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 SANTA FE CITY COUNCIL MEETING
 July 30, 2014

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PUBLIC HEARINGS

REQUEST FROM M2 PRODUCTIONS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL TO SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR THE FOLLOWING: a) THE SANTA FE SHOW – OBJECT OF ART,” TO BENEFIT NEW MEXICO PBS, WHICH WILL BE HELD ON THURSDAY, AUGUST 14, 2014, FROM 6:00 P.M. TO 9:00 P.M.; AND b) “THE SANTA FE SHOW – OBJECT OF ART,” TO BENEFIT THE INSTITUTE OF AMERICAN INDIAN ARTS, WHICH WILL BE HELD ON TUESDAY, AUGUST 19, 2014, FROM 6:00 P.M. TO 9:00 P.M.

Approved

32-33

REQUEST FROM NEW MEXICO CHILDREN'S FOUNDATION FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE DRURY PLAZA HOTEL PALACE BALLROOM AND WEDDING GARDEN, 228 EAST PALACE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI, 131 CATHEDRAL PLACE, THE EPISCOPAL CHURCH OF THE HOLY FAITH, 311 E. PALACE AVENUE AND THE NEW MEXICO SCHOOL FOR THE ARTS, 272 E. ALAMEDA STREET. THIS REQUEST IS FOR THE NEW MEXICO CHILDREN'S FOUNDATION GALA TO BE HELD ON FRIDAY, AUGUST 8, 2014 FROM 5:00 P.M. TO 12:00 A.M.

Approved

33-34

REQUEST FROM LONDON HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #0656 FROM CASANOVA BAR, INC., D/B/A CASANOVA BAR, HSE #90 - HIGHWAY #68, ALCALDE, TO LONDON HOLDINGS, LLC, D/B/A ADELITAS MEXICAN RESTAURANT (LEASED), 3136 CERRILLOS ROAD

Approved

34-35

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2014- ____ . A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS, RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES	Postponed to next meeting	35
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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 30, 2014**

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, July 30, 2014, 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 Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

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

6. APPROVAL OF AGENDA

Brian Snyder noted there is an amendment sheet on the desk for Item # 10(r)(2), and amendment sheet indicates the caption is being changed. He said what is in the packet right now is a request to publish notice of public hearing, and the only change is that we are removing the 50% reduction of Residential Impact Fees. He said, "What is meant by that, is the current impact fee reduction of 50% will stay and place, and that's the only change I have for the agenda."

Councilor Rivera would like to remove Item H(4) from the agenda for the Evening Session, and postpone that Resolution for another month. He said we have had sufficient moisture to postpone for another month and then see where we are at that point.

MOTION: Councilor Dimas moved, seconded by Councilor Maestas, to approve the agenda as amended.

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

A Memorandum dated July 29, 2014, to the Finance Committee/Mayor & City Council, from Reed Liming, Long Range Planning Division Director, regarding Item 10(r)(2), is incorporated herewith to these minutes as Exhibit "1."

A copy of a proposed amendment to Bill No. 2014-23, Impact Fees Update, Item 10(r)(2), submitted by Councilor Patti J. Bushee, is incorporated herewith to these minutes as Exhibit "2."

A Memorandum dated July 29, 2014, to the Finance Committee/Mayor & City Council, from Reed Liming, Long Range Planning Division Director, regarding Item 10(r)(2)(a), is incorporated herewith to these minutes as Exhibit "3."

A copy of a proposed amendment to Resolution No. 2014- ____ Taxpayer Empowerment, Item 10(u), submitted by Councilor Carmichael Dominguez, is incorporated herewith to these minutes as Exhibit "4."

- a) **CONSIDERATION OF RESOLUTION NO. 2014-55 (COUNCILOR MAESTAS). A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT LEGISLATION THAT WOULD REMOVE THE TAXING LIMITATIONS CURRENTLY IMPOSED ON HOME RULE MUNICIPALITIES. (MARCOS MARTINEZ)**

- b) **CONSIDERATION OF RESOLUTION NO. 2014-56 (COUNCILOR MAESTAS). A RESOLUTION CALLING ON THE NEW MEXICO STATE LEGISLATURE TO TAKE IMMEDIATE ACTION DURING THE 2015 LEGISLATIVE SESSION TO ENACT A MUNICIPAL TELECOMMUNICATIONS TAX ACT THAT WOULD AUTHORIZE MUNICIPALITIES TO COLLECT FROM TELECOMMUNICATIONS PROVIDERS A MUNICIPAL TELECOMMUNICATIONS TAX ON THE TELECOMMUNICATIONS PROVIDER'S GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE. (MARCOS MARTINEZ)**

- c) **BID NO. 14/42/B – EMERGENCY REPAIR FOR OPERATIONS AND MAINTENANCE CONTRACT FOR WATER DIVISION; ALPHA SOUTHWEST, INC. (BILL HUEY)**

- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – GROUNDWATER MONITORING AND ENGINEERING SERVICES AT PASEO DE VISTA LANDFILL (RFP) #14/42/P); SOUDER MILLER & ASSOCIATES. (LAWRENCE GARCIA)**

- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – ZAMBONI 552 ICE RESURFACER FOR GCCC ICE ARENA; FRANK J. ZAMBONI & CO., INC. (ROBERT RODARTE)**

- f) **REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT – DOWNTOWN TRANSIT CENTER – SHERIDAN IMPROVEMENTS (RFP #14/39/P); WILSON & COMPANY, INC. (MARY MacDONALD)**

- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – INTENSIVE COMMUNITY MONITORING PROGRAM SERVICES AND FACILITATOR FOR SANTA FE REGIONAL JUVENILE JUSTICE BOARD THROUGH NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT (RFP #14/43/P). (RICHARD DeMELLA)**
 - 1) **MARY LOUISE ROMERO**
 - 2) **COMMUNITIES IN SCHOOLS**

- h) **NOTIFICATION OF APPROVAL OF EXEMPT PROCUREMENT AND SERVICES AGREEMENT – MAINTENANCE AND REPAIRS OF CITY'S LAND MOBILE RADIO SYSTEM; MOTOROLA SOLUTIONS. (THOMAS WILLIAMS)**

- i) REQUEST FOR APPROVAL OF SALE OF EXCHANGE/PURCHASE OF REAL ESTATE CONTAINING 1,078 SQUARE FEET, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF JEFFERSON STREET AND STAAB STREET BY KINGS MAP 8 LLC AND KING MAP 9 LLC. (EDWARD VIGIL)
- j) REQUEST FOR APPROVAL OF LEASE AGREEMENT FOR OUTDOOR SEATING WITHIN A PORTION OF THE LINCOLN AVENUE RIGHT OF WAY ADJOINING 130 LINCOLN AVENUE CONTAINING APPROXIMATELY 36 SQUARE FEET; CHUCK HIGGINS D/B/A CHUCK'S NUTS. (EDWARD VIGIL)
- k) REQUEST FOR APPROVAL OF GRANT AWARD – PUBLIC PROGRAMS AT CITY OF SANTA FE COMMUNITY GALLERY AT SANTA FE COMMUNITY CONVENTION CENTER; NEW MEXICO ARTS. (JULIE BYSTROM)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND
- l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – SEVEN (7) CNG REPLACEMENT BUSES FOR TRANSIT DIVISION; GILLIG, LLC. (KEN SMITHSON)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- m) CONSIDERATION OF RESOLUTION NO. 2014-57. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FOURTH QUARTER (YEAR-END) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2013/2014 ENDING JUNE 30, 2014. (CAL PROBASCO AND ANDREW HOPKINS)
- n) *[Removed for discussion by Councilor Trujillo]*
- o) CONSIDERATION OF RESOLUTION NO. 2014-58 (COUNCILOR LINDELL AND COUNCILOR BUSHEE). A RESOLUTION ENDORSING THE CITY OF SANTA FE'S PARTNERSHIP WITH SANTA FE WINE & CHILE FIESTA IN FACILITATING PARTICIPANT TRANSPORTATION ASSOCIATED WITH THE SANTA FE WINE & CHILE FIESTA'S GRAND TASTING EVENT ON SEPTEMBER 27, 2014. (JON BULTHUIS)
- p) CONSIDERATION OF RESOLUTION NO. 2014-59 (MAYOR GONZALES AND COUNCILOR RIVERA). A RESOLUTION AUTHORIZING A WAIVER OF USER AND PARKING FEES AT THE SANTA FE COMMUNITY CONVENTION CENTER FOR THE ANNUAL CITY OF SANTA FE EMPLOYEE HOLIDAY PARTY HOSTED BY THE EMPLOYEE BENEFIT COMMITTEE. (RANDY RANDALL)

- q) **CONSIDERATION OF RESOLUTION NO. 2014-60 (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION DIRECTING TRANSIT DIVISION STAFF TO DEVELOP AND EXECUTE A CO-PROMOTION INITIATIVE BETWEEN THE CITY OF SANTA FE AND THE SOUTHSIDE FARMERS' MARKET TO ADVERTISE BOTH THE MARKET AND SANTA FE TRAILS BUSES AS A CONVENIENT AND EFFICIENT WAY TO GET TO MARKET. (JON BULTHUIS)**
- r) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2014:**
- 1) **BILL NO. 2014-22: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$18,000,000, FOR THE PURPOSE OF DEFRAYING THE COST OF PUBLIC PROJECTS RELATED TO PUBLIC UTILITIES, PUBLIC WORKS, PARKS AND RECREATION AND COMMUNITY SERVICES AS AUTHORIZED BY LAW AND THE CITY'S HOME RULE POWERS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM THE GROSS RECEIPTS REVENUES DISTRIBUTED TO THE CITY; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS (COUNCILOR DOMINGUEZ) (HELENE HAUSMAN)**
 2. **BILL NO. 2014-23: AN ORDINANCE RELATING TO IMPACT FEES – AMENDING SECTION 14-8.14(C), (E) AND (4) TO REMOVE THE 50 PERCENT REDUCTION OF RESIDENTIAL IMPACT FEES; ADOPT A NEW IMPACT FEE SCHEDULE AND INCORPORATE DEFINITIONS RELATED TO LAND USE TYPES; AND RELATING TO PARK DEDICATIONS – AMENDING SECTION 14-8.15(C)(2) SFCC 1987, THE PARK DEDICATION SECTION; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR BUSHEE). (REED LIMING)**
 - a) **A RESOLUTION ADOPTING THE “*IMPACT FEE CAPITAL IMPROVEMENTS PLAN 2020 FOR ROADS, PARKS, FIRE/EMS AND POLICE,*” TO MEET THE STATE REQUIRED IMPACT FEE PROGRAM 5-YEAR UPDATE AS CALLED FOR IN THE STATE DEVELOPMENT FEES ACT (5-8-30 NMSA 1978) (COUNCILOR BUSHEE). (REED LIMING)**

- s) **LODGER'S TAX AUDIT REPORT THROUGH JUNE 30, 2013. (LIZA KERR)
(INFORMATIONAL ONLY)**
- t) **INTERNAL AUDIT – REPORT ON SPECIAL ADVISORY SERVICES –
TRANSPORTATION DEPARTMENT/TRANSIT DIVISION CASH WALKTHROUGH.
(LIZA KERR) (INFORMATIONAL ONLY)**
- u) *[Removed for discussion by Councilor Maestas]*
- v) *[Removed for discussion by Councilor Bushee]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JULY 9, 2014

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of July 9, 2014, as presented.

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

9. PRESENTATIONS

- a) **FORE KIDS SCHOLARSHIP TOURNAMENT COMMITTEE (PESO CHAVEZ, CHAIR,
MOLLY HARRIS-WHITTED, MEMBER AND JENNIFER ROMERO)**

A copy of a packet of information regarding the 16th Annual FORE Kids Gold Tournament, is incorporated herewith to these minutes as Exhibit "5."

Mayor Gonzales welcomed former Councilors Peso Chavez and Molly Whitted.

Jennifer Romero presented a short video showcasing youth who have participated in the FORE Kids Scholarship Program at the Marty Sanchez Golf Course as well as the Genoveva Chavez Community Center.

Former Councilor Peso Chavez said over the past 15 years, they have given around \$175,000 to the youth of Santa Fe, provided 35,000 scholarships for children to attend Genoveva Chavez, and golf and soccer. He said this is a great tournament and they invite everyone to attend. He noted that Councilor Dominguez has been an avid golfer and supporter of this group. He said they have the triple green chile cheeseburgers with chile roasted on site. He said the nice thing is that of the \$100 you spend on the tournament, \$97-98 goes directly to the children and scholarships. He invited everyone to attend on Friday, August 29, 2014, noting there is a shotgun start. He said it is a privilege to be able to raise these funds for our kids.

Former Councilor Molly Whitted, presented a check to the City in the amount of \$7,202.75, which is the revenue from last year's tournament. She thanked the Governing Body for their support and participation over the years.

Councilor Dominguez encouraged the Governing Body to attend, and "if you if don't play, at least attend and visit." He said it is "the funnest tournament I've ever been to." He said this is a great cause and he will be talking about using funds for homeless youth to be sure they can have access to the golf course and/or the Chavez Center. He challenged the Mayor to the longest drive.

Mayor Gonzales said it will be the Mayors challenge for the longest drive on the fairway. He thanked the sponsors, the staff, the MRC and the contractors. He appreciates the City's concentrated efforts to focus on our youth and to make the use of the Marty Sanchez Golf Course affordable to people throughout the community.

b) MAKING STRIDES AGAINST BREAST CANCER CAMPAIGN – AMERICAN CANCER SOCIETY.

Councilor Dominguez said he has been working with this organization for some time, commenting it is an issue which is "near and dear to my heart."

Cindy Padilla, American Cancer Society, gave a brief history and overview of American Cancer Society and its work the work in this regard. She is a volunteer with the Society and a breast cancer survivor. She wants to see the continued support of the City. She said more than 1,500 people came together last year for this event. She said they would like to have the City's continued support in this fight.

Ms. Padilla said the Walk for Breast Cancer will be on Saturday October 4, 2014, at DeVargas Park, and listed the sponsors for the event. She introduced Katy Johnson of the American Cancer Society and the volunteers from last year. She said there will be a Breakfast on August 6, 2014, at the Courtyard Marriott to discuss the upcoming event and invited the members of the Governing Body to attend. She said there will be a "Paint the Town Pink Day" on October 3, 2014. She said they are also working with the Schools to have another "Tough Enough to Wear Pink" high school game. She said, "Together, we can win this fight."

Ms. Johnson said Ms. Padilla covered everything beautifully, and they are glad to have her as a volunteer, especially as a recent breast cancer survivor..

Mayor Gonzales thanked Ms. Padilla for attending, saying she is correct, this is a community fight, because every family is affected by cancer, and many have family members that are fighting breast cancer, so participation is important. He said his hope is we can figure out to broaden this to more than a day to a week, and incorporate everything throughout the community in lots of many different ways.

Ms. Johnson said *The Santa Fe New Mexico* has given the Society a number of ads and one of those is Paint the Town Pink Day on October 3, and they are hoping to involve local businesses and donate a certain portion of funds that day, and to give people wearing pink 10%, or something of this sort.

Ms. Padilla said she appreciates the Mayor's comments about expanding this effort, noting that e. October is Breast Cancer Awareness Month across the nation.

Mayor Gonzales said this is successful at New Mexico State University, where there is a Tough Enough to Wear Pink Game and week, and during the week the community itself raises about \$600,000 to fund cancer research. He said he knows we can do it here if they can do that in Las Cruces. He said he knows the organizers in Las Cruces, and would love to arrange a visit with them for the Santa Fe Society and its volunteers.

Councilor Dominguez thanked Cindy Padilla, Katy Johnson and City staff, for their support and hopes that will continue. He said part of the challenge for the FORE Kids Golf Tournament is that you have to wear a pink shirt for the Golf Tournament. He said the Fire and Police Departments participates, as well as other City departments. He said whatever we can do to bring awareness to this issue would be helpful. He will do his best to put together a Governing Body team and will do his best to make t-shirts available.

c) STATUS REPORT ON THE ACTIVITY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT BOARD (NCRTD). (ANTHONY MORTILLARO, NCRTD, EXECUTIVE DIRECTOR)

A copy of a power point presentation on the NCRTD Service Area, is incorporated herewith to these minutes as Exhibit "6."

Chair Daniel R. Barrone, Mayor of Taos, and Taos County Commissioner, thanked the Governing Body presented the history and a brief overview on the North Central Regional Transit District Board (NCRTD), and its services. He said public transportation helps to reduce the carbon footprint within the communities.

Anthony Mortillaro, Executive Director, NCRTD, presented the information from Exhibit "6." Please see Exhibit "6" for specifics of this presentation.

Mayor Barrone reiterated his thanks for this opportunity to update the Governing Body on the NCRTD. He invited the Governing Body to attend the 10 year celebration of the NCRTD on September 16, 2014, along with the riders of the NCRTD,

Mayor Gonzales thanked them for attending the meeting and providing this information.

Councilor Ives congratulated the NCTRD. He said today, on behalf of Mayor Gonzales, he attended the promotions ceremony for David Torres to the Adjutant General, New Mexico National Guard. congratulations. He said the Town of Taos has another great person from its community serving the State of New Mexico.

Mayor Barrone said General Torres is a stellar individual in the community.

Councilor Bushee congratulated Mayor Barrone for his promotion in the Town of Taos. She said he has done a wonderful job as Chair of the NCTRD on which she serves. She suggest that we meet more often, if there is a chance, to update. She said they had a positive meeting this morning with members of the Tribal Council, Governor, former Governors of Tesuque Pueblo, City staff and people from Nambe Pueblo. She said we may be moving forward conceptually, and she is pleased to be able to report this.

Mayor Barrone said he agrees and this is a great opportunity to expand the service into that area, provided there is buy-in from the different entities.

Councilor Dominguez expressed congratulations on a 10 year celebration. He asked how much a driver earns with the NCTRD.

Mr. Mortillaro said the starting salary is \$12.96 an hour for drivers, which is less that Santa Fe's pay to its drivers, noting the pay will increase to \$13.26 an hour in 2016.

Councilor Dominguez thanked them for the work they've done, and said this model will be implemented in southern New Mexico which speaks for the potential and the services provided.

CONSENT CALENDAR DISCUSSION

- 11(n) CONSIDERATION OF RESOLUTION NO. 2014-61 (COUNCILOR BUSHEE AND COUNCILOR LINDELL). A RESOLUTION RELATING TO A LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA FE AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO ALAMEDA STREET BETWEEN CAMINO ALIRE AND CALLE NOPAL; DIRECTING STAFF TO CAUSE SUCH COOPERATIVE AGREEMENT TO BE EXECUTED ON BEHALF OF THE CITY OF SANTA FE. (DAVID CATANACH)**

Councilor Trujillo said, "As always, I always take anything dealing with NMDOT in these Resolutions just to state that I do work for the New Mexico Department of Transportation. I used to oversee these projects back when. There is no conflict of interest, so I'll move for approval."

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to approve this request, as amended.

DISCUSSION: Councilor Bushee said, as a request for Mr. Snyder, "Repaving that road is much needed, that stretch of road from Alire to Nopal, but what's needed even more so is a shoulder or a bicycle lane. In most parts, it's just a severe drop-off. I know we did not fund in this CIP bond the drainage and right-of-way issues, but I guess I wanted to see if there was any way, as they resurface, if we could move toward getting some kind of shoulders and/or bicycle lanes on one or both sides of that road. It's one of those things that's just never happened. I see Ike's not here, and I know it's going to take more than we have to just do the repaving, but I would like to see that we're not going to repave and continue to have these drop-offs like we have."

Mr. Snyder said he will discuss this with staff and see what is involved in getting a shoulder or bicycle lane.

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

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

Against: None.

10(u) CONSIDERATION OF RESOLUTION NO. 2014-62 (COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION DIRECTING STAFF TO EXPLORE POTENTIAL CITY OF SANTA FE TAXPAYER EMPOWERMENT POLICIES RELATED TO OUTSOURCED CITY SERVICES THAT WOULD PROMOTE TRANSPARENCY, ACCOUNTABILITY, SHARED PROSPERITY AND COMPETITION. (BRIAN SNYDER AND KELLEY BRENNAN). (Postponed at June 25, 2014 City Council Meeting)

Councilor Maestas said he received an email from the CEO of the Chamber of Commerce, voicing concerns over this. He said perhaps there are misperceptions that this Resolution will explore some options for being more transparent "in how the private sector spends City money." He said it would be good clarify things in this Resolution to allay those concerns on the part of the business community.

Councilor Maestas said, "The only question I have, I guess, is for legal counsel, is if it is possible for us to legally mandate a private contractor under contract with the City to post how they spend public monies. Is this even legally possible. I realize we're going to explore, but a cursory review at this point, Ms. Brennan, are some of these potential exploration directives even legally possible."

Ms. Brennan said, "I believe we can ask private contractors to account for their expenditure of public funds. I'm not sure how far that goes, or what we can ask, and yes, it does need further exploration, but I do think it's possible. I don't think we can penetrate beyond the expenditure of public funds."

Councilor Maestas said, "The last question I have is, whenever I look at these, I like to understand the need, because we do create a lot of consternation in the community. And I think if we can present the need to even explore such a thing, then I think we can all feel better about moving forward. But do we, in fact, have a lot of bad actors out there that have done business with the City, contractors with records that have been written up by some of these sanctioning organizations like Construction Industries. Or have they been disbarred and then reapplied, and been back in business and done business with the City. I don't have a handle on the prevalence of problem contractors where something like this would surely benefit. Mr. Snyder, do we have a problem with bad actors, with contractors. Do we not consider prior performance when we put out RFP's and if a business that has done business with the City in the past submits a proposal, do we consider past performance. Just give me a sense for what it's like, because apparently I don't know what problems we're experiencing with contractors and other folks that do business that we subcontract with."

Brian Snyder said, "When we go through the Request for Proposal process, we definitely consider past performance as one of the criteria that we evaluate. When we go through a Request for Bids process, there is not that level of evaluation. It is typically the lowest qualified bid. That being said, one of the processes we often do go through now is a Request for Qualifications first, so we can narrow down and make sure that, similar to the Request for Proposals, we go through a selection criteria. And once you're qualified, then we solicit Request for Bids. That doesn't happen on every project. To answer your first question, I'm not aware of any really bad contractors that we've had problems with. Over the years, I guess there have been some, but I'm not aware. I can't think of anybody off the top of my head that we've had problems with that we haven't been able to address. That being said, I think this is an opportunity for us to explore and look forward to making sure what the processes are."

Councilor Maestas said, "I agree with the principle that we really shouldn't be doing business with a company or organization that has had a past record of violating our own rules or environmental laws and so forth. I guess I'll just look forward to the results of this exploration, but I want to make sure there is no specific action that we're going to take., that we're going to some exploration. So I want to make sure that the business community does not become overly concerned about tonight's action."

Mr. Snyder said, "I believe this is an exploration or a study. This is for staff to evaluate and then come back to the Governing Body and present its findings. It's not to take action."

MOTION: Councilor Maestas moved, seconded by Councilor Bushee to adopt Substitute Resolution No. 2014-62, with the amendments.

DISCUSSION: Councilor Bushee said, "Again, this is just a Resolution and we're going to develop a program. I guess two examples come to mind. In the past we hired a landscape company that did not honor the warranties on plant material at Frenchy's Park, for instance. And there was nothing in our procedures that would have prevented them from bidding, being the low bidder and get that work, even though they had not honored thousands of dollars of warranty week. The only other one that comes to mind that I just pose, because it's not as if they would have violated anything in the City's Codes or regs or procurement code. But RedFlex, for instance, is getting a bad reputation nationally, and was concerned."

Would that prevent someone like RedFlex, if we had a policy in place or program in place, from even bidding. It's just a question. That's a national contractor, but it's the only thing I can think of right now that would even be pertinent. So I'm just throwing it out there for staff to ponder."

Mayor Gonzales said that would be better as a consideration than a response at this point.

Councilor Ives said he shares many of Councilor Maestas's concerns about some of the impacts and extent to which this particular legislation can be brought forward. He said when he looks at many of the provisions they suggest penalties, they suggest significant capacity in the Santa Fe City government to reach into the business community for information to conduct investigations, presumably to hold hearings on various types of matters, such as whether somebody has violated federal or State tax laws. As you're looking at this, he wants to know what we will do if any of this passes – what mechanisms and additional staff will be needed in place to enforce the Ordinance. He wants to understand the economics, staffing involved, as well as the legalities of some of this, commenting this is a question is for both the City Manager and the City Manager.

Councilor Dominguez said, "The intent of this is to provide and promote the transparency that needs to be continually worked on, especially City government. It's not so much any bad actors or good actors that we have, it's really to keep the bad actors, if you will, out of City Hall, or at least to be able to make sure that the good actors are held accountable and that they promote and provide that transparency. And I want to thank Councilor Maestas for recognizing this is more of an exploration. I'm hoping to be able to take whatever staff brings to me and codify some of that and provide some policy, and giving direction to make some of this happen.

Councilor Dominguez continued, "And there is going to be a fiscal impact to speak to Councilor Ives concern. One of the things we want to look at is how much staff it is going to take to be able to really hold some of these contractors accountable. And that's something I want to consider as well. I don't imagine it will take a whole lot, but we need to be considerate of staff's time in this process as well. In most cases, it's a bi-partisan kind of bill. It just promotes government responsibility in making sure that the taxpayers who are all of us and the public know exactly how their money is being spent, so that's the general intent of it."

CLARIFICATION BY THE CITY CLERK: Ms. Vigil asked, "Just for clarification, Councilor Maestas, this is for the approval of the Substitute Resolution with the amendments. Correct." Councilor Maestas said, "Yes, correct."

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

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

Against: None.

11(v) **CONSIDERATION OF RESOLUTION NO. 2014-63 (COUNCILOR BUSHEE, COUNCILOR LINDELL, COUNCILOR DIMAS AND COUNCILOR IVES). A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2012 GENERAL OBLIGATION BOND (GO) PARKS AND TRAILS IMPLEMENTATION PLAN TO REALLOCATE 2 MILLION DOLLARS CURRENTLY DESIGNATED FOR THE RIVER TRAIL UNDERPASS AT ST. FRANCIS/WEST ALAMEDA, LESS CERTAIN COSTS ALREADY INCURRED, TO BIKE-PEDESTRIAN TRAILS AND RELATED SAFETY AND INFRASTRUCTURE PROJECTS. (ERIC MARTINEZ). (Postponed at July 9, 2014 City Council Meeting)**

A copy of *BTAC Proposed Project List for Reallocation of Funds from the River Trail Underpass, recommended July 16, 2014*, with attachments, regarding Item 10(v) is incorporated herewith to these minutes as Exhibit "7."

Councilor Bushee said, "We've had a lot of different venues that we've had a lot of different discussions. And for those who are not on Public Works or did not attend that meeting and were just simply on Finance, you will see a handout from the City Clerk on your desk, and it has Item 10(v) [Exhibit "7"]. I took this off to make sure that everybody understood that what was approved at Public Works.... and I would like to make a couple of suggested changes. I've spoken to a few of you. After the meeting at Public Works, I managed to have a long conversation with Councilor Calvert, and my hope is that we could kind of have everything, in some way, down the road."

Councilor Bushee continued, "I would like to suggest that, on the list on 10(v), which are priority projects that have been vetted in the community from the Bikeways Master Plan, that we actually consider taking the \$300,000 which were suggested to be used for improvements at the at-grade crossing of the Santa Fe River Trail, and ask that staff look for creative, inexpensive and/or free at-grade improvements. And that we take the \$300,000 and continue to complete engineering studies for that potential crossing. And I would also ask that that crossing not simply be limited to what I would call tunnel vision, and have it be this box culvert and/or very narrow, dark tunnel, but look at receiving lots of community input as to what they would like to see there, of course noting that we don't have the funds, we didn't have the funds to even complete the project as it had been already studied. That's why we are pursuing this reallocation. But if you could look at a more open bridge concept, kind of along the lines of what the community came up with for the Acequia Trail Crossing."

Mayor Gonzales asked, "Can I ask you a question, as a matter of procedure as moving this along, do you want to start with a motion, and then we can move with....."

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, "to reallocate the \$2 million currently designated for the River Trail Underpass at St. Francis and West Alameda, less certain costs already incurred, to Bike-Pedestrian Trails and related safety and infrastructure projects throughout the City, and delineating those projects, and I would like to leave the list and make suggested changes to two of them."

CLARIFICATION BY THE MAYOR: Mayor Gonzales said, "So, I guess I'm just trying to understand to make sure that we work off what we need to try to keep the matter of process in place. The motion should be to reallocate the funds, right, and then we can start talking about the projects after that."

Ms. Brennan said, "Mayor, on a point of Order, the Resolution does 3 things. It authorizes the reallocation of the money, less expenditures to date; it establishes that the Governing Body shall consider project recommendations, saying that the Governing Body has final authority; and directs BTAC to consider the priority list of projects. At Public Works on Monday, there was discussion of the projects, but I don't believe that Public Works decided or approved the list. I think it was contemplated that the list would be discussed as a separate matter. And the Resolution simply authorizes the reallocation and directs BTAC to....."

Councilor Bushee said, "Then I won't get into the details, and we'll have BTAC explore this in more thoroughness and have the River Commission participate as well."

Mayor Gonzales said, "Perfect."

Councilor Bushee, "Great. I thought we had approved a list because we went over it a bunch."

Mayor Gonzales said, "So, okay, do you want to make your motion again, Councilor Bushee."

RESTATEMENT OF THE MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to adopt Resolution No. 2014-63, approving the reallocation.

DISCUSSION: Councilor Rivera said, "I believe that when we approved this at Public Works, that we approved the list that came with it."

Councilor Bushee said, "Yes, we did, but, it's okay, I'm good with more discussion."

Councilor Rivera said, "That BTAC had discussed the matter, they had provided a list of couple of different ideas and actually have spent the money, along with Eric, I believe came up with the amounts, and the amount was going to be \$1.930 million, and I thought that's what we had approved as part of the...."

Councilor Bushee said, "And that's why part 2 of my motion was just going to be to accept the list that was recommended by the Public Works Committee with amendments."

Ms. Brennan said, "I think if you wanted to do that, you would have to propose an amendment to the Resolution removing, yes, removing the second and third Resolutions, Be it Resolved that the Governing Body shall consider project recommendations, and Be it Further Resolved that BTAC shall first consider the priority list, and amend it add, Be It Further Resolved to adopt the attached list."

FRIENDLY AMENDMENT: Councilor Bushee said, "I would make that motion as a part of my motion if there is a second to that."

DISCUSSION ON THE FRIENDLY AMENDMENT: Mayor Gonzales asked if that would be a friendly amendment.

Councilor Lindell said, "I second."

Councilor Bushee said, "And while I'm making those amendments...."

Mayor Gonzales said, "Councilor Dimas had made it, so do you accept it as friendly."

THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

CONTINUATION OF DISCUSSION ON THE MAIN MOTION, AS AMENDED: Councilor Bushee said, "And the only other thing was I was going to amend the list slightly, if I could tonight, and the suggestion had been that we take the \$300,000 for at-grade improvements, because I really do believe staff could, you know, make the light go a little longer, perhaps stop right hand turns and do some small things that wouldn't cost a whole lot. And the suggestion was to further study and complete the engineering studies for a crossing of some kind, underpass most likely, at St. Francis and West Alameda, so that it would be shovel ready in the occurrence that we either had local, State or federal monies available to build it, which we do not have currently."

Mayor Gonzales said, "That would be in the form of an amendment, I think, but before we go to the list, let me just ask,...."

Councilor Bushee said, "One final thing. The other was to take the Wayfinding funds of \$30,000 and add them to be a contingency fund for any of the other projects."

Mayor Gonzales said, "Let's just stay on discussion for the motion, and then I'll ask you for your amendment."

Councilor Maestas said, "Just a point of order, Mr. Mayor, when this came before Finance, there were absolutely no proposed projects whatsoever, that's why it was denied at Finance. And secondly, I'm not on Public Works, so this is the first time I've seen this list of projects. And thirdly, the whole idea behind preparing an agenda with related information is to get it to the public well in advance, and this is substantial, a substantial material difference to the Resolution that was advertised. And so I really think that this action is out of order. I think we ought to just vote on the Resolution itself, and make a decision as to whether or not to reallocate, and then finalize the list through the appropriate committee process, and bring it back to the full Governing Body, that would be my suggestion."

Mayor Gonzales asked, "Is there a rush on having to name the projects tonight, Councilor Bushee?"

Councilor Bushee said, "Not necessarily, but what I can say is the reason Finance wanted it to be heard again at BTAC, I believe, and BTAC met after Finance. And so that, I thought, was following the procedure, of send it to BTAC for their advisement. This was their list. Then it was brought back to Public Works. I think there was also a suggestion to have Public Hearing; there was. This was thoroughly vetted. The decisions were discussed and this list was discussed quite intensively, and I believe, I know Councilor Ives who is not on Public Works was there. So again, I'm just saying that BTAC has already weighed-in. Public Works has weighed in, so I'm not opposed to necessarily having another hearing, but I can say that it has...."

Mayor Gonzales asked, "Councilor Maestas, is there a pathway, outside of what has already happened that you would propose that we go through in being able to review the projects as presented tonight."

Councilor Maestas said, "Yes. I just stick to my original recommendation. Let's just vote on the Resolution, whether or not to reallocate, and then finalize the list of these projects. Because, again this is the first time I've seen it, and this project includes a request from the County to match some funds regarding Federal Lands Access. And I'm not sure staff has even looked at that request from the County, and it's on this list. So I think staff needs time to look at this request, and make appropriate recommendations to us whether it should be considered along with the other proposed bike trails. And we just finished talking about transparency, and I think we're not really operating in a very transparent manner by horse-trading out here, real time, on this Trail List. So again, I would really strongly suggest that we just kind of stick to the scope of the Resolution."

Mayor Gonzales said, "So, if we stuck to the scope, and then put it out for public review and participation, would it go back through BTAC, Public Works and back up here, or how would you suggest that that public review of the proposed list take place, just so we can get some direction. I don't know if you have a problem with...."

Councilor Maestas said, "This doesn't really show how these trail improvements are distributed by District. I don't like to get too parochial. I realize this is a priority list that BTAC developed, but there are other improvements in my District that I would like to see considered, that I think would compete very well with these proposed projects. One of them being widening Old Santa Fe Trail to add some bike lanes. There's a stretch that doesn't have bike lanes."

Councilor Maestas said, "And then one last thing, the substitute project for the underpass, which is number one on there on the list at St. Francis and West Alameda, calls for at-grade improvements, at an estimate of \$300,000. That was really meant to be an interim improvement to the full buildout of the underpass. And so, now that the full buildout of the underpass is postponed, I don't think that \$300,000, investing it at that same location is wise, so I think that's in play as well, the \$300,000. So I would like to have a full discussion about that well and bring forth some of my recommendations for projects in my District."

Councilor Bushee said, "If I could just respond. You know, it's interesting, I guess you can call it horse-trading, but I will tell you that this reallocation of this limited amount of money has had as much, or public input than the whole CIP \$18 million, thus far. And so, what I will say is, Councilor Maestas, you may not

have participated. You were not there at the Public Works hearing or the BTAC meeting in this past month, but the gentleman from the County was there on Monday. I am really in support of their pursuit of some money for a trail that's wholly in the County, but I think the priority that came from the committee, or committees thus far, is that we have so limited amount of funds.... I know Councilor Dominguez is looking for some better ways to cross Airport Road. But I will tell you that staff did send an email out. It had a map of how these projects are disbursed, the monies would be disbursed throughout the City. And again, I'm not opposed to having more hearings, but I can tell you... in fact BTAC is made up of members from all Districts, and each and one of these priorities were suggested by some of the Planning staff that have been involved in the Bikeways Master Plan. And that Master Plan was vetted better than this bond was vetted, in terms of public input. So that's all I'm going to say."

Councilor Ives said, "I was able to attend a portion of the Public Works meeting on this, but did not have the list in hand, so it is a little difficult to follow some of the discussion. I do note that at that meeting, there was discussion of the fact that a number of these potential projects might involve condemnation possibly, or the exercise of eminent domain to actually accomplish them. That, to me, is something that could add significant cost, time, etc. And so, I'm curious, really, to some degree, how ready these are, what additional expenses may or may not be incurred. I do agree with Councilor Maestas. It is a little frustrating, and probably frustrating for members of Finance who passed on this who hadn't necessarily seen this, and are now, presumably, seeing it for the first time as well. To move quickly ahead on it would probably also be in favor of approving the Resolution to reallocate, but in terms of coming up with a list to which the funds are to be devoted, having a little more opportunity to answer some of those questions, have a little further discussion, and make sure we're clear with the community. Because, certainly, a good deal of the discussion had focused on the capacity to reallocate the bonding in the first instance, and we certainly want to be very clear that we have engaged in sufficient public process. I certainly appreciate that a public hearing was, in fact, held. However, I would agree with Councilor Maestas on the points he was making."

WITHDRAWAL OF THE AMENDMENTS: Councilor Bushee said, "I would withdraw my amendments and just ask for overall approval, and ask that this be sent back to wherever you want it to be sent. So I would like to see it at BTAC, and I would like to see it at the River Commission for the specifics, and from there, if people want, Finance and if Public Works wants another whack at it."

Mayor Gonzales said, "You're already done, right, with it, unless it changes."

Councilor Trujillo asked, "Do you want a public hearing on each one of these projects now?"

Councilor Bushee said, "I'll tell you right now, I think you will get less public attendance at this point, but it's up to you if you want to have a public hearing or not, Chair."

Mayor Gonzales said, "If it stays as is."

Councilor Bushee said, "You want to see it again."

Councilor Trujillo said, "Well this list, we've seen at Public Works. I'm just asking... I don't necessarily want to have another public hearing, but once it goes through the process of going to the River Commission and BTAC, that it come back to Public Works one last time for review, that's fine."

Mayor Gonzales said, "I think the original motion was just to pass a Resolution. There weren't any amendments that were accepted."

MAYOR'S CLARIFICATION OF THE MOTION: Mayor Gonzales said, "On the Motion, and with the direction that BTAC, the River Commission, Public Works and then Finance review the projects and make a recommendation in the future, hopefully the near future, to the Council on it in it's totality. It will be something that we will just navigate through."

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

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

Against: Councilor Maestas.

Mayor Gonzales said, "And Councilor Bushee, nice work in terms of trying to find some resolution with those that are conflicted by this. And Councilor Maestas, I think you're right, in terms of being able to continue to open it up for public participation and what those projects look like. You know, I think it's always the right path."

Councilor Maestas said, "If you could correct the record on the Action Sheet from Finance, because it shows we approved the reallocation, and I think we denied it."

11. REPORT ON STANDARD & POOR'S (S&P) AND FITCH RATINGS FOR CITY OF SANTA FE FOR 2014 GO BOND ISSUE. (BRIAN SNYDER AND HELENE HAUSMAN)

Mr. Snyder said he felt it would be beneficial for the entire Council to hear about our recent bond rating affirmation, and some of the points that both Fitch and S&P called out about our budget.

Mr. Hausman presented information from her Memorandum of July 30, 2014, to the City Council, in this matter, which is in the Council packet.

Mayor Gonzales said, "I think it's pretty clear there needs to be a roadmap tied to a calendar, as to when the items are going to be addressed, how they will be addressed and some of the communication that is going to the rating agencies. I think you need to continue the Council periodically on the internal memos that are going on that are addressing the questions that have been asked, and the messaging that we're going to be moving forward."

Mayor Gonzales thanked Mr. Snyder and Ms. Hausman for this information, saying it is helpful in dealing with the rating agencies.

12. CONSIDERATION AND APPROVAL OF REQUESTED FEE SCHEDULE, PARKING, SHUTTLE AND HANDICAP SHUTTLE PLAN FOR ZOZOBRA – AUGUST 29, 2014; KIWANIS, RAYMOND G. SANDOVAL. (JON BULTHUIS)

Ken Smithson, Transit Division, said, "We are proposing to support the Parking and Shuttle Plan for the Zozobra events again this year, much as we did last year, which was highly successful."

Mr. Smithson introduced Raymond Sandoval, Chairman, Kiwanis Club.

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

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

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

Against: None.

Absent for vote: Councilor Bushee

Mr. Sandoval thanked the Governing Body for their support.

13. REQUEST FOR APPROVAL TO SPEND OVER \$50,000 (UP TO \$100,000) FROM TOURISM SANTA FE'S RESERVE BUDGET TO SUPPORT A MARKETING JOINT VENTURE FOR THE FILMING OF AN EPISODE OF *THE BACHELOR* IN SANTA FE; STATE OF NEW MEXICO TOURISM DEPARTMENT, CITY OF SANTA FE TOURISM SANTA FE, A HOST HOTEL AND *THE BACHELOR*. (RANDY RANDALL)

Randy Randall presented information from his Memorandum of July 24, 2014, with attachments, to Mayor Javier Gonzales & City Councilors, regarding Request for Funding for Promotional Marketing for the Bachelor, which is in the Council packet. Please see this Memorandum for specifics of the presentation.

Mr. Randall said we will hear by Friday, and if an additional amount is requested, or if there is a need to negotiate a little more funding, and if we felt it was worth that additional amount, approval was requested which took it a little beyond the \$50,000, where the Mayor and City Manager could give the authorization for a slightly different amount. The County is considering contributing an amount, but there is no commitment.

Councilor Ives thanked Mr. Randall for the presentation, and especially the Memo which answered many of his questions. He said this airs in over 235 countries and territories world-wide. He said this is the number one program for ABC, for women 18-34, all of which it is a platform that has potential significant exposure for the City. He understands the program highlights the culture and facilities wherever it is filmed. He said will fully support Mr. Randall since he believes this is a good investment by the City, and he will be very interested in a follow-up study, if any, to see what the impact was.

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

DISCUSSION: Mr. Randall clarified that funds would come from reserves, and not out of the current budget. The reserves are estimated to be \$765,000 at the end of this fiscal year. He said \$100,000 was added to reserves, due to a sales program which didn't get started last year, as well as unexpended travel expenditures. He said this proposal would use 50% of the addition to reserves.

Mayor Gonzales asked him to explain the reserves.

Mr. Randall said it is the reserve fund for the 50% marketing fee which comes to Tourism Santa Fe from the OTAB.

Mayor Gonzales asked if the expenditure of these reserve funds are restricted.

Mr. Randall said, "Yes, Mayor, they are for promotion."

Mayor Gonzales asked if any of the funds in reserves be spent for anything other than for promotion, and Mr. Randall said no.

Mayor Gonzales said, "The consideration for the Council today is to take a portion of the reserves for promotion and use it on this type of programming."

Mr. Randall said this is correct.

Councilor Maestas said then the estimate to produce the episode is \$500,000, and asked if one of the conditions to host the projection is that the host city has to come up with the entire amount. He asked, "What puts this thing in play. Do we need to keep gathering some other partners to make up the \$400,000 needed to pay for all of the projection. Could you tell me what the main condition is."

Mr. Randall said, "No, it is not a not a requirement to do the total funding. They in essence, let us know what the various expenditures are, and they ask us what we can do to help them offset some of those expenses, and it is a negotiation. And we don't know yet whether our offer, the combined offer we made with the State will be accepted or rejected, or if they'll come back and want to negotiate. I'm sure they are considering other venues at they same time. They've got 4 different episodes that they talked to us about, and we would be talking about doing 1 of the 4, so they've got other cities that they're obviously talking to at the same time."

Councilor Maestas said you said State Tourism initially is committed to coming up with \$50,000, but they haven't finalized it yet.

Mr. Randall said, "No, we have a commitment from them."

Councilor Maestas said this will be trying to track them through our innovative partnership and marketing, if the episode is produced here.

Mr. Randall said, "It is. It will be something different for us."

Councilor Trujillo said, "I guess my concern is.... what are we trying to do. Are we trying to put Santa Fe on the national scene because it's already on the national scene. People come to this community because of the culture and all that. As the Mayor just said, that's one of my concerns is. Here's \$50,000 to \$100,000. It's unfortunate that we have this much reserve and we can't put it somewhere else. We've got IT and all that, that need a lot of fixing in this community. Yes, maybe The Bachelor is world-wide. I'm sorry, it's a drama, that's what it is. I've seen it, my wife watches it. I think it is two people who get together, do a reality show, and then divorce at the end of the 4 months. That's what it actually ends up being. It's a light soap opera, that's what I see."

Councilor Trujillo continued, "And you know what, I don't think Santa Fe needs any help when it comes to the national scene. We stand on our own. We're Santa Fe, we're the best small city to visit in the entire world. I just cannot see spending \$50,000 to \$100,000. I would much rather you would spend this getting tourists to come visit Santa Fe, as you've done. I just cannot vote for this, I'm sorry. It may be a good idea, but in reading some of the newspaper articles here they're saying, we'd like to see them go on a balloon ride, I see that in Albuquerque. Go on river rafting, I don't think they'd be river rafting on the Santa Fe River, more likely Taos. I think if they come to Santa Fe, we're the capitol city, but they're probably look at other venues, meaning Taos and other parts of this State to film in. Maybe Santa Fe, but I don't know, but I'm sorry, I'm not going to vote for this."

Mr. Randall said, "The actual activities have not been determined; that would be part of the negotiation and we would ensure they were representative of Santa Fe and be a part of Santa Fe. The other thing is that the City of Santa Fe runs 63% occupancy. We may be well known, but we need to reinforce that, and anything like this that we can do that would serve more as an endorsement of the City as opposed to paid media is far more valuable to us. We are lucky that we are well known, but we have a long way to go as far as bringing in the tourism that we need."

Councilor Rivera said, "If we approve the funding for this and then they decide that they are not going to come to Santa Fe, do we lose anything, or does that money come back, or really not spent."

Mr. Randall said in that event, there would be no cost to us.

Councilor Rivera said, "And the other thing, there is plenty of information in the packet about cities that have had a good response from being on the Bachelor, are there any that have received negative publicity or negative effects from having them on."

Mr. Randall said he is unaware of any, and has never heard of that being a problem. He said, "The whole idea... they probably do get divorced in a while, but the whole idea is to create a romance environment and they highlight the areas. They don't pick on anything that is negative. Their whole idea is to promote all of the positive components."

Councilor Rivera said he has never sat and watched the program, and asked if there are instances where they are inappropriate at times and may shed a bad light on the City – that's what he's trying to avoid.

Mr. Randall said, "Mr. Mayor, we would make sure that did not happen."

Councilor Dominguez asked the demographic to which the show appeals.

Mr. Randall reiterated that it is age 18-34, and we have been told it is the number one program with ABC with women aged 18-34. He said it is the most popular show produced for that demographics.

Councilor Dominguez said this isn't the demographic that visits Santa Fe and doesn't even know if we market to that demographic, noting he will reserve the balance of his comments until later.

Councilor Dimas asked Mr. Randall if he watches The Bachelor, and Mr. Randall said, "No, I do not."

Councilor Dimas asked if there is a reason.

Mr. Randall said, "I don't watch much evening television. I start at the news. I work until 6:30 p.m. here on your behalf, and then I don't have time for TV."

Councilor Dimas said his wife knows how much he hates this show, but she and his two daughters love it. He said it's a terrible show, and it's awful, and if there was a city on the show and he watched it, "I probably would say, I'll never visit this city."

Councilor Bushee wants equal time to get The Bachelorette here as well. She asked Mr. Randall if there were film funds available for this. She said we just heard "that we're not supposed to spend our cash balances and reserves to maintain our good ratings."

Mr. Randall reminded the Committee the cash balances increased by \$100,000 last year, "so this would use 50% of the increase that came from last year, and we will operate on a balanced budget, and that my funding source, being OTAB, is the Occupancy Tax. It's not like it's taking General Funds and using them for a different purpose."

Councilor Bushee said he has her support for this reason. She asked if he checked on the funds earmarked for film.

Mr. Randall said he couldn't find out about that, but he will look at that. He said, "If there is a way I could mitigate this amount and have it be less out of our pocket, but we still lived up to the \$50,000 commitment that would match the State's, I assure you I would do that. Because I'm as interested in having that fund balance as everyone else is.

Councilor Maestas said there is a motion and second, and this is the extent of the discussion. He is going to support the request, noting it is last minute, so time must be of the essence. He said, "If Randy Randall is bringing it to us, it's got to be serious. It's got to have great potential, and I think if we do successfully attract this production, I'm sure the economic impact will pale in comparison to what we are going to invest in marketing for the show. So I'm with you on this, but I think given the financial state of the City, we really need to be a little more deliberate when it comes to issues that have financial impact."

Councilor Bushee said, "In the name of transparency, I would like to send this request to Finance, Public Works, OTAB, BTAC and the River Committee before we make a decision."

Mayor Gonzales said, "Here's the reality. Regardless of how any of us feel, whether we've seen it or not, if we just look at this from a pure business perspective, I don't know if there is anywhere else that we could ever spend \$50,000 to get 14.3 million people to look at Santa Fe for one hour. Now the story plot might be something, Councilor Dimas, that you don't want to look at, but I will tell you, that people are going to get to see the best of this community. Regardless of how we feel about the show, I don't know that we're ever going to get opportunities like this, and when we do, we should absolutely invest in opportunities to show Santa Fe for an hour to 14.3 million people, 200 plus countries around the world, and the fact the data has been clear that you get \$2 million for a show that comes into this community. What I would ask the Council to think about it from the business perspective, and not so much from the show perspective. This is a promotional opportunity for a program that has 14.3 captive people."

Mayor Gonzales continued, "And I want to point out two more quick things. Randy said it right. The data shows women make the decision in families on where to go. Two, there was a recent top 10 that showed top destination for women travelers is Santa Fe. I think we're in the top 3 when it comes to women travelers, they pick Santa Fe to go to. Womens' group getaways. 18-34 years old, the majority of that demographic are women, so there is a complement to the people that are already focusing on coming to Santa Fe and the demographic that is going to be achieved through this program. So, I think it's a hand in glove fit. I'm wanting to look at this from the standpoint of how to increase tourism, because as you indicated earlier, 63% occupancy is not enough. We have a lot of room to grow in our town when it comes to bringing in more tourists. And if we can showcase it for an hour on the number one rated TV show for ABC, I think it's a worthy investment, and I want applaud you and your team for pursuing it. And also going around and asking for money like you did to the County. That's really good, too, I appreciate that you did that too."

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

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

Against: Councilor Dimas, Councilor Dominguez, Councilor Trujillo and Councilor Rivera.

14. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON AUGUST 27, 2014:

BILL NO. 2014-24: AN ORDINANCE AMENDING SECTION 16-15 SFCC 1987, TO REDUCE THE PENALTIES FOR POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF MARIJUANA PARAPHERNALIA; AND CREATING A NEW SECTION 20-6 SFCC 1987 TO ESTABLISH THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND POSSESSION OF MARIJUANA PARAPHERNALIA ARE CIVIL INFRACTIONS. (KELLEY BRENNAN AND YOLANDA Y. VIGIL)

Yolanda Vigil, City Clerk, said she has been verifying petition signatures, and they have accepted 4,061 signatures, and the total required is 5,673, so what is needed are an additional 1,512 signatures.

Mayor Gonzales said, "In the statutes as written, regarding this initiative, is there a date certain by which the signatures or threshold needs to be qualified."

Ms. Vigil said, "There is actually 90 days given to gathering of petitions for referendum and initiative, and they commenced on July 24, 2014, and they have until September 22, 2014, to actually collect petition signatures. Right now, the goal is to get this on the November General Election ballot."

Mayor Gonzales said then that is the goal of the petitioners, and Ms. Vigil said yes.

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

DISCUSSION: Councilor Bushee said she read in the newspaper that we would have the option, even with this Ordinance, as a home rule City to either go with the State law or with the City law. She asked if this is correct, and if any amendment is needed before we have public hearings. She doesn't want to circumvent the efforts.

Ms. Brennan said, "I'm not sure I understand the question, but there is an existing State law which of course, would not change. This would merely change the priority of enforcement in the City fundamentally."

Councilor Bushee said, "I understand that, maybe it was just coming from the Chief that said Officers would have the option of choosing to follow State law or City Code."

Ms. Brennan said, "The option to enforce State law would still exist, and our Ordinance currently tracks State law."

Councilor Bushee said, "No. If the Ordinance were to change and we were to lower the penalty, could we not build in somewhere that they would have to follow the City's law."

Ms. Brennan said, "State law preempts actions of the City that either prohibit what State law allows, or allows what State law prohibits, so we could not do that. What we are doing with this Ordinance, if passed, is changing the penalty and establishing priorities within the City."

Councilor Bushee said, "And our Police Force would have to follow that."

Ms. Brennan said, "Our Police Force would follow the priorities established by the Council, but could still enforce State law."

Councilor Bushee said she doesn't want to have inconsistent enforcement.

Ms. Brennan said, "If enough signatures are verified, and it is certified by the Clerk and it comes to this Governing Body as an Ordinance, I will be giving an opinion on the legality of it. And I cannot give that opinion now."

Councilor Bushee said, "Okay. It seems like a lot of effort for maybe not having all the parameters up front. Is there a possibility of having those?"

Ms. Brennan said, "I do not believe there is a conflict between what is being proposed and existing law."

Councilor Dimas said, "I just wanted to add one thing. Police officers have the discretion. You cannot direct a Police officer to file in one Court or another. And with this resolution, you cannot direct them to file in Municipal Court where this would be effective. Police Officers in this jurisdiction have their own jurisdiction where they can file in either Magistrate Court which is a State Court or a Municipal Court. And if they file in Magistrate Court, then they will follow the Magistrate State Statutes which will eliminate whatever it is that this resolution is trying to do, the \$25 fine and make it a civil. In Magistrate Court, it will still be a criminal violation."

Councilor Bushee said, "What we did with the resolution for the immigrant community, in terms of making it not our priority as a local police force to act as if we were ICE. That was a resolution. That was the intent of the Council. Is that something that could then be developed by resolution. These are a lot of if's. I get it. I'm just asking because we're setting this ball in motion tonight."

Ms. Brennan said, "The people who are circulating the petition set this ball in motion."

Councilor Bushee said, "I know that, but we're moving it forward."

Ms. Brennan said, "And our response is governed by our Charter."

Councilor Bushee said, "Okay, I'll ask those questions when we have a chance down the road."

Mayor Gonzales asked when the public hearing will take place, and Ms. Vigil said it will be August 27, 2014.

Mayor Gonzales said, "August twenty-seventh, where the public will be able to come in and weigh-in, and at that point, the Council can determine whether they want to advance this forward, or to stop it at that point. Correct."

Ms. Brennan said, "The Governing Body would be deciding whether to adopt it as an ordinance, itself, and therefore render an election not necessary, or to let it go to the electorate. But the Governing Body couldn't really stop it at that point. This is all subject to the certification of the signatures."

Councilor Maestas said, "Again, this is kind of a procedural action, but I urge my colleagues.... it looks like they have the potential to get enough signatures, and if anything, let's let the people speak on this issue. This is the first such petition based referendum that is being used under our Charter. I think we're watching an experiment kind of unfold in the most form of participatory government. So I hope we don't try and truncate it, and let it take its course."

Councilor Rivera said, "Just a quick question Kelley, based on your last comment. If they get the appropriate amount of signatures this will go to referendum. Why do we need to have a public hearing on it. Obviously, they have enough, probably more than would attend here, signed the petition. What's the purpose of a public hearing."

Ms. Brennan said, "I believe it is required by the Charter, and essentially it's an ordinance that would be enacted by the City which would require a public hearing."

Councilor Rivera said, "But we could decide not to accept, or not to change the Ordinance or accept the Ordinance, but it would still go to referendum."

Ms. Brennan said this is correct.

Councilor Ives said, "I am in agreement with many of the comments that have been made in terms of process. This an important one, in terms of portions of our Charter rarely brought before us. So, from the procedural point of view, I support this, because I think the public hearing is an important opportunity for the discussion to occur, because the issue clearly has gotten significant attention nationally. Various states have acted very affirmatively on these issues. It's designed to address many systemic problems across our society, so I actually look forward to the public hearing, regardless of whether or not there are enough signatures, and regardless whether or not this body would have the power to prevent it going forward. So I'm glad we're doing it."

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: Councilor Dimas.

Explaining his vote: Councilor Dimas said, "I can't support this. No."

Explaining his vote: Councilor Dominguez said, "Part of our democracy, somewhat democracy [inaudible]. I vote yes.

15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

**16. MATTERS FROM THE CITY ATTORNEY
EXECUTIVE SESSION**

**A. IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7)
NMSA 1978, DISCUSSION REGARDING PENDING OR THREATENED LITIGATION IN
WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, SOUTHSIDE
TRANSIT CENTER LOCATION. (ZACHARY SHANDLER)**

Councilor Maestas said, "Mr. Mayor, I need to read a statement. It's a statement of recusal regarding the executive session. I want to disclose that my sister-in-law represents a party claiming an interest in the matter that is the subject of tonight's executive session. Although she is not a, quote, family member, unquote, under the City's Code of Ethics, in the interest of avoiding any perceived conflict, I am recusing myself from participating in Item #16 and Item #17 on tonight's agenda."

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

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

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

Against: None.

Recused: Councilor Maestas.

The Council went into Executive Session at 7:00 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:20 p.m. Councilor Rivera moved, seconded by Councilor Dimas, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Mayor Gonzales.

Recused: Councilor Maestas.

17. ACTION REGARDING SOUTHSIDE TRANSIT CENTER LOCATION. (ZACHARY SHANDLER)

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, "to instruct the City Attorney to take action consistent with the discussion held during the Executive Session."

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Mayor Gonzales.

Recused: Councilor Maestas.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk

*It was the consensus among the members of the Governing Body in attendance
to move Item #19 Communications from the Governing Body
to the end of the Evening Agenda*

END OF AFTERNOON SESSION AT APPROXIMATELY 7:25 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Peter N. Ives, at approximately 7:25 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Mayor Javier M. Gonzales

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of a statement for the record, with attachment, submitted for the record by Stan Rosen, is incorporated herewith to these minutes as Exhibit "8."

Stan Rosen, public citizen, formerly a Professor of Industrial Labor Relations, said he has been listening and watching government at work, the complexity of government, the patience of all of you and your good questions. It has been an educational experience. He said he comes here on a pressing issue we are facing immediately, which is the possibility that a settlement can't be reached at Christus St. Vincent Hospital. He said he was just handed a Resolution sponsored by Councilor Bushee, supporting safe nurse staffing levels in the health care system at the federal, state and governmental levels and the private sector. He said the local newspapers have given us a service by framing the issue as a dispute which needs to be settled in the interest of the nurses, the patients, the citizens of our community, and the interest of management. He thinks they fairly covered the issue, and he commends them.

Mr. Rosen read from a prepared statement. Mr. Rosen said, "We the progressive and humanistically sensitive citizens and patients of Santa Fe want to have our hospital a place of working democracy, of hope, fairness, a shining overall example to our community. Please see Exhibit "8," for the specifics of Mr. Rosen's statement.

Stephanie Beninato said, "I would like to bring 3 things to your attention and I hope I'm given similar time to Mr. Rosen. I hope I'll do faster than he did. Number one, I have a lawsuit going on with the City. I'm in discovery. I asked for certain records, and I was told those records did not exist. That was done under oath by Barbara Bobrack [Boltreck?] and it was David Pike's photographs that I was asking about, and the lawyer told me there were no photographs. I know there were photographs, because during my deposition on July 10th, the lawyer used those photographs. So you have Ms. Bobrack lying under oath. You have the lawyer lying in discovery, and David Pike, because apparently she was the one who went around and collected information rather than having David Pike actually swear under oath that the information he was giving the lawyer was true and correct. So I would like to bring that to your attention. I intend to go to Court and ask for sanctions and I intend to ask for an ethics investigation of Ms. Bobrack and David Pipe."

Ms. Beninato continued, "Secondly, the City has insurance when there are torts when the City has been negligent. Jane Coleman who lives on Paseo del Sol, on nine August 2011 had a flood in her house due to a water main break. Her insurance company paid her \$12,000. I think everybody needs to know that when her insurance company went to the City's insurance company to be compensated that the City's insurance company paid her insurance company 15% more than they had paid Ms. Coleman. How come her insurance company gets an additional 15%. Weren't the premiums Ms. Coleman paid enough to compensate that company. What is the City doing paying 15% above a stated claim. I'm just hanging that out there. Maybe some of you can direct the City Manager to actually answer that question."

Ms. Beninato continued, "The third thing I want to bring up to you is the out of control nature of Public Works. Public Works apparently says that they go around inspecting drains on a regular basis. They have no scheduled inspections, they have no logs of inspections, they have no log of maintenance of any storm drain. They have no log of maintenance of clearing any road. So, in other words, we have a whole department that runs around, and maybe they all sit someplace and play craps all day. I don't know what they do, but I can tell you that we the citizens have no way of affirming what they're doing. You also have Public Works out there at 5:30 in the morning cutting a couple of blades of grass that could be pulled by hand in a residential area. You have Public Works showing up at Salvador Perez to lay down a parking lot, that have 5 guys standing around for half a day because they don't have a plan to lay the parking lot. And they have to stand there for 4 hours to figure out the slope they needed to put that in. Most recently, Salvador Perez was supposed to be cleaned [inaudible] by actual elbow grease. That would be too old fashioned, so they hired a company to do a soda wash, like sandblasting, that's basically what they were doing soda blasting. Two days into it, they figured out the company didn't have the equipment they needed, that it wasn't going to get done in time. So, of course they had already told everybody that the

shower room was going to be closed for a while. Now it's going to be closed longer, and the pool facility, instead of being closed at 3 days at the end to do whatever should have been happening is now going to be closed for 5 days. It seems to me that Public Works needs to be reigned in. They need to be made accountable and have plans. I am sure there are some people in that Department who are actually engineers, and they should be able to draft plans, so when somebody comes out and lays a berm or puts down a parking lot, well then they hire somebody for a contract, they actually make sure ahead of time that that company has the ability to do the work. And I'd certainly like to know what happened with the original company. Did they give back the City the money that they got paid. I mean, really, it's pretty outrageous that this kind of thing goes on at the City. It would never be tolerated at a private business. Thank you."

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM M2 PRODUCTIONS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL TO SANTA FE, 555 CAMINO DE LA FAMILIA, WHICH IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD, 551 ALARID STREET. THIS REQUEST IS FOR THE FOLLOWING: a) THE SANTA FE SHOW – OBJECT OF ART," TO BENEFIT NEW MEXICO PBS, WHICH WILL BE HELD ON THURSDAY, AUGUST 14, 2014, FROM 6:00 P.M. TO 9:00 P.M.; AND b) "THE SANTA FE SHOW – OBJECT OF ART," TO BENEFIT THE INSTITUTE OF AMERICAN INDIAN ARTS, WHICH WILL BE HELD ON TUESDAY, AUGUST 19, 2014, FROM 6:00 P.M. TO 9:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of July 25, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet..

Public Hearing

Stephanie Beninato was sworn. Ms. Beninato said, "As usual, I wonder why the City Council has 6 of these Resolutions in front of it to do waivers. Again, I would ask that the City Council go to the State Legislature and get some kind of waiver on this. I also want to point out that the City is so concerned about having alcohol sold on the south side of town near schools, but it's perfectly okay to have these fundraising events near schools. So again, I understand that there may be somewhat more control, it's a less time, but to me, it's all the same issue and I don't understand why it's important in one aspect, but we can waive it all the time. And really, our City Council would save a lot of time and energy if you just did a

general waiver, and told anybody when they wanted to come in, as long as it wasn't more than x times a year, you're going to waive it. Thank you."

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to grant the request from M2 Productions, for a waiver of the 300 foot location restriction, and allow the dispensing/consumption of beer and wine at El Museo Cultural de Santa Fe for the following events: The Santa Fe Show – Object of Art" to benefit New Mexico PBS on Thursday, August 14, 2014 from 6:00 p.m. to 9:00 p.m.; and "The Santa Fe Show – Object of Art" to benefit the Institute of American Indian Arts, on Tuesday, August 19, 2014 from 6:00 p.m. to 9:00 p.m., with all conditions as recommended by staff.

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

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

Against: None.

- 2) **REQUEST FROM NEW MEXICO CHILDREN'S FOUNDATION FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE DRURY PLAZA HOTEL PALACE BALLROOM AND WEDDING GARDEN, 228 EAST PALACE, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI, 131 CATHEDRAL PLACE, THE EPISCOPAL CHURCH OF THE HOLY FAITH, 311 E. PALACE AVENUE AND THE NEW MEXICO SCHOOL FOR THE ARTS, 272 E. ALAMEDA STREET. THIS REQUEST IS FOR THE NEW MEXICO CHILDREN'S FOUNDATION GALA TO BE HELD ON FRIDAY, AUGUST 8, 2014 FROM 5:00 P.M. TO 12:00 A.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of July 25, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said, "As a condition of approval, we're requesting that the Drury Plaza Hotel must obtain building final and certificate of occupancy prior to the requested event. There are letters of no objection in the packet from the Cathedral Basilica of St. Francis of Assisi and the Episcopal Church of the Holy Faith. The Applicant has contacted the New Mexico School for the Arts, but has not received a letter stating its position on this request."

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to grant the request from the New Mexico Children's Foundation for a waiver of the 300 foot location restriction and allow the dispensing/consumption of alcoholic beverages at the Drury Plaza Hotel, Palace Ballroom and Wedding Garden, 228 East Palace, for the New Mexico Children's Foundation Gala on Friday, August 8, 2014, from 5:00 p.m. to 12:00 a.m., with all conditions as recommended by staff.

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

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

Against: None.

3) REQUEST FROM LONDON HOLDINGS, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #0656 FROM CASANOVA BAR, INC., D/B/A CASANOVA BAR, HSE #90 - HIGHWAY #68, ALCALDE, TO LONDON HOLDINGS, LLC, D/B/A ADELITAS MEXICAN RESTAURANT (LEASED), 3136 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

Councilor Maestas said, "I have another statement to make regarding Item H(3). 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 stated that I will be recusing myself until the family license is sold from voting on any inter-local license request and from any discussion this body may have about inter-local transfer licenses generally. Although Item H(3) on tonight's agenda is not an inter-local transfer request, in order to avoid any perceived conflict, I will recuse myself from participating in this matter."

The staff report was presented by Yolanda Vigil, City Clerk, from her memorandum of July 25, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the business is not within 300 feet of a church or school. Ms. Vigil said, "As a condition of approval, the restaurant, which currently has a beer and wine license... this building has two parts. The front is a restaurant and the back side is an event center. So the front has the beer and wine license, so the restaurant shall not exceed 99 occupants, based on an occupant load factor of 15 sq. ft. net of unconcentrated, which are tables and chairs. Space for occupants is allowed by the 2009 International Building Code Table 1004.1.1 Maximum Floor Area Allowances for occupants. Use of the restaurant will be limited to its current use, but if Adelitas Mexican Restaurant wants to expand their use of the event center into the restaurant, they will have to submit a request for an amended building permit with update architectural drawings which could require but not be limited to an automatic sprinkler system, additional bathrooms, additional exits and additional fire alarms. Also, as an additional condition of approval, the use of the event center shall follow the attached, which is in your packet, path of egress presented to the Fire

Marshal. And they were in agreement on that path of egress. We are recommending also that the 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 Dimas moved, seconded by Councilor Rivera, to approve the request from London Holdings, LLC, for a transfer of ownership and location of Dispenser License #0656 from Casanbova Bar, Inc., d/b/a Casanova Bar, HSE #90, Highway 68, Alcalde, to London Holdings, LLC, d/b/a Adelitas Mexican Restaurant (leased) 3136 Cerrillos Road, with all conditions of approval as requested by staff.

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

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

Against: None.

Recused: Councilor Maestas.

- 3) **CONSIDERATION OF RESOLUTION NO. 2014- ____ (COUNCILOR RIVERA, COUNCILOR TRUJILLO, COUNCILOR LINDELL, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR DIMAS, COUNCILOR MAESTAS AND COUNCILOR DOMINGUEZ). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE; IMPOSING FIRE RESTRICTIONS, RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (FIRE MARSHAL REYNALDO GONZALES). (Postponed at July 9, 2014 City Council Meeting)**

This Resolution was removed from the Agenda by Councilor Rivera, and postponed to the next meeting of the Council.

- 5) **CONSIDERATION OF RESOLUTION NO. 2014-65. CASE #2014-43. 3197 & 3193 JEMEZ ROAD. JAMES W. SIEBERT & ASSOCIATES, INC., AGENT FOR THE L-FAM PARTNERSHIP, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 0.64 ACRES FROM VERY LOW DENSITY RESIDENTIAL (1-3 DU/ACRE) TO COMMUNITY COMMERCIAL, THE PROPERTY CONSISTS OF TWO LOTS, 3197 AND 3193 JEMEZ ROAD, LOCATED AT THE NORTHEAST CORNER OF AIRPORT ROAD AND JEMEZ ROAD. (DONNA WYNANT)**

Items #H(5) and #H(6), were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum dated July 16, 2014, for the meeting of July 30, 2014, with attachments, to the Governing Body, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case 2014-43 and Case #2014-44, is incorporated herewith to these minutes as Exhibit "9."

Donna Wynant presented information regarding this matter from her Memorandum of July 16, 2014, with attachments. Please see Exhibit "9" for specifics of this presentation.

Councilor Dominguez said the applicant has indicated there are no proposed improvements. He asked if there is a change in use, the Applicant will have to come before this Council to determine the traffic impacts on Jemez Road and Airport Road.

Ms. Wynant said, "Yes. They would come to Current Planning to discuss their proposal and we would then review if a special review would have to be done, such as a development plan, variances, or anything to do with the arrangement of the structures on the property."

Councilor Dominguez said that was part of the Planning Commission Findings. As indicated in the Findings, the City may require the Applicant to improve public facilities and such.

Ms. Wynant said this is correct.

Councilor Bushee asked which came first, the businesses or the zoning, and how did it get to be a low residential zoning category.

Ms. Wynant said the property was in the County and was annexed under SPPAZO in 2009, and came into the City officially the first of this year. They did receive approvals from the County for both businesses. When it went through our process, the City and County both looked at this and designated it as continued very low designation for future land use, and it is zoned R-4. The businesses have been there for a long time and it came in as R-4 because the other zoning in the area was R-4.

Councilor Bushee said then the majority of what is there is small commercial.

Ms. Wynant said yes. There are a variety of things in the area, it's a mix, and further to the north is residential. It's relatively low density residential to the north and to the east. There are some other things happening down Airport Road for future commercial development, noting Walgreens was recently developed.

Councilor Bushee said there is not enough residential concern that the C-2 category would generate a kind of business down the road, because there are no conditions of approval, no restrictions and nobody is concerned about what might come in the future in replacement of the existing businesses..

Ms. Wynant said in this case, it's strictly that the property owners, the L-Fam partnership, Bill and Tim Layden, through their agent, Jim Siebert, were looking this to get it into some conforming status, in the event something would happen with it. They have not indicated any plans in the near future for this property, although things could change. However, with this application, nothing was indicated and they stated there would be no changes.

Matthew O'Reilly said in 2008 when the City went through the process of the Settlement Agreement and the SPPAZO came about, one of the first things that had to happen in all of the presumptive City limits was zoning had to be applied to properties previously in the County, where as you know, there is no zoning. There were thousands of these properties to which zoning was applied. During that process the Extraterritorial Land Use Commission and the Extraterritorial Land Use Authority had to take a look at the proposed zoning map and decide what zoning was appropriate. The public was given opportunities for various property owners to come forward and say they didn't think there property should be zone that way. The City rezoned thousands of property, so it wasn't possible to pick the perfect zoning for every single property. This is one of those properties, for whatever reason, it was designated as residential, but there have been commercial business there long before the zoning was in place.

Councilor Bushee said 3 people attended the public hearing, and there were no concerns. She said the concern usually isn't for the current business, but down the road, C-2 is a fairly open ended category. She asked if there have been any concerns to date about future possibilities.

Mr. O'Reilly the reason she is seeing this in this case, is one thing about these properties is that they are very small. And what could happen on these properties is extremely limited, and the impacts of what could be there, it would be a very small kind of use.

Public Hearing

Presentation by the Applicant

James W. Siebert, 915 Mercer, agent for the Applicant L-Fam Partnership, was sworn. Mr. Siebert, "To reinforce what staff said, are two issues. One is the length of time this has actually been used for commercial purpose. I think a lot of you remember it as a used book store in the 1980's and 1990's. and I think in the 1970's it was a boat repair shop for a while. There is a long history of being a commercial use. The other thing that happened, and this speaks to what Mr. O'Reilly was talking about, it's really kind of an oversight that took place when they established the zoning. Both these properties under the extraterritorial area had already received commercial zoning. They had gone through the entire rezoning process to receive commercial zoning. And it was the policy if they had received commercial zoning in the extraterritorial area, the uses that were approved would be carried over to the City zoning. And for whatever reason, that never happened. So we're just really trying to correct that error. And I'll answer any questions you may have."

Mayor Pro-Tem Ives asked what is being proposed before us tonight, the most comparable and the most equivalent under the City's current Code as was permitted under the EZA.

Mr. Siebert said there is comparability, but not exact comparability, because the County and the extraterritorial have a different process. But the answer, generally is yes/

Speaking to the Request

There was no one speaking for or against this request.

Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to adopt Resolution No. 2014-65, approving Case #2014-43, 3197 and 3193 Jemez Road, General Plan Future Land Use Map Adjustment, and to adopt the Planning Commission's Finding of Facts and Conclusions of law in this case.

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

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

Against: None.

- 6) **CONSIDERATION OF BILL NO. 2014-21: ADOPTION OF ORDINANCE NO. 2014-25. CASE #2014-44. 3197 & 3193 JEMEZ ROAD. JAMES W. SIEBERT & ASSOCIATES, INC., AGENTS FOR THE L-FAM PARTNERSHIP, REQUESTS REZONING OF 0.64 ACRES FROM R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE), TO C-2 (GENERAL COMMERCIAL). THE PROPERTY CONSISTS OF TWO LOTS, 3197 & 3193 JEMEZ ROAD, LOCATED AT THE NORTHEAST CORNER OF AIRPORT ROAD AND JEMEZ ROAD. (DONNA WYNANT)**

MOTION: Councilor Ives moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2014-25, approving Case #2014-44, 3197 & 3193 Jemez Road, rezoning of 0.64 acres from R-4, to C-2 General Commercial, and adopting the Planning Commission's Finding of Facts and Conclusions of Law in this case.

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

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

Against: None.

19. **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 July 30, 2014, is incorporated herewith to these minutes as Exhibit "10."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Maestas

Councilor Maestas said he toured the Police Department last week, and asked Mr. Snyder to give a special thanks to Selena and Rich from the Evidence Room who gave him the tour.

Councilor Maestas said he toured the Business Incubator, spending a couple of hours with Marie Longserre.

Councilor Maestas said the LANL Coalition just adopted a strategic plan. He said they are going to revisit the Community Commitment Plan, a diverse plan that the team adopted in 2006 when it won the contract. It will be going before their Board of Governors at the September meeting. He urged the Coalition to weigh in on the Plan and make recommendations. He said at the meeting it was announced that the Energy Secretary will be visiting WIPP, and they are going to try to provide some formal communication from the Coalition with regard to WIPP and the situation there.

Councilor Maestas said he would like to cosponsor Mayor Pro-Tem Ives Resolution regarding capping interest and fees on non-bank lending.

Councilor Bushee

Councilor Bushee introduced a Resolution supporting safe nurse staffing levels in the health care system at the federal, State and local government levels and in the private sector. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "11."

Councilor Bushee said she spoke with Mr. Snyder, and would like for him to make sure staff tackles the weeds along the River Trail, particularly the new sections below Alire to Frenchy's.

Councilor Bushee said also, she said she received a letter about gentleman who fell at a Fuego game. She asked if there funds left from the bonds or any of the Parks funds, she would like to use those to make the risers more safe.

Councilor Bushee said she would like to cosponsor Mayor Pro-Tem Ives Banking Resolution, and she wants to talk with him about his second resolution.

Councilor Bushee said, regarding the ENN, she recalls that we included ENNs for City projects. She would like to find out if it already exists in the current Ordinance.

Ms. Brennan said, "Councilor Bushee, there are only certain categories, so this is adding a category."

Councilor Bushee asked if we open the ENN, if Councilor Bushee would consider changing the language from Early Neighborhood Notification, to Early Neighborhood Negotiation and pursue the language. She said the Neighborhood Network would like this to be done..

Councilor Dominguez said he is a reluctant to open up that whole debate, but he would agree to go ahead and open it, commenting he has no problem in looking at it in a broader context. The initial intent was to make sure Parks Projects were part of that ENN process.

Councilor Bushee said she will pursue some language from the Neighborhood Network.

Councilor Dominguez

Councilor Dominguez introduced an Ordinance relating to Early Neighborhood Notification (ENN); amending Subsection 14-3.1(F)(3) SFCC 1987, to require that an ENN be conducted for new parks or reconstruction or expansion of existing parks; and making such other changes as are necessary to carry out the intent of this Ordinance. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "12."

Councilor Dominguez thanked the members of the Governing Body for attending the event on Thursday. He said, technically, we are in violation of our U.S. Constitution, therefore we will have to start working on rezoning relatively quickly. He asked Ms. Vigil, at her earliest convenience, to provide him a calendar, working backwards, when any rezoning has to be done for the next election.

Councilor Dominguez said at Public Works he had asked Mr. Pino to an update on any flooding from the recent rains. He is particularly interested in Fairley Road.

Councilor Dominguez said School will be starting soon, and he is hoping that we make sure the rights-of-way around the schools are in good shape.

Councilor Lindell

Councilor Lindell introduced an Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending various sections to make technical corrections and minor clarifications; and making such other changes that are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

Councilor Trujillo

Councilor Trujillo said regarding Councilor Bushee's issue with the gentleman who fell at a Fuego game, until we completely revamp Ft. Marcy, including ADA compliance, he doesn't think a lot of things can be addressed, noting the cost is \$6.5 million. He said we missed the boat with the Parks bond, by not putting Ft. Marcy on it back then. He said it is unfortunate, but it's just the way the field was constructed. It is something we definitely need to look at.

Councilor Trujillo congratulated his daughter, Krystianna, who is finishing Break Through. He said his son, Hunter, just completed his first summer working with Yolanda's hita for the summer program. It was a great experience for him. He said hats off to Parks & Recreation, because this is a fabulous program for kids during the summer. He asked Mr. Snyder to pass his thanks to the staff.

Councilor Trujillo said the Santa Fe Fuego season was just completed. He thanked everyone for attending the games. They are playing in the championship game in Alpine, Texas, and the score is 4-3, bottom of the 7th, so they are winning right now. He hopes they bring home a championship.

Councilor Rivera

Councilor Rivera said he would like to thank Terrie Rodriguez, Edith Martinez and Michelle Gurule, commenting the summer program went very well. He said this is the first year since he was elected that he receive no complaints about the summer program. He understands the kids and employees enjoyed it. The only thing he heard was that the City should extend the program. He asked Mr. Snyder to extend his thanks to them on behalf of the Council.

Mayor Pro-Tem Ives

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, introduced the following:

1. A Resolution relating to Santa Fe's historical heritage; authorizing staff to enter into a professional services agreement for historian services that would provide opportunities for local residents, including children and youth, to be educated about Santa Fe's historic heritage and create a marketing strategy for local residents and tourists to experience Santa Fe's rich historic heritage. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."
2. A Resolution directing Transit Division staff to develop and execute a pilot project to provide Santa Fe pick-up service between the Santa Fe University of Art and Design and the Railyard and downtown Plaza areas on weekend evenings, during the 2014 Fall Semester. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "15."

Mayor Pro-Tem Ives said he would join as a cosponsor on both Resolutions.

Mayor Pro-Tem Ives introduced the following:

1. A Resolution calling on the Governor, the Legislature, the Attorney General and the Regulation and Licensing Department to take immediate action, within their respective powers, to cap interest and fees on non-bank lending institutions in New Mexico. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

2. A Resolution directing staff of the Public Utilities Department to study the necessary components of a Comprehensive Cross Connection Control Program and Ordinance designed to protect the City's public water supply system. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

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 8:20 p.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
August 13, 2014

The governing body of the City of Santa Fe met in an executive session duly called on August 13, 2014 beginning at 6:27 p.m.

The following were discussed:

- 1) In Acordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Case No. 14-2008 in the U.S. Court of Appeals for the Tenth District.

PRESENT

Mayor Gonzales
Councilor Bushee
Councilor Dimas
Councilor Dominguez
Councilor Lindell
Councilor Maestas
Councilor Trujillo

ABSENT

Councilor Ives (Recused)
Councilor Rivera

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley Brennan, Interim City Attorney
Yolanda Y. Vigil, City Clerk
Marcos Martinez, Assistant City Attorney

- 2) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(2) NMSA 1978, Discussion of Limited Personnel Matters Regarding Performance Factors for City Attorney Kelley A. Brennan.

PRESENT

Mayor Gonzales
Councilor Bushee
Councilor Dimas
Councilor Dominguez
Councilor Ives
Councilor Lindell
Councilor Maestas
Councilor Trujillo

ABSENT

Councilor Rivera

STAFF PRESENT

Brian K. Snyder, City Manager

Kelley Brennan, Interim City Attorney

Yolanda Y. Vigil, City Clerk

There being no further business to discuss, the executive session adjourned at 7:02 p.m.


Yolanda Y. Vigil, City Clerk