

SUMMARY INDEX
 SANTA FE CITY COUNCIL MEETING
 September 23, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 10, 2014	Approved	4
<u>PRESENTATIONS</u>		
MUCHAS GRACIAS – MAYOR’S GOLD CUP CHALLENGE WINNERS		4-5
PROCLAMATION – BREAST CANCER AWARENESS MONTH IN THE CITY OF SANTA FE – OCTOBER 2014		6
MUCHAS GRACIAS CERTIFICATES – SANTA FE FAT TIRE SOCIETY FOR DONATING THEIR TIME AND ENERGY IN TAKING THE LEAD IN WORKING WITH THE INTERNATIONAL MOUNTAIN BIKING ASSOCIATION AND THE CITY OF SANTA FE IN BECOMING A NATIONALLY RECOGNIZED “RIDE CENTER” SILVER LEVEL		6-7
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL TO CREATE, POST AND FILL AN ANTI-GRAFFITI PROGRAM MANAGER POSITION FOR KEEP SANTA FE BEAUTIFUL, FUNDED THROUGH ENVIRONMENTAL SERVICES DIVISION	Approved	7-10

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CASE NO. 2014-88. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF OLD SANTA FE ASSOCIATION FROM THE AUGUST 12, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-14-034; 511 PASEO DE PERALTA	Approved	11-12
RESPONSE TO REQUEST FOR UPDATE ON THE PRODUCTION OF A BACHELOR EPISODE IN SANTA FE	Information/discussion	12-15
MATTERS FROM THE CITY MANAGER	None	15
MATTERS FROM THE CITY ATTORNEY	Introduction	15
MATTERS FROM THE CITY CLERK	None	15
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	16-18
 <u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	19
PETITIONS FROM THE FLOOR		19-27
 <u>APPOINTMENTS</u>		
Airport Advisory Board	Approved	27
Planning Commission	Approved	28
 <u>PUBLIC HEARINGS</u>		
REQUEST FROM RED LOBSTER RESTAURANTS, LLC FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LICENSE #2620, WITH ON-PREMISE CONSUMPTION ONLY, FROM GMRI, INC., TO RED LOBSTER RESTAURANTS, LLC. THIS LICENSE WILL REMAIN AT RED LOBSTER #478, 4450 RODEO ROAD	Approved	28-29

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013-2014 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)	Approved	29-31
CONSIDERATION OF BILL NO. 2014-25: ADOPTION OF ORDINANCE NO. 2014-30. AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THE CITY OF SANTA FE TO CONDUCT A PUBLIC HEARING BEFORE THE GOVERNING BODY VOTES ON REALLOCATION PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE	Approved [amended]	31-32
ADJOURN		32

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 23, 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, September 23, 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 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

Councilor Peter N. Ives, Mayor Pro-Tem

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 said he would like to postpone Item 10(d) pm the Afternoon Agenda, to the next meeting of the City Council, noting the MOU is incorrect, and will go back to the Finance Committee, noting he received an updated MOU from the County today which is fine, but we need to take it back through the process.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

- a) **BID NBO. 15/03/B – POLY JOHN RENTAL FOR CITY WIDE PARKS AND PROFESSIONAL SERVICES AGREEMENT; NEXT GENERATION CONTRACTING, LLC. (BOBBI MOSSMAN)**
- b) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – COLONIA PRISMA PARK; LEE LANDSCAPES, INC. (MARY MacDONALD)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
- c) **REQUEST FOR APPROVAL OF STATE GRANT APPLICATION AND AGREEMENT – CONDUCTING PROJECTS AT SANTA FE MUNICIPAL AIRPORT – AIR SERVICES STUDY; RATES AND FEES STUDY; NEW MEXICO DEPARTMENT OF TRANSPORTATION; AVIATION DIVISION. (FRANCEY JESSON)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- d) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) – DAY REPORTING PROGRAM FOR JUVENILES THROUGH STATE OF NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT FUNDING; SANTA FE COUNTY. (RICHARD DeMELLA) Postponed to the meeting of October 8, 2014.**
- e) **REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND PREMIERPRO SUPPORT AND MAINTENANCE AGREEMENT – VOICEUTILITY INTERACTIVE VOICE RESPONSE SYSTEM FOR UTILITY BILLING AND BUILDING PERMITS DIVISION; SELECTION TECHNOLOGIES, INC. (CARYN FIORINA)**

- f) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND SUPPORT SERVICES AGREEMENT – ANNUAL MAINTENANCE AND SUPPORT SERVICES FOR FIRE RECORDS, POLICE AND LAND USE DEPARTMENTS; SUNGARD PUBLIC SECTOR, INC. (CARYN FIORINA)
- g) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND MEMORANDUM AGREEMENT – DEDICATED INTERNET SERVICES FOR SANTA FE CONVENTION AND VISITORS BUREAU; CENTURYLINK COMMUNICATION. (THOMAS WILLIAMS)
- h) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT AND CONSOLIDATED MAINTENANCE AGREEMENTS – COPIERS AND MULTI-FUNCTION PRINTERS CITY WIDE; ROCKY MOUNTAIN BUSINESS SYSTEMS. (ROBERT RODARTE)
- i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – ONLINE COMPUTER CATALOGING AND INTERLIBRARY NETWORK SERVICES FOR SANTA FE PUBLIC LIBRARY; OCLC ONLINE COMPUTER CENTER, INC. (PATRICIA HODAPP)
- j) *[Removed for discussion by Councilor Bushee]*
- k) REQUEST FOR APPROVAL OF BUDGET INCREASE – REFLECT PROPER MERGER OF ACCOUNTS FOR FY 2015 BUDGET PROCESS FOR TRANSIT DIVISION. (JON BULTHUIS)
- l) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – BUSINESS DEVELOPMENT INCUBATION SERVICES TO THE CITY OF SANTA FE; SANTA FE BUSINESS INCUBATOR. (FABIAN TRUJILLO)
- m) CONSIDERATION OF RESOLUTION NO. 2014-78 (COUNCILOR TRUJILLO, COUNCILOR RIVERA AND COUNCILOR IVES). A RESOLUTION SUPPORTING THE NEW MEXICO LITTER CONTROL AND BEAUTIFICATION ACT OF 1985, WHICH PROVIDES PUBLIC FUNDS IN THE FORM OF GRANTS FOR THE PURPOSE OF ENHANCING LOCAL LITTER CONTROL AND BEAUTIFICATION PROGRAMS. (GILDA MONTANO)
 - 1) REQUEST FOR APPROVAL OF GRANT AGREEMENT – LITTER CONTROL AND BEAUTIFICATION; STATE OF NEW MEXICO TOURISM DEPARTMENT.
 - 2) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.

- n) **CONSIDERATION OF RESOLUTION NO. 2014-79 (MAYOR GONZALES). A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TRANSIT DIVISION TO PROVIDE FREE RIDES ON ALL BUS ROUTES AND SANTA FE RIDE VEHICLES FOR ALL SANTA FE MUNICIPAL ELECTIONS AND SANTA FE COUNTY PRIMARY AND GENERAL ELECTIONS. (JON BULTHUIS)**
- o) **REQUEST TO CONSIDER AND PROVIDE RECOMMENDATIONS TO THE GOVERNING BODY REGARDING THE REALLOCATION OF APPROXIMATELY \$1,900,000, AS DESCRIBED IN RESOLUTION 2014-63, FOR BIKE-PEDESTRIAN TRAILS AND RELATED SAFETY AND INFRASTRUCTURE PROJECTS. (ERIC MARTINEZ)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 10, 2014.

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to approve the minutes of the Regular City Council meeting of September 10, 2014, as presented.

VOTE: The motion was approved on a voice vote with Mayor Gonzales, Councilors Bushee, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion, none voting against, and Councilor Dimas abstaining because he wasn't in attendance at the meeting of September 20, 2014.

9. PRESENTATIONS

a) MUCHAS GRACIAS – MAYOR'S GOLD CUP CHALLENGE WINNERS

Mayor Gonzales said this effort turned out better than he even expected, and he appreciates everyone participating. He noted the Fire Department had two teams, and the Police Department had 3 teams and one of them came in 5th.

Sue Perry thanked so many of the City Councilors for participating. She said 32 teams signed up, and we only lost 2. There were 173 City employees, City Councilors and the Mayor participating, noting more than 10% of the entire employee population participated. She said it was amazing. She said they are getting information so you can get statistical feedback. She thanked the Mayor for this opportunity.

Mayor Gonzales thanked everyone who participated, as well as past Governing Body members who have tried to make healthy living a part of our employees' lives, and the participation shows they responded.

Mayor Gonzales noted the teams put in a huge amount of effort, and presented awards as follows:

- First Place Diving Divas from the Municipal Court – the team received the Mayor's Gold Cup and one free night at Buffalo Thunder, and free cooking lesson on healthy cooking and eating from the Santa Fe School of Cooking & Market. He congratulated the team. Captain Piccard, team captain, thanked the Mayor for the award.
- Second Place: Wastewatchers from the Siringo Complex – each member of the team received a \$50 gift card and a certificate for one hour of professional health and fitness from Erica Remilli, Better Humans. The team captain thanked the team who worked very hard, saying it was a great opportunity. Ms. Perry noted there were 4 team members, noting the maximum was 6.
- Third Place Rascal's Revenge, LaFarge Library – each member of the team received lunch boxes and lunch containers and a certificate for one hour of professional health and fitness from Erica Remilli, Better Humans. The team captain said it went very well, noting it was great motivation in multiple ways, noting the team lost more than 60 pounds.

Mayor Gonzales thanked Buffalo Thunder Resort, Santa Fe School of Cooking and Market, certificate for one hour of professional health and fitness from Erica Remilli, Better Humans, Santa Fe Sports & Images, LLC for t-shirts, Century Bank for its sponsorship as well as the Employee Benefits Committee.

Sandra Perez, on behalf of Mayor Gonzales, presented flowers to Sue Perry and Todd who coordinated the effort.

Councilor Maestas said the Council Team were called the Proven Winners, saying they peaked at the first week, and the only steady part of their performance was their steady decline. He said he enjoyed participating and thanked Sue and Todd for all of their hard work.

Mayor Gonzales said we know when we offer fun events in which employees can participate, the employees respond. He said we need to find and continue to promote events that promote wellness and health. He has asked Ms. Perry to work with him to see what we can do to encourage our employees to participate by volunteering in the community where the need is great.

Councilor Bushee said she hopes everyone who participated will put teams together for the Breast Cancer Walk on October 4th.

b) PROCLAMATION – BREAST CANCER AWARENESS MONTH IN THE CITY OF SANTA FE – OCTOBER 2014. (KATIE JOHNSON, EVENT COORDINATOR – MAKING STRIDES AGAINST BREAST CANCER)

Mayor read the Proclamation into the record declaring October 2014 as Breast Cancer Awareness Month in the City of Santa Fe, and presented it to Katie Johnson, Event Coordinator.

Cindy Padilla said on October 4, 2014, there will be a Breast Cancer Awareness Walk, which will start with registration at 8:00 a.m., at the Villa Linda Park, near Santa Fe Place, with the walk to follow at 9:00 a.m. She said Harley-Davidson will be sponsoring a Pink Ride. She said they are going to "Paint the Town Pink" as they raise the issue and awareness of breast cancer.

Ms. Padilla said the City team, Santa Fe Strong, is sponsoring a Frito Pie sale tomorrow at the Siler Road facility, 11:00 a.m. to 1:00 p.m. She said she hopes to see a City Council team. She thanked Councilor Dominguez who has been instrumental in this effort.

Mayor Gonzales said he would like to see a Frito pie sale here at City Hall as well.

Ms. Padilla said it may be too late this year, but it is certainly something to consider for next year.

Councilor Dominguez invited everyone to attend and participate in the Breast Cancer Awareness Walk.

c) MUCHAS GRACIAS CERTIFICATES – SANTA FE FAT TIRE SOCIETY FOR DONATING THEIR TIME AND ENERGY IN TAKING THE LEAD IN WORKING WITH THE INTERNATIONAL MOUNTAIN BIKING ASSOCIATION AND THE CITY OF SANTA FE IN BECOMING A NATIONALLY RECOGNIZED "RIDE CENTER" SILVER LEVEL. (COUNCILOR BUSHEE)

Councilor Bushee presented Muchas Gracias certificates to members of the Santa Fe Fat Tire Society. She said the City has a silver designation and are on the way to gold, noting she bought her first fat tire bicycle this week. She said the City, through the allocation of the \$1.9 million just provided the \$10,000 needed to make the La Tierra Flow Trail happen.

Bob Ward, REI, said we are in "some rarified air being in the silver," noting there is only one gold ride center in the world, with a total of 10 silver ride centers, with 7 in the USA. He hopes we will get out gold designation 2-4. He said to achieve that designation we need to get some flow trails like the one at La Tierra.

Jim Fowler, Club Ambassador, said he will be working on the getting a plaque for the City and County whose help was absolutely instrumental in earning this award. He said this is one step on building more trails for all users. He said *USA Today* and *Single Track Magazine* have recognized Santa Fe for being a great place to ride.

Fred [inaudible] said he led the application process through IMBA. He said gold designation is 60% infrastructure and 40% for trails, noting we are lacking on the trail side. He thanked the Governing Body for the last \$10,000 needed for the La Tierra Flow Trail. He said the flow trail is kind of like a little roller coaster ride for bicycles, similar to the pump tracks in the City parks. He said it is a fun experience to work at it, and it will be built to the standards for cycling with good sight lines.

Pat Brown gave special thanks to Councilor Bushee for her support and their efforts. The organization is about 4 years old, Chapter member of IMBA. There are 128 members. Recently, they had a big trail buildup on the mountain with the trail crew and we will be bringing in The Trail Solution to do the flow trail, and to teach "us to build trails that are fun for everyone." He thanked the City for its support.

Councilor Bushee said not only is this a new quality of life enhancement for the locals as well as bringing a new population of visitors to Santa Fe. She said, "It's been a fun thing to do and work with all of you and thanks for doing all of that."

CONSENT CALENDAR DISCUSSION

10(j) REQUEST FOR APPROVAL TO CREATE, POST AND FILL AN ANTI-GRAFFITI PROGRAM MANAGER POSITION FOR KEEP SANTA FE BEAUTIFUL, FUNDED THROUGH ENVIRONMENTAL SERVICES DIVISION. (NICK SCHIAVO)

Councilor Bushee said, "I just want to put on the record that this is not an expansion position, or is it and you plan on not having it be an expansion position. I have great concern with budgetary issues. I just want to make sure, because the Resolution I know that I supported was to make sure that Santa Fe Beautiful had this in their operations, but that it was revenue neutral."

Nick Schiavo said, "For this fiscal year, we will be able to cover it with vacancy savings that we have, but for the next fiscal year and coming fiscal years it actually will be an expansion."

Councilor Bushee said, "I thought there was some way that that maybe was not going to happen, because I can't support it as an expansion position."

Mr. Schiavo said, "When the plan was originally put together by City Council and approved, it was Gilda who was going to be running it, but as we went through the process to see if we could get an upgrade for Gilda it became clear that she, as a union position would not be able to manage the other employees in the program. And I was not able to get her position changed, and I've gone this route to make sure we can have a manager for all those individuals."

Councilor Bushee said, "So I understand, because Gilda is the manager, and how many positions are we talking about needing to manage."

Mr. Schiavo said, "We have Gilda and 3 individuals that came over from Parks, 1 from Police, so a total of 5 individuals plus any of the interns that are picked up through the grant. This will be funded from Environmental Services Division enterprise fund."

Councilor Bushee said, "Again. Sorry I can't support this. Somebody else will have to make the motion as an expansion position. I thought I was given assurances that this would be revenue neutral this year and that you would work on making it an expansion position."

Mayor Gonzales said, "I think, if I understand correctly, that what I heard Nick say is that it will be revenue neutral for this year, but that will come in the form of a budget proposal to the Council to consider whether we want to support that expansion or not. So I think there will be an ability in the next fiscal year to determine whether we want to expand the number of FTEs, but for now, this is a revenue neutral position. If it's not supported by the Council, in terms of an expansion, which I can't imagine why we wouldn't expand in the area of graffiti. What would be the recourse for Gilda."

Mr. Schiavo said, "The position would be opened, and we would pick the best candidate. I wouldn't want to move forward with hiring someone if I wasn't very confident we would be able to keep this person, absolutely critical. Graffiti is a problem in our town, and we have to have a strong thinker, a good person to be on this to make sure we can get in front of this, rather than the three active running to try to remove tags and other issues in our town that we're getting out in front, being creative with ways to save money within the program."

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

DISCUSSION: Councilor Dominguez said, "I agree with Councilor Bushee that we need to make sure this is not something that is going to be an expansion next year, or if it is an expansion that there is clear justification from management about what that looks like and what the numbers are. This did come up at the Finance Committee meeting, and I expressed some frustration because this is the kind of information we should have had when the Resolution first got approved, because it's pretty clear in the Resolution. So I did express some frustration as to why that fiscal impact was not brought up at that time. I know staff has given their explanation of what they discovered during the process of implementing this. But this was approved in January 2014, and here we are almost to January again and we need to make sure we have something in place to go with graffiti in the future."

Councilor Dominguez continued, "My hope is maybe we give some specific direction to staff that we approve it for this fiscal year as it is budget neutral, but in the next fiscal year, management is going to have to figure out how to do it and keep it budget neutral."

Councilor Bushee asked, "Is that part of your motion," and Councilor Dominguez said, "Yes."

Councilor Bushee said, "Just so I understand Nick. You created a new position, because when this went through, I was promised this was revenue neutral and the FIR stated so, you said it, you know everybody... I agree with the idea as long as it is going to be revenue neutral. So if you create this new position, you get them in place; a year later they're classified and they're in there. So at what point, will it be a year later, that we will deal with this in terms of how to keep it revenue neutral."

Mr. Schiavo said, "The way it was originally set up, it was intended that Gilda was going to be the manager. And it's not possible, given the constraints of the union and the union contract, so I can't go that way. I can't leave the program without a manager. I do need a manager. So to answer your question, this year I can make it revenue neutral. Next year, I'm going to do everything I can within the entire Environmental Services Division budget to make sure we're saving money and that we can cover this position, because it is critical for the division."

Councilor Bushee said, "Okay, again, the explanation is that it is an expansion position, so I'm probably not going to support this."

Councilor Rivera said, "I assume there are people within that would be interested in this position. If it was not an expansion position and this required discussion again in a year, I presume that would eliminate many good candidates from applying. Do you agree with that?"

Mr. Schiavo said he agrees and if we leave it as a term position, he believes we would miss out on potential good internal candidates.

Councilor Rivera said, "Your initial thought process was to move Gilda into the position, but that was met with resistance from the union. How long did those discussions go on?"

Mr. Schiavo said, "I have it outlined in here, it actually started in January of this year, and by the time HR let us know what the challenges were, it was past the budget cycle. I started talking with the union probably in April, May, June, and it's not just the union's inflexibility, it's also the guidelines that HR has to follow."

Councilor Rivera said then this was started well before the budget was discussed, but didn't get settled until after the budget had already been heard.

Mr. Schiavo said that is correct, and by the time he knew this was going to be an issue from HR, he had missed this budget cycle, or he would have included it.

Councilor Rivera said, "I will support this, because I think it's important to get a good quality person in there, and I think it's important to have some stability in the process. And knowing, that once somebody is hired they're going to be around for more than a year or two. So thank you for bringing this to our attention."

Councilor Lindell said, "I would just like to have clarification on the motion in front of us."

CLARIFICATION OF THE MOTION: Councilor Dominguez said, "The motion is to approve this request and that it be budget neutral this year and that it be budget neutral next year, actually."

Mayor Gonzales said, "I just want to ask you on that point Councilor, so we as a Council determine what the budget's going to be. I think you can include that as part of the motion, but the Council is still going to get to determine. There may be a need to create expansion positions for one reason or another during the budget cycle."

Councilor Dominguez said, "My hope is that the management will recommend a budget that is going to be budget neutral as it pertains to this. And if there is a need for expansion because there is more graffiti, or whatever the case may be, that's something we can discuss during that time. But right now, it's really intended that it be budget neutral now and that we try to figure out how it can be budget neutral come the budget. And I just want to again remind the Governing Body.... what's frustrating for me is this would have been a good discussion to have at the time we had this Resolution before us, because it does have some fiscal impacts, but it's also an important issue to address. And so, I'm hopeful it will get approved tonight and we can deal with it again at budget time."

Mayor Gonzales said, "And we need to move on. I think the only issue or cost it would have is that we base our budget on need, which as you may say may expand. And I think the direction the Councilor is sending to the administration is that if there is a need for expansion you need to justify that there has been some need that's caused it. But until that point, at least in this category, it should remain budget neutral. I do want to thank Gilda for the work she does, and also, I don't know if the Council knows this, but she's been taking on the role of a manager and extra work without the pay. And so much of what we're trying to do here is to create a sense of fairness to employees who, without a lot of public expression of frustration, just go in and do their job in our community. Thanks Nick for working this through, and you understand the parameters the Council is giving you and we'll go forward with that." Mr. Schiavo said, "Yes."

Mayor Gonzales thanked Gilda and said hopefully this gets done tonight.

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

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

Against: Councilor Bushee

Explaining her vote: Councilor Bushee said, "While I see the need for eradicating graffiti as a top priority, I also see the need of recycling, improving our recycling rate and other things in the Environmental Services Division, and at this juncture I will not support an expansion position in any department."

11. **CASE NO. 2014-88. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY, PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6), THAT THE GOVERNING BODY DISMISS THE APPEAL OF OLD SANTA FE ASSOCIATION FROM THE AUGUST 12, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-14-034; 511 PASEO DE PERALTA. (ZACHARY SHANDLER)**

Zachary Shandler, assistant City Attorney, noted that this is not a public hearing. He said, "Pursuant to the City's Appeal Code, this item is the City Attorney's presentation on whether this appeal should be dismissed on legal grounds. The minutes of the relevant meetings and the written appeal are attached in the packet."

Mr. Shandler presented information from his Memorandum of September 16, 2014, with attachments, to Members of the Governing Body regarding this matter, which is included in the Council packet. Please see this document for specifics of this presentation.

Mr. Shandler said, "Based on the facts presented in this case, the City Attorney's Office recommends dismissal of the appeal. As noted in my Memo, you are free to disagree with this opinion, and if so, you will have to schedule a public hearing on this project at one of your upcoming meetings. I stand for questions."

Councilor Bushee said, "We're not getting into the specifics of the design, this is just your legal take on this issue that it doesn't have merit. Is that essentially what you're saying."

Mr. Shandler said, "Correct."

Councilor Bushee said, "Given that most of the Historic Board's decisions are fairly discretionary, in terms of their ideas around design and New Santa Fe Style, and all that, I tend to want to uphold the H-Board, but what I can say is it's a little frustrating to feel like it's just thrown out on legal merit. How is it that there is no merit whatsoever to this appeal from your perspective, given the discretionary nature of the decision making body in the first place."

Mr. Shandler said, "Tonight's is a narrowly focused issue, not on the discretion. According to City Appeal Code, they need to cite something that the Board did which is inconsistent with Chapter 14, and they were unable to point to something that showed that the Board's action were inconsistent or contrary to Chapter 14."

Councilor Bushee said, "Well even though the interpretation of New Santa Fe Style is what I consider fairly discretionary, or subjective maybe is a better word. So that was one of their claims."

Mr. Shandler said, "The way I read their petition is it was focused on these three items. Then it becomes a matter of sensibilities and tastes about how much metal you want, but tonight's focus is on, it was metal prohibited under City Code. No, it's not prohibited."

Councilor Bushee said, "All right, just one more thing. The vertical windows I understand, the metal and there was the one about.... I thought it was just about New Santa Fe Style, but is it just about the materials. I read all the minutes and maybe I got myself a little too far into the weeds on this one. The three claims are, the steel, the stone and the windows, so I don't see anything about New Santa Fe.... well they're saying horizontal windows violate recent Santa Fe Style."

Mr. Shandler said, "We looked at the Code provisions on Recent Santa Fe Style and none of these items are prohibited from usage and design."

Councilor Bushee said, "Okay. It's going to get interesting because.... and maybe we can just ask the H-Board at some point to visit. I mean, new materials are going to get introduced. I mean there's a company that's moved here from Arizona that's going to make vigas out of cement. So I think you're going to have to take a look at those details a little more closely. So I think I understand your dismissal of the appeal."

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to approve Case #2014-88, Request for approval of the recommendation of the City Attorney, pursuant to Santa Fe City Code Section 14-3.17(D)(6), that the Governing Body dismiss the appeal of Old Santa Fe Association from the August 12, 2014 decision of the Historic Districts Review Board, in Case #H-14-034, 511 Paseo de Peralta."

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

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

Against: None.

12. RESPONSE TO REQUEST FOR UPDATE ON THE PRODUCTION OF A BACHELOR EPISODE IN SANTA FE. (RANDY RANDALL)

Randy Randall said, "There is an executed contract for \$50,000 between the City of Santa Fe and the production company. Funding will take place in conjunction with the filming. The Bachelor production team has been in Santa Fe and in the surrounding areas for film location scouting. The production team is committed to providing an authentic representation of Santa Fe during the episode. There continues to be exploration and discussion of various film locations in the area. Filming will take place in the Fall. The Santa Fe Episode will be televised in February 2015. Tourism Santa Fe will be working with the production as needed, and we've committed not to make public any of the specific filming dates or creative details to maintain some element of surprise for the February airing of the show, as well as the importance of confidentiality for the protection of the performers. Questions."

Councilor Maestas said, "The cost of the match, it's not even a match, State and City funds could be potentially contributed up to \$100,000, with the City putting in another \$50,000, so it could be as much as \$150,000. Correct."

Mr. Randall said, "No. The contract for the City is \$50,000, and the contract for the State is \$50,000. I do not know if the State has executed their contract, but the total funding responsibility for the City is \$50,000."

Councilor Maestas said, "I thought our action was up to \$100,000."

Mr. Randall said, "It allowed for going to \$100,000 in the event we were required to negotiate. We negotiated very well, and it is \$50,000. It will not be more than \$50,000."

Councilor Maestas said, "Good. Good. That would be good for the public to know, and the State will certainly extend theirs as well. If this production needs \$50,000, the City puts in their \$50,000 first and the State is all \$100,000."

Mr. Randall said, "The checks are given to the production company and they expend the funds. So we do not do reimbursement. It is a check that is made out to the production company as a trade component for them coming here to do the production. And that's why the check from the City will not go to the company until they are here doing the production."

Councilor Maestas said, "I voted for this because I felt the exposure to our City far outweighs the investment. I still feel that way and I think it was good though, because a lot of people didn't understand that no money would be expended unless the City was selected for location, production."

Councilor Maestas asked if there will any kind of measurement of the impact when it's televised, or does the production measure the media impact, how many people are reached. He guesses they gather that information from the ratings, and asked if there is anything the City has to do to measure the benefit from the investment.

Mr. Randall said, "They will certainly let us know what the viewership is. To truly measure the impact probably would take another \$50,000 study. The State spends in excess of \$150,000 a year, measuring the impact of their advertising program, so it really is a very expensive measurement. I am hopeful we will see increases in occupancy, and we'll certainly be able to see the immediate impact on our website for people inquiring about Santa Fe. There will be some ways we can test it, but to truly measure it, you would need to bring in a professional firm to do that, and we do not intend to do that at this point."

Mr. Randall continued, "I would also like to remind everyone that these are Lodgers' Tax dollars that are being used for this expenditure. They are promotional dollars that can only be used for this kind of great opportunity."

Councilor Maestas thanked Mr. Randall, commenting he asked for a briefing at the last meeting, and this is definitely is a positive development.

Mayor Gonzales said, "Being able to measure the return on investment is important, without having to spent the money and being able to identify for the public the ways we could expect the return on the investment is beneficial. Obviously, 15 million viewers watching the show for one hour will have some measurable impact. The calculation on the return on investment is important on these expenditures. The Lodgers' Tax, even if the statement is made to the public is that this isn't money coming out of General Fund dollars, doesn't affect money going into streets, public safety. This is about promoting Santa Fe. I think there still is an expectation that there will be a benefit from the promotion, regardless of how we feel about the venue where Santa Fe is being promoted. I think, in future, as we go forward, including advertising contracts and other things, there has to be a way that we can start measuring the return on the investment, because it helps build confidence in the program or helps us understand if we have to invest more, or not so much more."

Councilor Trujillo said, "Here's my question. Is all the filming going to be done here in Santa Fe. 100% of the filming, in a joint effort between the City and the State."

Mr. Randall said, "It will be all in Northern new Mexico, although there may be some filming that's not in Santa Fe. We've only provided 50% of the support to bring them here, so we couldn't insist that it be here. I do know locations have been looked at outside of the City for certain creative needs and in the City. And in each case, the City location has been their preference. They really are concerned that the show showcases Santa Fe. The reason they are here is because they like they way we look, the feel here, and they want to be sure the show showcases that feeling, but there is no requirement it be in Santa Fe."

Councilor Trujillo said, "This is the reason I didn't support this, because that is exactly what I think – they're going to film in Taos and other parts of State. Of course the Tourism Department is part of it along with us, and you're going to be showcasing other cities, and I didn't see those other cities put any funding toward this thing. I just see the State and the City of Santa Fe, just because it's the Santa Fe name."

Mr. Randall said, "The only city location will be Santa Fe, but there are activities outside of Santa Fe that may need to be brought in from a creative standpoint that frankly, we sell every day to our tourists. Those will be showcased, but the only city will be Santa Fe."

Councilor Bushee said, "We had some conversations that you were going to be discussing this with the County. Were there any offers forthcoming from the County's Economic Development Department."

Mr. Randall said, "Not at this point."

Councilor Bushee said, "Is there any attempt now that we know they are coming to renegotiate with the County on that. We just gave them \$150,000 to finish a trail, a match. It would seem to me that Santa Fe County would.... this isn't going to be just the City, could we please make another request."

Mr. Randall said, "I certainly will. If they don't specifically fund this, my intent is to leverage the value for some other funding they might not have funded. So, one way or the other, we really intend to increase the cooperative aspects we have with the County and share funding opportunities as they did with the New Mexico True TV program."

Councilor Bushee said she would ask again that he pursue that, and Mr. Randall said he will.

Councilor Dimas said this is just one episode of many in which Santa Fe is going to be featured.

Mr. Randall said, "It is one episode in the 2014 season. I don't know the number of episodes, whether it's 9 or 10."

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

Kelly Brennan introduced the new assistant City Attorney, Blake Whitcomb, noting he previously was in the Albuquerque City Attorney's Office.

Mr. Whitcomb said he looks forward to working with the City, and asked members of the Governing Body to contact them if they need him to do something for them, and he will contact them as soon as possible.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of September 23, 2014, is incorporated herewith to these minutes as Exhibit "1."

Councilor Rivera

Councilor Rivera had no communications.

Councilor Trujillo

Councilor Trujillo had no communications

Councilor Lindell

Councilor Lindell had no communications.

Councilor Dominguez

Councilor Dominguez said he won't be at the Finance Committee on Monday, and would like to get the agenda as soon as possible and he will let them know who he will choose to chair the meeting.

Mayor Gonzales

Mayor Gonzales introduced a Resolution declaring the City of Santa Fe's continuous support for immigrant issues in Santa Fe, the State of New Mexico and throughout the United States. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Mayor Gonzales said this morning he had the opportunity to sit with the Nurses Union and the Hospital administration with the goal to get them back to the table. He said it was a two hour conversation which revealed insights into both sides, and in the end, both sides committed to meet tomorrow at 9 a.m., at the Community Convention Center to reconvene their dialogue. He believes it is a positive step in the right direction, and we need to continue as a City to be vigilant and pushing both sides to reach an agreement which achieves the overall objective of high quality of health care service in Santa Fe.

Councilor Bushee

Councilor Bushee thanked him for those efforts. She asked if it is too early to be filling the seats on the study committee, noting there was emphasis on waiting until negotiations take place. However, it seems it has been a protracted effort and perhaps we can begin consideration of appointments in the next two Council meetings.

Councilor Bushee would like to see the details of the Mayor's immigrant resolution and is conceptually signing on, but she would like to read the Resolution.

Bushee introduced the following:

1. A Resolution supporting a statewide and national ban on nontherapeutic uses of antibiotics in livestock production and supporting the Protection of Antibiotics for Medical Treatment Act and the prevention of Antibiotic Resistance Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."
2. A Resolution Amending Rule 16A of the City of Santa Fe Personnel Rules and Regulations regarding drug and alcohol testing policies for Transit Division employees who perform safety sensitive functions. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."
3. A Resolution calling on the President of the United States and our Congressional Delegation to support local efforts to keep the Old Santa Fe Trail National Park Service Building open to the public as a cultural resource and ultimately designated as either a National Historic site or a National Monument.

Councilor Bushee said she would like a report on the Santa Fe ski shuttle, what Committees are hearing it, with regard to the City's match.

Mr. Snyder said based on their conversation, he sent her an email right before the meeting with regard to the 3 items to be followed-up. He said he will get that out for the next Public Works Committee meeting.

Councilor Bushee said she had a bunch of little things regarding Public Works, and she hopes those "get translated to you from Ike." She said there were a lot of little road and sidewalk issues as well that she and Councilor Lindell have been forwarding to Mr. Snyder and hopes to see follow-up on those.

Councilor Bushee asked Mr. Snyder to let us know how the potential of a 311 system or some kind of direct constituent services system can happen.

Councilor Maestas

Councilor Maestas introduced an Ordinance amending the Business License Ordinance, Section 18-1 SFCC 1987 and the Business Registration Ordinance, Section 1802 SFCC 1987, to require businesses that apply for a Business License or Registration, or renew a Business License or Registration to affirm that such businesses are in compliance with the Living Wage Ordinance, Section 28-1 SFCC 1987; and amending Subsection 21-1.8 SFCC 1987, to mandate random audits of businesses to ensure compliance with the Living Wage Ordinance. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

Councilor Maestas thanked staff for their work on the Santa Fe Triathlon this weekend. He said there was great participation, noting Liza provided a gift bag for the Councilors, summarizing participation. He said people from across the country participated. He said this could be a really great tradition. He said athletes, for some reason, like to compete where oxygen is "low." It's a great high altitude competition training.

Councilor Rivera congratulated Councilor Maestas for finishing third in his age group in the triathlon.

Councilor Dimas

Councilor Dimas wished his beautiful bride of 32 years a Happy Anniversary yesterday, and a Happy Birthday on September 12th.

Councilor Ives

Mayor Gonzales introduced the following on behalf of Councilor Ives:

1. A Resolution directing staff, when acquiring fuel powered equipment, including vehicles, to balance the cost of the City's needs with that of producing the lowest carbon footprint the City would create when using such equipment. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6"
2. A Resolution declaring the Governing Body's intent for the City of Santa Fe to become carbon neutral by the year 2040. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

END OF AFTERNOON SESSION AT APPROXIMATELY 6:20 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:00 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor Javier M. Gonzales
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

Councilor Peter N. Ives, Mayor Pro-Tem

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 two pages of petition signatures, submitted for the record by Stephanie Beninato, is incorporated herewith to these minutes as Exhibit "8."

A copy of *Santa Fe Solar Farm Project Program*, entered for the record by Luke Montoya, is incorporated herewith to these minutes as Exhibit "9."

Mayor Gonzales said, "The Nurses have agreed to limit each of their own requests to the Council, and they have asked for Fonda [Osborn] and Cleo [Fowler] to be able to address the Council, and they're going to keep it under 10 minutes collectively. This will be matters that relate to the Nurses Union in terms of any new content that hasn't been presented to the Council from the previous meeting. And when they are done, I know there are members from the public that aren't part of the union, if you would like to address the Council, you're certainly welcome to. Matters will be limited to one minute to address the Council on the other issues as it relates to this."

Fonda Osborn. Ms. Osborn said, "I want to say there is new information since we were here last. Since we were here last, we've now been picketing at the hospital for about 40 days, I think. We've lost track, but we've been out there every day. I know, don't I look like a Kansas farmer now. We have been asking the hospital to come back to the table the whole time to have face to face negotiations with us. Last week, the Mayor called and invited us to a meeting in his office with management to figure out why our negotiations aren't proceeding. And so we, of course, took that invitation up right away. We did meet today and we had a lot of good conversation, so we're going back to the table tomorrow. So I have some cautious optimism that we can proceed. We're going to do our part as the union to get this resolved if we can. I think the parties have outlined our differences, at least in regards to staffing, and so our intent, ourselves, is to make this happen. So, I want to thank you Mr. Mayor for calling us forth. We appreciate all the support we've gotten from the community out there who have come out every day to the picket line to support us, to bring us donuts, bring us other goodies while we're out there. And so we're going to keep our fingers crossed that we can go to the table tomorrow and at least have dialogue with management that will move us towards a resolution. So I think that is all I have to say."

Mayor Gonzales said, "Thank you Fonda, and I do just want to acknowledge your leadership. Today, it was inspiring to see you really try to find a pathway to an agreement. And for people who weren't there, and people that are watching at home, I went in convinced, but I left there absolutely convinced that you are trying to do everything possible, and keep every option open to get to an agreement that protects not only our union members, but assures quality service being delivered by our community hospital. And we all left there committed to try and find a way to doing that. But you and Delma were wonderful, along with all the folks that were there. And I just want to also say to everyone out there, that well, I had the opportunity to be there. I know that all the members of this Council were hoping for the outcome we got and I know that all members of the Council will stay focused on trying to find this pathway to an agreement. So, it was certainly a privilege to be there, but I know you're right, because I share your caution, but we weren't going to get to an agreement by not coming to the table and sitting on the sidelines. So good luck tomorrow. I know you're going to be leading the efforts for the union, but I was inspired by your commitment to really be as open to finding the pathway as you possibly could be."

Ms. Osborn said, "We want our hospital to be not only a good hospital, a great hospital. And I don't know if we're going to get everything that we want this time, but we're determined that it's going to be better than what we had before for the community. And so, again, thank you for listening to me tonight."

Cleo Fowler said, "When the hospital refused to negotiate a guaranteed minimum staffing with the union, I started an on-line petition, requesting the Chair of the Board of our hospital, Dave Delgado, tell the administration to negotiate. In 16 days, that petition had more than 3,000 signatures. 'This' represents the printout of the signatures of the people from Northern New Mexico. 'This' is a country-wide on-line petition, so this doesn't represent the people that aren't in the Santa Fe area. Additionally, people have been collecting paper petitions, because not all of us are computer literate, and they've collected another several hundred signatures. So I speak not for myself alone, but for those 3,000. From many comments on the

petition, it is clear that staffing at our hospital is a health and safety issue for the people of Santa Fe and our visitors. I would like to thank Mayor Gonzales for facilitating a meeting that resulted in the resumption of the negotiations between the hospital administration and the union. And also, to thank Dave Delgado for participating in that process. In order to get our hospital to negotiate guaranteed staffing levels, both the City Council and the County Commission passed resolutions, 20 faith leaders in the community sent a letter to the administration. More than 3,000 people signed a petition, hundreds of people send postcards to members of the Board, the hospital staff picketed, I had maybe worked 43 days, and the Mayor requested a meeting of the administration and the union. Based on that amount of effort that it took to get the hospital to talk with its staff about the concerns of the staff and the community, I think our community based hospital is not responsive to the community. Consequently, I'm asking for two things. First of all, for you to continue to contact and encourage the board members to tell the administration of our hospital to negotiate guaranteed minimum staffing with the union until there is a signed contract. Second, for you to consider passing a Santa Fe City ordinance requiring guaranteed minimum staffing in our hospital in order to protect the health and safety of the citizens of our community. Thank you."

Mayor Gonzales thanked Ms. Fowler for her remarks.

Mayor Gonzales told Ms. Frielich the Council had received her letter, but she can summarize the letter for us.

Laurie Lee Frielich said, "I've got some other people who might want to hear it, if that's okay. Anyway, good evening Mayor Gonzales, City Councils and wonderful neighbors in Santa Fe. I'm Laurie Lee Frielich. I'm a homeowner for 18 years here in Santa Fe, President of the Neighborhood Association Camino Pintores and the Artesano, and member of the DWI Planning Council. I'm also an advocate for safe staffing. This is more than a nurses issue. It is a City issue and probably the most important issue you will face, because all other issues are secondary to your health individually, your family's health and the health of our community. Enough is enough. Christus has imbedded itself into our hospital, supposedly to turn things around, not let's straighten things up. The health care decisions made by Christus are made behind closed doors. We need transparency. We need to know what's going on. Christus has bought practically every medical practice, medical facility and medical clinic in Santa Fe. They have spent thousands of dollars landscaping to the hilt, their purple and white signs are marching up every street, lane and boulevard. Now let's get down to the real business that affects every one of us, the safety and security of our health, without which we will only be known for tourism. We're sick and tired of being compared to and being rated at the bottom of the states. We're sick and tired of being at the top of the list for school dropouts, drug and alcohol abuse and domestic violence. Christus St. Vincents Hospital, our only hospital, has the potential of putting us at the top of the list for healthy and positive practices within. This is for our community. Our lives are on the line. Now City fathers, do diligence. Along with your voices of approval, take action. Meaningful action. Go as a group that represents us, we are your constituents, to Bruce Kassen and let him know what you believe, that our City deserves safe staffing at our only hospital. Use your energies wisely. Demand safe staffing. It is for your health, your family's

health and our health. You will be honored. I want to thank you for your time, your understanding and your consideration."

Former Mayor David Coss, said, "I think there is a list of others to speak."

Mayor Gonzales said, "The nurses have spoken prior to you coming in, now it's just members of the public who would like to address the Council on their issues."

Former Mayor Coss said, "That's appropriate. I'm a member of the public now. Thank goodness..... It's great to see everybody. I was at another event and came down the hill to make it to this, because I just think it's so important. A few years ago, we went through this and a lot of you guys came out to support the nurses and the healthcare nurses. And I wanted to be here to do it again. Because, as I understand it.... and I want to commend the nurses and the healthcare workers for the stance they have made, and how long they're stayed with it now, it's very very impressive to me. But as I understand it, the healthcare workers have passed up raises, management has offered raises, and they've rejected that by pretty good margins in their membership saying staffing is the important issue for us, for our workers safety and for the families. And it seems like they've gotten close to an agreement around the 40th percentile. And, I'm not an expert of how you measure the 40th percentile. But it seems like Christus, it's not impressive as a number, the 40th percentile. But it seems like the healthcare workers were willing to accept that, but then they don't want it enforceable in their contract.

Former Mayor Coss continued, "And that's where I think the public comes in, because we see the slick pieces from Christus. We get the ads. They assure us that everything is fine. I can say that not all of our families are having that experience now. But it would seem just very rational to have a mechanism by which that 40th percentile is measured, monitored and enforced, and the union is really the only one that can do that. The City doesn't have the authority, the County doesn't have the authority, but we need to back them up because they have that authority to have that in their contract as a union. And it bothers me, as a person who, if my dad get sick, or I get sick or my granddaughter get's sick, we're going to Christus. And there's no mechanism that the public understands that the union can enforce to say, well, they're meeting that 40th percentile and we want to see if that works, and what the results are from that. So I think as a hospital, as a private hospital, I don't believe its not-for-profit status anymore, but just as a private business working in our town in something so fundamentally important to all of us, they should agree to a way to measure that 40th percentile and enforce that 40th percentile, so the union can enforce it and all of us that depend on that hospital for health care can see it. Because the PR piece is saying, hey everything's great. That doesn't reassure me any more. That just doesn't do it for me. So thank you very much Mayor, and it's great to see everybody. Thank you for listening to all of us."

Unidentified said the nurses do very much for us and we need to appreciate them, and they hold the hospital together, the guys do pretty good and let's hang on in there and keep getting the good strides we need. Thank you.

Linda Reichert, R.N., said she worked at the hospital for 17 years, and it was the one and only hospital job she had. She said Christus came in and she saw everything changing and she left for her safety of her license and for the community. She went into home health care, and she had all of the same patients. However, the energy wasn't the same, all the people she saw said they didn't have a good experience. She was caring for the same people post-hospitalization as opposed to being in the hospital. She left Home Health and is now working for a major MCO's and she has the same people and with the same issues. She said, "What I'm saying is, this is for the community. This is for these people, I have seen now for 20 years who have the same issues. All we want to do is to take care of our people. That's it. Thank you."

Mayor Gonzales thanked the nurses for their work and for the care and comfort you provide to our communities and to our families in very difficult times. He said as a community, we don't get to thank you for that, but you are always there. "So, on behalf of all of us up here and our community, thank you for the work you're doing. Fonda, good luck tomorrow. I look forward to getting a call from you tomorrow afternoon saying Mayor, we're continuing and it worked. Otherwise, if that isn't the case, then we continue to put the pressure on."

Mayor Gonzales recognized the former first lady, Carol Coss, saying it is nice to see her here this evening.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF ITEM F PETITIONS FROM THE FLOOR
EVENING SESSION
REGULAR MEETING OF THE GOVERNING BODY
September 23, 2014**

MAYOR GONZALES: Stephanie.

STEPHANIE

BENINATO: Good evening Mayor and City Council. I am here on behalf of 48 people and myself in my neighborhood to present a petition to you about the berm on West Santa Fe Avenue. And what this petition says, I meant to hit send before I came here, so that all of you Council members would have a copy rather than me giving it our by paper. I'm sorry, I was in a hurry, I forgot, but I'll do it when I go home.

However, I do have a copy for you Mayor, for the City lawyer and for the Clerk and for the Reporter, which I'll give it to you in a minute, okay.

MELESSIA HELBERG: Thank you.

MS. BENINATO: This is for the mayor. So what this says is that: *the undersigned find the berm at West Santa Fe Avenue and Galisteo Street to be a nuisance for the following reasons: 1. It creates an ice pond to the east of the berm that lingers for a long time because it is shaded, making use of the intersection hazardous. 2. The berm does not appear to prevent flooding at the intersection since water and debris go over the berm and the berm redirects the water up onto sidewalks and clogs the grates north of it.* There are 49 signatures on this petition. They represent 40 residences, all within one block of that berm. So they are living there on a full time basis. They all experience the berm every day. They see what it does during rains, and we all know it's not working the way it is supposed to be working. Last night, in the middle of a heavy, thunder lightening storm, I was out at the street on my driveway, pulling the weeds off the drain in front of my driveway to prevent the water from coming down my driveway. It was so much water coming through that intersection, and it's not just West Santa Fe Avenue, it's East Santa Fe Avenue and Don Gaspar which I observed on August twenty-sixth also coming down West Santa Fe Avenue, because there's so much force of water at that other side of the street. So I was out there last night. I observed water coming up over the curb coming on the sidewalk in front of my house, hitting my external foundation of my front house and then coming off onto the grate in front of my driveway, all 3 grates on my side of the street are totally covered with leaves, except for the parts that I pulled off which I left there and photographed. All the way down the sidewalk, my sidewalk at 600, there was debris, wood chips. I don't have wood chips. I don't know where the wood chips came from, but they certainly came from the street.

Your honor was just talking about finding a path and negotiating, and isn't it wonderful, that I've asked you several times to meet with me to talk about settlement and your keep taking the City Attorney's advice not to meet with me. So I'm asking you again to meet with me. Because again, we should have settled this case a long time ago. It's wasting City resources. We've already paid the lawyer in Albuquerque \$26,000 which could have been used to settlement, could have been used to improve the drains, but it's not being used that way. And it's not just at Galisteo Street, it's on Don Gaspar. There's water running all across peoples properties. It can no longer run into the arroyo because the water is up and it just hits up on the wall. The City within a month is going to what, take off the paving off of Don Gaspar that they just put on in 2007. I mean, is this a

solution really. It doesn't sound like a very well thought out solution to me. It sounds like, let's just do something because we've got 3 complaints. 49 complaints here. And I'm asking again, your honor that you actually have leadership here and you decide that maybe it's a good idea to try to settle this case. Thank you.

MAYOR GONZALES: Thank you.

MS. BENINATO: And by the way, the City actually is trying to get a protective order preventing me, as a citizen and as a party, coming here to petition you. It's outrageous. It's my first amendment right. I'm a party. The lawyer in Albuquerque wants to argue I'm acting as a lawyer. I'm not. I'm *pro se*, and I don't know where he's getting that from because he's not reading case law.

MAYOR GONZALES: Thank you Stephanie.

MS. BENINATO: Again, I am petitioning you as a party and as a citizen under my first amendment right.

MAYOR GONZALES: Thank you. Thank you.

I certify that this is a true and accurate transcript of the requested portion of Item F Petitions from the Floor, Evening Session, Regular meeting of the Governing Body, September 23, 2014


Melessia Helberg, Council Stenographer

David McQuarie, 2997 Calle Cerrado, said a few years ago he attended the project kickoff of Old Pecos Trail. He said he knows the description, so he asked the City Manager why they didn't have crossings at some of the streets like they were supposed to. He said his response was, "You people can't make a rational decision where to cross, therefore you can only use the light." He said since when is it "you people," he thought there were civil rights law. He said in April 22, 2014, the Mayor's Committee on plan review "sent you a review of the plan for overlay and curb ramps in Santa Fe for 2013." First remarks. One of the remarks was, "Do not spend public funds on these ramps. They are substandard and against the ADA." He said on September 9, 2014, there was a written, public announcement of some curb ramps

they're doing. All of these were on the previous list we did in 2013, when we said don't do it. He said one the ramps is totally substandard, and it is rough [inaudible] not going west. A public recreation facility, the GCCC, is the best traveled access to the bus. He doesn't know why. [inaudible] Why aren't they improving the curb ramps on the north side of the Alameda at this place. They are doing them on Alto Street, both north and south of Alto. Why not the Alameda where there is more traffic. The answer was [inaudible]. We told them Alameda was more with Alto, what's the matter with the City. It's the staff. On the recent public message put out that gave contacts, I tried to contact, all he got was phone messages that they will call back. I have tried to contact the City Manager, and they would say maybe we'll get back to you. The only one that has gotten back to him is David Chapman, the ADA Coordinator. He said Dave is new to the job and really doesn't know what's going on and what is required. He's learning his job, things like what the City Engineering Department is doing is completely against ADA access.

Mayor Gonzales asked Mr. McQuarie if he would you like to meet with the City Manager.

Mr. McQuarie said my petition tonight to the City is do not fund anything that is not in accordance with the ADA, plus I have a petition. I would like for your to schedule some equal time where could have a meeting. And one point I'll bring out is called bullying. I believe we, especially him, are being bullied by one of your staff members, and he doesn't appreciate it at all.

Mayor Gonzales said he will make sure the time is available for that, and thanked him for his work and for being here this evening.

Luke Montoya said, "I am here because you guys had the newspaper print an article here a few months ago about compliance with some of the federal laws regarding energy from PNM. I represent a consortium of several different companies and corporate structures that specialize in large scale energy production through solar panels that are quite large and full generation facility. What I want, is I would like for you to put me on the agenda formally so I can make a presentation and clue you in as to what the capacities of our companies are. I have a congressional letter from my Congressman saying they will advocate for us with the Attorney General's Office to make sure we support all the laws that governing the Regulation Commission of the State of New Mexico as far as dealing with utilities are concerned. I would like to see you have interest in this. You've already shown that.... I know the time is short, so what I would like is basically to be put on your agenda."

Mr. Montoya continued, "I have spoken with Nick Schiavo on several occasions and his concern is with the legality of using the infrastructure of PNM has in order and in place. There are laws set up to go around them, to use that, to rent it, to lease it to buy it, so that you can be independent of coal-fired energy. With that being said, I think we know we need to take care of the environment. We're cognizant of that. I feel you guys have a progressive attitude. We have wrapped this up to the point that we understand the congressional mandate set by BLM standards to you on BLM for solar capacity anywhere it possibly can to get away from coal-fired energy. So we've got all of the aspects that are connected with this process from

engineering, infrastructure, production, management and financing. I would just like to see if we could get a sponsor and/or somebody to show interest in benefitting the community and making it cleaner. And letting PNM know there are people out here that are aware enough of their environment that they would like to better it. I've given you some information [Exhibit "9"], my phone number is on the back in the middle there somewhere. I know it's a drop like a pendulum, but we feel this is necessary. There were some marches in Albuquerque today about taking care of our environment. I live in Durango, Colorado and the [inaudible] power plants in southwest New Mexico have been proven by the EPA to be the dirtiest in the country. They set sensors around the plant and they did a spectral analysis in space and showed that, beyond the shadow of doubt, they are the dirtiest plants in the country. The haze goes all the way past Durango to the red cliffs. We think we live in beautiful, clean mountain air, but we in fact, don't. That's all I've got."

Mayor Gonzales said, "I really appreciate your coming. And one of the things we have launched is a Climate Action Task Force that is actively looking at renewable energy production. I think your time spent there participating would be, in the short term, a very valuable effort. And then, Councilor Rivera heads up our Public Utilities Committee. It might be good at some point if you would like to spend time with the Councilor. I definitely would contact him, but I would start by getting engaged with the Climate Action Task Force that is actively meeting. The staff member is John Alejandro, and you can find him on the City website. Do you have a phone number for him. And if you can't find him, just call the City Manager's Office and they will direct you to him. He's really the place to start at the City. He's the energy specialist heavily focused on what you're talking about. It's not to defer you from being here, but we want your time to be as productive as possible, so meeting with those individuals will help get things started."

Mr. Montoya said he was basically looking for an alley and that is what he got.

G. APPOINTMENTS

Airport Advisory Board

Mayor Gonzales made the following appointment to the Airport Advisory Board:

Stephen C. Ross – to fill unexpired term ending 02/2017.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve this appointment.

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

Planning Commission

Mayor Gonzales made the following appointment to the Planning Commission:

Brian Patrick Gutierrez – to fill unexpired term ending 06/2016.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM RED LOBSTER RESTAURANTS, LLC FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LICENSE #2620, WITH ON-PREMISE CONSUMPTION ONLY, FROM GMRI, INC., TO RED LOBSTER RESTAURANTS, LLC. THIS LICENSE WILL REMAIN AT RED LOBSTER #478, 4450 RODEO ROAD. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of September 17, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet, noting the business is not located within 300 feet of a church or school. She said as a condition of approval the applicant is required to receive approval of an active building permit and issuance of a new business license and certificate of occupancy. There are staff reports in the packet regarding litter, noise and traffic and said we do recommend that this business be required to comply with all City ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Trujillo, to approve the request from Red Lobster Restaurants, LLC, for a transfer of ownership of Inter-Local License #2620, with on-premise consumption only, from GMRI, Inc., to Red Lobster Restaurants, LLC, with the license to remain at Red Lobster #478, 4450 Rodeo Road, with all conditions recommended by staff.

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

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

Against: None.

2) REQUEST FOR APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2013-2014 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER). (MARGARET AMBROSINO)

The staff report was presented by Margaret Ambrosino, from the Memorandum of August 8, 2014, with attachments, to the Finance Committee, from Senior Housing Planner, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Mayor Gonzales asked if there was any input from the public, or is tonight the venue for that.

Ms. Ambrosino said tonight is the venue for that, noting they solicited public comment in the City's advertisement in *The Santa Fe New Mexican*, and they had the document printed and distributed to 6 community locations – the Main Library, Southside Library, the GCCC, Senior Center and a couple of others. They picked up the sign-up sheets which were blank, so they did try.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Bushee asked, regarding Address Current and Emerging Needs, was not funded and is not part of the report – noting it is on packet page 8, report page 5.

Ms. Ambrosino said there is no data there, noting she is working from a HUD generated template and a computerized system which is a data input system allowing for narrative of program activities. She said the particular in question is non-homeless, special needs. She said the CDBG program did not fund categories, Frail, Elderly, certain disabilities. There are community programs and services out there, but this reporting was for CDBG related program funding. She said, at HUD's request, they wanted all the data templates preserved regardless of whether or not they applied.

Councilor Bushee said on page 24 she can see where local programming takes place. She understands this is a report she has to submit every year to show we are complying and utilizing the funds. She asked Ms. Ambrosino if, through these efforts, we actually are helping our homeless population. She noted the CDBG funds continue to shrink and we aren't reaching the housing issue particularly with regard to the homeless.

Ms. Ambrosino said the funding history of CDBG has been supporting down-payment assistance for low to moderate income households. The homelessness piece has been addressed through HUD funding through other service providers and not the City administering those funds.

Councilor Bushee asked if we are chipping away at the problem.

Ms. Ladd said right now we have approximately \$1.2 million in shelter plus care grants funneled through the City to our providers to be used specifically for rental assistance for the homeless. Our two new inflow and housing tax projects, 25% of the units are reserved for people transitioning out of homelessness. She said this year, for the first time through the Affordable Housing Trust Fund, the City funded a rental assistance program that LifeLink is administering for us. We've gotten so many calls from people saying they are about to be evicted asking for resources. And the answer was no until this year, reiterating LifeLink is administering these funds to keep people in their housing. So it's to pay rental arrears, to help someone with a deposit payment if they are moving, pay utilities. She said, "The whole point being it's much easier to help someone with a little short term assistance to keep their housing, rather than to get them rehoused after they have lost their housing.

Councilor Bushee asked if we get to some of the CDBG funds to these programs.

Ms. Ladd said that is a funding allocation decision made by the Community Development Commission makes every year. The Affordable Housing Trust Fund is a different pot of money, so this is funded through revenues through development – the Tierra Contenta repayment and two other funding sources – and when there are sufficient funds we can do an allocation. This was the way we could start a whole new program and really respond to the need we were hearing in the community.

Councilor Bushee would like a presentation in this regard to the Public Works and/or Finance Committees to really look at the growing needs proportionally.

Ms. Ladd said certainly. She said the Housing Needs Assessment done in 2013 showed that the most pressing, emerging unmet need was for rental housing for very low income people. We probably need to look at updating some of the data that went into the housing needs analysis, because needs do change. Unfortunately, we're stuck with data sources that always lag behind.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve this request as presented by staff, with the hope that we continue to keep pace with the growing, changing needs in the community..

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

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

Against: None.

- 3) **CONSIDERATION OF BILL NO. 2014-25: ADOPTION OF ORDINANCE NO. 2014-30 (COUNCILOR IVES AND COUNCILOR RIVERA). AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THE CITY OF SANTA FE TO CONDUCT A PUBLIC HEARING BEFORE THE GOVERNING BODY VOTES ON REALLOCATION PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE. (KELLEY BRENNAN)**

A copy of a proposed amendment to Bill No. 2014-25, Bond/Tax Reallocation, submitted by Joseph M. Maestas, City Councilor, is incorporated herewith to these minutes as Exhibit "10."

Kelley Brennan, City Attorney said this is largely self-explanatory, and is addressing an issue that arose recently in the reallocation of funds from a bond issue for Parks and other public spaces. She said she would stand for questions.

Councilor Rivera agreed that it is self-explanatory, noting there are two amendments, one from POSAC with which he is agreeable, and also one from Maestas which should be on your desk [Exhibit "10"], with which he also is agreeable.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to adopt Ordinance No. 2014-30, with the amendments in the packet and Exhibit "10."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend Councilor Maestas proposed amendment, after the word materials on the last line, "... Public information materials generated by the City of Santa Fe shall be consistent with that purpose." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said the language makes it clear that it is materials generated by the City of Santa Fe and it is also consistent with the amendment provided by POSAC.

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

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

Against: None.

I. ADJOURN

Councilor Rivera said he would like to wish Councilor Dimas a Happy Birthday on September 25, 2014.

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:00 p.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer