in addition to the People to the Plaza Initiative and closing access to the Plaza between Memorial day and Labor Day we have plenty of space to add additional vendors and not conflict with the Busker's Ordinance amendments."

Councilor Maestas said he is satisfied with the public involvement and hearings, but he is concerned there are only 4 vendors, and asked why we didn't send them a letter advising of the proposed amendments and ask for feedbacks. He can appreciate that they have worked on this for a long time, but with only 4 vendors why didn't we send a letter, or did we send a letter.

Mr. Gurule said they didn't send a letter to them directly, but they had several conversations with them directly as they were preparing and asking questions about the upcoming jury process. He said, "I feel confident that we did have very thorough communications with all the existing vendors, through email, verbally or in person about the potential Code amendment, the time frame. In November, I sent them an email identifying all of the meeting dates, and potential due dates for the selection process. So we did not send a letter to them, but we had several communications as I mention notifying them of the upcoming Code amendment, and what they can expect from the City, as the Code identifies that the selection process in November. And I feel very confident we've had that communication with them in notifying them of what to expect now."

- Councilor Maestas said we decided to revisit the permit price and allocate more accurate costs to make sure the permit reflects accurate costs. He asked if we are going to do this City-wide for all permits, because he wants to make sure this is fair across the board, and try to make a similar effort to quantify the actual costs relating to Plaza Vendors. Can anyone address what we're doing City-wide, because he doesn't want this to be an isolated thing and continue the *status quo*, for every permit and fees that are too low. There is an equity issue for him.

Ms. Brennan said, "By law, we are required by law to assess fees based upon costs. Our fees cannot exceed the cost of delivering service that the fee relates to regulating. And that's the difference between a tax and a fee. And so, whenever we evaluate a fee or re-set a fee, we have to study the costs. Most of our fees are under cost."

- Councilor Maestas said he saw no breakdown that justified the proposed fee, but he would like to see what different parts of services relate to certain portions of the total fee, to understand the proposed fee, because right now he just sees it as doubling.
- Councilor Rivera asked why the Fire Inspection fee for special events is assessed, noting a gentleman brought that up earlier.

Mr. Gurule said he doesn't know what the fee is and if it is charged to them. During the special events, he would assume it is during the Spanish Market, Indian Market. When he worked in Business Licensing, the fee was \$25 or \$50.

Mr. O'Reilly said the Fire Department charges fees during special events, because one of the things they do is to go out and sure there are clear aisles, access ways for emergency vehicles to get to different places and such. That is part of what happens during every event at the Plaza, or the Rodeo or a carnival. It's something the Fire Department has always done to maintain public safety. He understands they charge a fee for that but doesn't know the amount.

- Councilor Rivera said these vendors already are being charged an initial inspection fee and not really changing the way they do business during special events, and is unsure the reason they are being charged an additional fee.

Mr. O'Reilly said, "The Plaza pushcart vendors don't operate in the spaces they do normally, so during special events they are in a completely different location. Sev tells me they also are located in tents and such. That is the reason the Fire Department plays a very important role in making sure everything is safe for those special events, he believes they do charge a fee for that."

- Councilor Rivera asked if Councilor Lindell would consider a change to include the Fire Inspection Fees as a part of the rent
- Councilor Dominguez asked if the Fire Inspection Fee for special events is charged to each individual vendor, to the special event itself. Or if it is something you charge the event organizers and they pass it to the vendor.

Mr. Gurule said it is a combination, but it is controlled by the sponsoring organization which is paying for the certificate of occupancy for the event itself. They charge individual fees or space fees to each vendor whether they are selling food, merchandise or arts and crafts.

- Councilor Dominguez said, for clarification, if the special event is passing that fee to the vendor, that isn't the City's issue. He said when a special event applies, they have to provide a layout of their event. He asked if Fire Department charges each vendor or do they charge the organization.

Mr. Gurule said they will charge each individual vendor, because they have a 10 X 10 space, and a larger space he would imagine takes more or larger propane tanks, for example. He said there is a larger amount of food in that space.

- Councilor Dominguez said the fees are for the benefit and protection of the public.

Mr. Gurule said those fees are not mandated as the result of this program, but are the result of their participation in special events, such as Fiestas, where there are 50,000 to 60,000 people in a 3-day period of time, and the amount of food prepared is significantly more.

- Councilor Dominguez said then it's not fair to compare one to the other, because these are two totally different situations.

- Councilor Trujillo said he sees this as a double charge for the Fire Inspection Fee. He said the City doesn't charge the Fiesta Council for the use of the Plaza, and in addition gives them money as well. He said and then they're passing the cost to the vendors.

Mr. Gurule said he doesn't know the details of what costs are passed on. He said his experience is they accept \$10 for the license for a special event and pay the City, and retain the space for their own benefit. The Fire Inspection fee depends on the use and size of the space, and what is being used. He said you are going from a 54 sq. ft. space on the Plaza, as compared to a 10 x 10 space which has a larger cooking surface area, a large amount of propane and the safety of the food.

- Councilor Trujillo said he understands if they are changing things, and bringing in more propane bottles and such. However, if they aren't deviating from what they're doing and have gone through the inspection, and stayed in compliance, he doesn't see assessing an additional Fire Inspection fee.

Mr. Gurule said it is important to note that the requirement for the fire inspections during these events is a requirement because of the event itself. He said anyone else participating as a vendor would have to go through the inspection because of their participation in the event.

- Councilor Trujillo understands that for special event, but we already know all about these vendors. He said he thinks it's a double charge if they stay in compliance.

- Councilor Dominguez said he agrees with Councilor Trujillo. And if it is the same vendor in the same space, doing the same thing they do every day, that's one thing. He asked how many visitors we get on a daily basis for the special events.

Mr. Gurule said he doesn't know.

- Councilor Dominguez said during the special events there are more visitors, and by that fact, it all changes. You can have the same space, the same operation, but that the fact there are more people on the Plaza is a change in itself. He sees this as the difference. He would agree if nothing changed, if it's all the same, then we probably should assess one fee, or the same fee. But the mere fact that we have more visitors, more people visiting a vendor during a special event changes the dynamic, and the safety issues are probably a little different to consider. You have more people.

Mr. Gurule said the during day to day participation in the Plaza Vendors Program, the existing vendors have a pushcart which they can wheel it in and then load it and be gone. During the major commercial special events, such as Fiestas, there is now a 10 X 10 space. You have walls that are going up that fit within that space. The potential for safety concerns or danger is larger, just because of the structure where the food is being prepared and sold is different.

- Councilor Dominguez said the safety requirements aren't "willy nilly created by City staff." There are Codes that dictates the fact that when you have more people, it means you have to have different safety measures or safety considerations.
- Mr. O'Reilly said, "That is exactly right. And that is the reason we have a Fire Marshal and Fire inspectors. The difference here is that when the Plaza pushcart vendors are on the Plaza, there is no one around them. And when we have these special events, there are literally hundreds of vendors 'cheek to jowl' right next to each other. And what the Fire Inspectors are looking for through the International Fire Code which the City has adopted as its Code, are separation requirements, distances between things, relationships to cooking surfaces, to canvass and other things that may be above cook tops. All kinds of things like that the Fire Inspectors have to look for and they are tremendously magnified when you have that many vendors that close to each other in a small proximity with thousands and thousands of people milling around. And that is the function, the public safety purpose that is accomplished by the fire inspections."
- Councilor Dominguez said that clarifies it for him. He was having trouble trying to figure out where we really could compare the two, and it sounds to him although there is some comparison, just the mere fact that you have more people makes it a little difficult to compare them as the same.
- Councilor Bushee asked how many special events are there where we don't allow those vendors to sell their products.

Mr. Gurule said 3, the Spanish Market, Contemporary Spanish Market, and the Indian Market which has its own set of food vendors.

Mr. Gurule clarified that the Code does allow the current vendors to submit application for inclusion for those special events.

- Councilor Bushee said the point is that we don't allow them to sell in the majority of special events, because there are other vendors that come in and do that, noting it isn't allowed during Community Days, the Pancake Breakfast and other events.

Mr. Gurule said those are requirements by the sponsoring organization that have leased the entire Plaza area, and it is not a City requirement. Our Code does allow them to submit their application.

- Councilor Bushee said there are inconsistencies in some of our arguments. She said, "And Councilor Rivera, with respect, we just dealt trying to clean up, in Public Works, the fact that we waived all the fees for children playing with Leagues. There are huge costs involved with that, and we don't recoup the costs when we feel that it's a service we really want to be able to provide to people that can't afford it. I have to say it's a 100% increase. And I can guarantee you... and while it's important to deal with this now, because I'm pretty sure we're moving on to the next round of Plaza vendors after this one, and I think it's precedent setting. And I have yet to see any of these folks out there getting rich. In fact, there are days when I see not a customer. And I thought the idea was people on the Plaza, more liveness. People love the tables and chairs and that's so they can sit and eat the food that they're buying on the streets. I feel like we're missing the spirit here behind this, and on top of that to put a 100% increase with no real warning. I'm going to make an amendment and hope you support it. This is a 100% increase and I just don't feel it's fair at this juncture."

MOTION: Councilor Lindell moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2015-1.

FRIENDLY AMENDMENT: Councilor Bushee proposed to reduced the suggested fee to \$2,000, which is a \$500 increase and retain the 2% CPI, and "I'm amending any and all that are necessary to change the feet from \$3,000 down to \$2,000."

CLARIFICATION: Mayor Pro-Tem Ives said for clarification Councilor Lindell's motion was in regard to the Ordinance.

Councilor Lindell said that is correct and she assumes we need to do them one at the time

COUNCILOR LINDELL SAID THE AMENDMENT IS NOT FRIENDLY BECAUSE IT IS NOT GERMANE TO THE ORDINANCE THAT I MADE THE MOTION ON.

Councilor Bushee said, "So we're talking about the whole thing, one is the admin. Are we not talking about everything at once.

Mayor Pro-Tem Ives said we are looking at a motion on the Ordinance, not the Resolution.

Councilor said there is an amendment page, "but I guess that goes to the Resolution."

Councilor Dominguez said, "As the second to the motion, Mayor Pro-Tem, I just want to clarify that I agree with you Councilor Bushee, if we could give everything away for free there's definitely some advantage to that. My comments were not directed to the fee for the users. My comments were specific to the Fire Inspection Fee."

Councilor Bushee said, "I get that."

Councilor Dominguez said, "I just wanted to make that clarification. And I had wanted to clarify that the majority of the special events, I don't see any of those vendors out there."

[Councilor Dominguez's remarks here are inaudible]

FRIENDLY AMENDMENT: Councilor Rivera said he would like to amend the motion to waive the Fire Inspection Fee for the vendors that have a license as long as they stay doing business the way they do business on an every day basis. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY..**

Responding to Councilor Bushee, Mayor Pro-Tem Ives said it was an amendment to the Ordinance.

Councilor Bushee asked if that is in the Ordinance or the Resolution.

Councilor Lindell said, "That's the Ordinance. The Resolution only deals with the license fees."

Zachary Shandler, Assistant City Attorney, said "I don't know how to write that, so let me take a minute to figure it out. So right now this Ordinance is for the right to be on the Plaza, and the Fire Marshal I guess comes at the beginning of their term and makes sure they're not going to burn the Plaza down, and that's this part of this Ordinance. What I've heard today is that some people, the entrepreneurs, are also participating in these special events. And when they participate in these special events, they see the very same Fire Marshal saying, hey you just saw me on the Plaza, why are you double charging me. So it seems like if you're double charge, you should focus on the Resolution that deals with special event fees, and that's where the exemption should be."

Mr. Shandler continued, "I'm not sure how we would write it as it is now, because it would be something like you get the \$2,000, except the \$35 discounted, but we don't know how many special events you're going to have that you're going to participate in. So it would be hard, I think, for staff to write. So I wanted call to your attention that it probably needs to be in a different place."

Councilor Rivera said what about saying the inspection fees would be waived if these 5 vendors were allowed to participate in a special event.

Mr. Shandler said you are still putting it in the wrong place.

Mayor Pro-Tem Ives said, "The point that is being made is that there are sometimes participation in events which will entail a vendor moving to a different space and when you gas tanks, when you move burners, that's when the Fire Marshal needs come back in and do a reassessment. So I think the intent of the amendment was to cover only those instances where the vendor has not moved or changed their setup and presumably has not disturbed anything such that the Fire Marshal the need to come back and reevaluate. I see Councilor Rivera nodding his head."

Mayor Gonzales returned to the meeting

Councilor Trujillo said, "I guess we have a Special Event Ordinance. Right. We do. Okay, so I guess that's what we're looking at. Melissa. If we can looking at revising that. I guess the question I also had on that, is we're talking about configuration. Now if the event they're going to... they put them into a tent or a wooden structure. Technically, their configuration has changed, right. So they would be charged on that basis. Now if it they stay and there is nothing overhead, they have their umbrella, they have their push cart, nothing has changed, yes you have people next to you of course, but the configuration didn't change, they wouldn't be charged. Right. That's what I want to get to.

Mr. Shandler said, "I think that's what the Mayor Pro-Tem just said. Yes. I agree."

Councilor Trujillo said if we want to bring that forward, he and Councilor Rivera can work on that.

Councilor Dominguez said the motion is that we actually include that into this legislation.

WITHDRAWAL OF FRIENDLY AMENDMENT: Councilor Rivera said, "So I'll withdraw my amendment, and ask staff to bring back language in the proper place that deals with the intent of what we're trying to accomplish here."

CLARIFICATION OF THE MOTION BY THE CITY CLERK: Ms. Vigil said, "And this would include the amendments in the packet as well. Councilor Lindell said yes.

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Explaining her vote: Councilor Bushee said, "Yes, but I will deal with the Resolution and the fees."

Mayor Gonzales assumed the presiding duties

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to adopt Resolution No. 2015-5.

MOTION TO AMEND: Councilor Maestas moved, seconded by Councilor Bushee, to reduce the fee for the 2015-2016 term from \$3,000 to \$2,000, and thereafter a 2% per year increase thereafter..

DISCUSSION: Councilor Maestas said, "Consistent with my comments earlier, I think had we really seen the breakdown and the justification for the increase, I think I would have been more apt to support it, but this a lot of change for a very few vendors. I think this is like a triple whammy, and so I really think we can at least reduce some of the pain and show some flexibility in reducing the fee. I think in the future, if we're really serious about trying to reflect costs, then I think it needs to be broken down, especially if it's a significant increase like this one. And then, I think in the future, any time we waive fees and if that's the role of the Governing Body, I think we need to at least discuss the cost of those fee waivers. I want to be consistent across the board, but it seems like maybe we're not. And that's another reason I'm supporting, at least making this motion to reduce the proposed fee from \$3,000 to \$2,000."

VOTE ON THE AMENDMENT: The motion failed to pass for lack of a majority vote on the following Roll Call vote:

For: Councilor Bushee, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Dominguez, Councilor Ives, Councilor Lindell and Mayor Gonzales.

Explaining his vote: Mayor Gonzales said, "I'm going to vote no, but in the hopes that we would look at for a different amendment. I understand the need to reduce the amount on the first year, but I do think the escalation where Councilor Lindell wants to go, I'd like to see that happen sooner. I would support it going to \$2,000, so the effect isn't in the first year, but there's time to plan and then to be to move it to in year 2, or in the 2017-2018 term \$3,000, and then the 2% thereafter. The way the motion was, we would still lag way behind from what some type of market rate component should be. But I also agree with you that there should be time to allow for preparation for the larger fee coming in, so, I don't know that I could I make it a motion. Can I make motions. I don't think I can yet, I just get to vote.

Councilor Maestas asked if the motion failed.

Mayor Gonzales said the motion failed.

MOTION TO AMEND: Councilor Lindell moved, seconded by Councilor Ives, "that during the first three-year term that the fee be \$2,000, after that, the fee will go to \$3,000 with the 2% increase by term."

CLARIFICATION: Councilor Ives said, "I would like to clarify. You're saying that simply in the first year, it's the \$2,000, but in the second year, it goes up to \$3,000, and the 2% begins kicking in after that."

Councilor Lindell said, "Correct."

FRIENDLY AMENDMENT: Councilor Bushee said she would ask for a substitute motion that we go from \$2,000 to \$2,500 to \$3,000 by the year 2020, and that we have a review after the first year and we will see how it's work. The idea or the spirit of the intent of people to the Plaza and having liveliness and music and food is what everybody says they want. A downtown Plaza. I would just suggest that we ease into this. **THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.**

MOTION TO AMEND: Councilor Bushee moved to go from \$2,000 to \$2,500 to \$3,000 by the year 2020, with the CPI of 2%, with a review after the first year.

CLARIFICATION: Mayor said, "So the CPI wouldn't kick in until after year 3."

Councilor Maestas said it would be fixed, \$2,000, \$2,500 and \$3,000.

Mayor Gonzales said then in year 4 it would be the \$3,000 plus the CPI and Councilor Bushee said that is correct.

CLARIFICATION: Ms. Byers asked for clarification since she will be writing the amendment. She said, "So are you talking \$2,000 for the term of 3 years or \$2,000 for the first year."

Councilor Bushee said it is for the first year.

Ms. Byers said, "And then \$2,500 and then \$3,000, so at the third year it will be \$3,000."

Councilor Bushee said that is correct.

SECOND. Councilor Maestas seconded the motion.

CLARIFICATION BY THE MAYOR: Mayor Gonzales said, "So end of the first term, 3 years, year one would be \$2,000, year two would be \$2,500 and year 3 would be \$3,000. Going into the second term it would be \$3,000 plus the 2% CPI at that point."

DISCUSSION ON THE MOTION TO AMEND: Councilor Maestas said, "I just think this is more gradual and going from \$2,000 to \$3,000 in one year is still a lot of shock."

Mayor Gonzales said, "Councilor Bushee you asked for a review after year one, or the first term."

Councilor Bushee said, "The first term. I think you're going to be surprised. Not everybody wants to be out in the sun, the rain, the wind and not necessarily make a lot of money. You want quality vendors and you want people to have accessible, affordable food at this point. And knowing this is probably just the beginning because there's the rest of the vendors to deal with, I would just suggest a gradual effort, that's all."

Councilor Dominguez said, "So, this is on the substitute motion. I guess one of the questions that I have is do we actually gather data about the profits that are made by these vendors."

Mr. Gurule said we do not gather information about the total profit that is made by the vendors.

Councilor Dominguez, "So we really don't know how much these vendors are making. For all we know they are making either nothing or a whole lot."

Mr. Gurule said, "Correct. Now, with the Code amendment, the requirement for reporting the CRS has changed, and we will be gathering that information."

Councilor Dominguez said, "I would like to make sure that information is provided. The reality is that if these vendors don't participate, a vendor will participate and they'll pay, quite frankly, whatever price they have to pay to be able to participate. And I just also want to make the clarification that there is a difference between providing services for free for children versus services for a profit organization or company. I think we need to make that difference distinct. People to the Plaza is one thing, making money off people on the Plaza is something else, and providing free services to children is something entirely totally different, so I just want to say that. I stand in favor of the substitute motion."

Mr. O'Reilly said, "To clarify, I believe the motion made some reference to CPI."

Mayor Gonzales said, "I did. For clarification that it would just be the fixed. I apologize. Thank you for the clarification. I did say the CPI, but it would be fixed, Councilor Bushee correct me if I'm wrong, but it would be fixed at the end of year 3. When we go into year 4, it would be \$3,000 plus the 2% and every year thereafter it would be 2%."

Councilor Bushee said, "Well, after the review."

Mr. O'Reilly said, "The intent was that the 2% would go up every term, but not every year of the term."

Councilor Bushee said, "After the term, but after the review."

Mayor Gonzales said, "There will be a review at the end of the term, but at the second term it will be set at \$3,000 plus the 2%. And then, of course, the Council at any point can change the fee structure by Resolution."

Mr. O'Reilly said, "And Mayor, just to be clear, those amounts are already specified in the Resolution. So when you look on page 2, you see the 2017-2018 term at \$3,060 which represents \$3,000 plus 2% and the 2019-2020 at \$3,121.20, which represents the 2% on top of that, but it's for the term."

Mayor Coss said, "I think that's a good clarification, but right now, we would be replacing each of those numbers with \$2,000, \$2,500 and \$3,000 for the first term."

Mr. O'Reilly said, "Mayor, members of the Council, my understanding is that for the 2017-2018 term and the 2019-2020 term, the numbers would be as indicated in the Resolution."

Mayor Gonzales said, "No."

Mr. O'Reilly said, "But for 2015-2016 term the intent is that the rent fee would go from \$2,000 to \$2,500, to \$3,000 at the last year of the first time."

Mayor Gonzales said, "I'm a little bit confused. Sorry. Because what I'm looking at is 2015-2016, it says term, but I'm seeing that as one year. And I understand 3 years is one term, right. So, to keep it simple, I think Councilor Bushee, if you're all right with it, 2015-2016 would be \$2,000, 2017-2018 would be \$2,500 and 2019-2020 would be \$3,000."

Councilor Bushee said, "Yes. That's my intention. And then after those increases, when we get to \$3,000 we have a review."

Mayor Gonzales said, "Oh we skipped... there's 2016-2017, and then 2018-2019. So, all right. So in 2015-2016 would be \$2,000, the next year 2016-2017 would be \$2,500, 2017-2018 would be \$3,000. At the end of 2018, for 2019-2020, it would be the \$3,000 plus the 2%. Yes. No. Yes, sorry."

Mr. Snyder said, "Then it falls back into to what Matt O'Reilly was talking about within the Resolution. Starting in 2018-2019 you have \$3,000 plus the 2%, in 2019-2020 you have \$3,000 plus 2% whatever that is, and those numbers are spelled out in the Resolution as Matt referenced."

Mr. Gurule said the Resolution itself has been amended. There is an amendment sheet that identifies the actual 3-year term, rather than the 2-year term, so the amendment sheet is right before the Resolution, page 20 of the packet. So the first license term is identified as the year 2015-2017, that's the first 2-year term, the next 3-year term is 2018-2020, and the third 3-year term is 2021-2023.

Mayor Gonzales said, "So for 2015, however we do this. 2015 and Councilor please make sure you correct me, so in 2015 it would be \$2,000, 2016 – \$2,500 and 2017 – \$3,000. Is that okay?"

Mr. Gurule said, "That's what I understand."

CLARIFICATION OF THE MOTION TO AMEND BY THE MAYOR: The motion was made to amend the Resolution itself, so if we could have the Resolution reflect, if this is passed, that what I just stated that in year 2015 it would be \$2,000, in year 2016 it would be \$2,500 and in year 2017 it would be \$3,000, and then after that the terms can kick in as is stated in the Resolution.

Mr. Gurule said yes.

Mayor Gonzales said, "Councilor Bushee are you okay with it."

Councilor Bushee said, "A review after the first year so that you can ascertain how the payments are being made and how things look and..."

Mayor Gonzales said, "A review after the first term."

Councilor Bushee said, "Yes."

VOTE ON THE MOTION TO AMEND: The Motion to Amend Resolution, as amended, was approved on the following Roll Call vote:

For: Councilor Rivera, Councilor Trujillo, Councilor Bushee, Councilor Dominguez, Councilor Maestas and Mayor Gonzales.

Against: Councilor Ives and Councilor Lindell.

VOTE ON THE MAIN MOTION AS AMENDED: The Main Motion, as amended, was approved on the following Roll Call vote:

For: Councilor Rivera, Councilor Trujillo, Councilor Bushee, Councilor Dominguez, Councilor Maestas and Mayor Gonzales.

Against: Councilor Ives and Councilor Lindell.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:45 p.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer