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SPECIAL MEETING OF THE
GOVERNING BODY
December 15, 2014

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**MINUTES OF THE
SPECIAL MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 15, 2014**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Peter N. Ives, on December 15, 2014, at approximately 5:00 p.m., in the City Hall Council Chambers.

2. ROLL CALL

Roll call indicated the presence of a quorum, as follows:

Members Present

Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Mayor Javier M. Gonzales
Councilor Patti J. Bushee
Councilor Signe I. Lindell

Others Attending

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

NOTE: All items in the Council packet for all agenda items are incorporated herewith by reference. The original Council packet is on file in the Office of the City Clerk.

3. APPROVAL OF AGENDA

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to approve the Agenda as published.

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

4. REQUEST FOR APPROVAL OF A LEASE AGREEMENT PURSUANT TO §19-7-55 NMSA 1978 AND 19.2.9 NMAC, BETWEEN THE CITY OF SANTA FE AND THE COMMISSIONER OF PUBLIC LANDS FOR APPROXIMATELY 30.55 ACRES OF STATE TRUST LANDS LYING WITHIN SECTION 36, TOWNSHIP 17 NORTH, RANGE 8 EAST, N.M.P.M., LOCATED SOUTHWEST OF THE SOUTH MEADOWS ROAD/NM 599 INTERCHANGE. (MATTHEW O'REILLY)

A Memorandum dated December 12, 2014, with attachments, to the Governing Body, from Matthew S. O'Reilly, Asset Development Director, is incorporated herewith to these minutes as Exhibit "1."

Mr. O'Reilly reviewed the information in Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

Ray Powell, State Land Commissioner, said he is really excited about this opportunity, and thinks it will turn out to be in the best interest of the Trust, noting they generate revenue for the public schools, universities and hospitals, and keep our taxpayer's bills down through this process. He said over the past four years, they have been doing projects like this one all across the State, which have resulted in more than 5000 new jobs, paying twice the salary of the local community. This collaborative and cooperative agreement is a win-win. Commissioner Powell asked the members of his staff to stand and introduce themselves.

Commissioner Powell said he appreciates Mr. Chacon being here from *The Santa Fe New Mexican*, and covering this development, because it represents exactly what collaboration between governmental bodies can result in – a real win-win. He said, "One of the concerns is always, have you done your due diligence and if people will have the opportunity to get to know what's happening there and make their comments know. I know, through your process, as you develop what I think will be a very successful business park out there, there will be a number of opportunities the public will have to learn about what the proposals are and to give their comments through that process. So again, I think this is something that, from our standpoint at the Land Office, we're very excited about and appreciate the professionalism and the talent that you have here in the City, and I think it will result in something that we can all, for generations, look back on as a real economic engine creating good jobs, more tax revenue, and more money for the school kids which results in lower taxes. I think, and it's been demonstrated across the State, that this sort of project is exactly what we should be doing. And I compliment you and thank you for the opportunity to work with you. Thank you Mayor."

Mayor Pro-Tem Ives thanked Commissioner Powell for his attendance and remarks to the Governing Body.

The Governing Body commented and asked questions as follows:

- Councilor Dominguez thanked Commissioner Powell for being here this evening, saying he is always a friend to Santa Fe. He said Mr. O'Reilly talked a little about restrictions, and asked if there are any other restrictions of which we need to be wary, such as the highway corridor – is there anything else that needs to be identified outside of the lease and the lessee's potential restrictions.

Mr. O'Reilly said, "As you can tell by reading the lease, it is very similar to the leases that the City itself enters into when it leases property or sells property. The landlord, the Lessor, the State Land Office, does retain some control over things, mostly approval control over what we do."

- Councilor Dominguez said, "We're the Lessee, they're the Lessor, the State."

Mr. O'Reilly said, "That is correct. They are the Lessor, we are the Lessee in this case. And most of those, as you can tell from the lease, require us to check with them before we do things, and there are certain requirements, as I described, the requirement for an approved site plan, the requirement for a ground disturbance permit, the requirement that if we build anything, they look at the construction plans beforehand and that we provide them as built drawings of those things. It is very similar to the kinds of things that we enter into from time to time when we lease our property to someone."

Mr. O'Reilly continued, "With regard to the requirements, I mentioned a minute ago, the site plan. If we get to the point where we're ready to build a fire station and we need to create a site plan, that would be the time where we would enter into our full public review process of this. We can do ENN's, we can have land use hearings on this thing, we can do a site plan that may or may not contain a rezoning action that would require Planning Commission and City Council meetings. So, we can undertake those steps of our own volition. And were someone else to control this property, the State Land Office would not necessarily be required to do that, so by controlling this property, we can work with the State Land Office to create a robust public involvement when the time comes. What's in front of you tonight is just securing the land and tying it up so the City can move forward with its plans."

- Councilor Dominguez said, "Just one question for you Chief. How many acres do you need for a fire station. We want the biggest, best fire station in that area, so what has your analysis been so far."

Chief Erik Litzenberg said, "We generally look at our footprint to be in the neighborhood of 3 acres for a station that is usable for the right size crew."

- Councilor Dominguez said, "This is a great opportunity. Thank you again Commissioner for your work on this. Thank you staff for your work on this as well."
- Councilor Maestas thanked Commissioner Powell for his service to the State, and thanked him for collaborating with the City on this great project which has great potential. He said he looked through the lease, and he sent questions to Mr. O'Reilly in advance, and he has addressed some of them.
- Councilor Maestas said, "I'm going to go down my list and restate those questions that haven't been fully answered. One of them is that the lease is for 25-years, and Matt, you mentioned we could simply employ a pay-as-you-go process, and we could maybe benefit from a sub-lease and pay off whatever development we may make. In looking at the potential cost of a brand new facility, such as a fire station, and no doubt we probably would have to pay for the extension of the utilities. I don't know what that cost is, but we may require some method of financing. Would the funders look favorably on a 25-year lease versus something longer, or would that be an impediment to financing improvements if we need to."

Mr. O'Reilly said, "That is a good question, and one of the first things I thought about in looking at this process. As I said before, the State law allows the Commissioner of Public Lands to enter into up to a 25-year lease with the municipality. But if we were to figure out a way to build our fire station, and hopefully we will, or if someone else comes to us and figures out they want to put their business on this property, at that point, before we made the final decision to do that, we would want to go back to the State Land Office, and most likely ask to enter into what they call a bid lease for this property, which would allow us to extend the lease term beyond 25-years. We don't need to do that right now today, because we aren't immediately ready to put a fire station here, and we don't immediately have some wonderful company that wants to be located on this property. But once those things started to gel and we were moving closer to that, that would be a time that we would take the opportunity to reach out to the State Land Office again, and do whatever their procedures require to enter into a lease with a much longer term. So, we could fund our fire station, and so that private companies that were going to build here would be able to finance their improvements."

- Councilor Maestas said, "My next question is on the improvement value credit. It seems, in reading this, that there really are no limitations by the Land Commissioner and the office. I mean, it could be terminated at any time, they can initiate mining on that land. Really there are no essential limitations. The only protection is kind of locking at the base rent, and any sublease rent, whether it's public or private development."
- Councilor Maestas continued, "But my question is, in reading the section on the improvement value credit, it seems that the State Land Office has full discretion to either modify the credit, which would be based on a fair market appraisal, or reject it outright. And I'm concerned, because that appraisal and that credit is our investment in the property. So, if we walk away after some investment, I want to make sure that we do realize our return on investment, that we get appropriate credit on it, and not just for actual construction, but the fair market value, or should I

not be worried about this. There's no kind of dispute resolution process. What if we disagree with the appraisal, or if we agree with the appraisal and we disagree with the Land Office who doesn't fully accept the appraisal. I'm kind of concerned about that. Can you maybe clarify how we can be assured that our investment will be protected through this credit and the appraisal that will be the basis for the credit."

Mr. O'Reilly said, "I understand the basis of your inquiry. The improvement value credit as stated in the lease is also subject to a reasonableness test. The lease does not allow the Lessor, the State Land Office, to outright dismiss and not give us any of our improvement value credit. The way it reads is that the Lessor reserves the right to reasonably modify and reject any such appraisal in the amount, if any, of the improvement value credit, shall rest in the Lessor's final, reasonable discretion. That does not mean they can throw the whole thing out. And Kelley can talk about what the reasonableness test means."

Mr. O'Reilly continued, "The other thing I will say, before I think I should let somebody from the State Land Office describe how they handle these things. I think that you want to look at this provision of the lease in the context of the extremely favorable lease terms we are being offered in the first instance. As my report to you stated, there is currently property directly across the street from this parcel which has been master planned. It's almost exactly the same size, about 28 acres, and it is currently being offered for sale for more than \$8.4 million. And they are offering it for ground lease in the many tens of thousands of dollars per acre per year. So even if it were possible, and I don't believe it is, for the State Land Office to outright reject what we think is our improvement value credit, we would still be in this lease far far below the market rate of what it would cost for us to go out and buy a piece of private property and put our fire station on it."

Mr. O'Reilly continued, "So with that said, I'm not an expert on the improvement value credit and how they handle that internally. So."

- Councilor Maestas said, "Yes. If you could define final, reasonable discretion."

Harry Relkin, General Counsel for the Land Office, said, "It's an excellent question and it's one that comes up very often for us with any of our Lessees. The first thing that makes us quite a bit different than a normal landowner, regarding improvements that become permanently attached to the property, which is what we're talking about here.... normally that becomes the property of the land owner. Under State law, with the State Land Office, that is switched. So that always is your property, the improvements that are placed on there, you own it, not the State Land Office. That's the first protection."

Mr. Relkin continued, "So if we were, at some future time at the end of the 25 years or whatever, to say no, we don't want to release it to you, we want to lease it to somebody else or do something else with our property, that entity has to come to you to get ownership of those improvements. If you won't give it to them, then the appraisal process kicks in. If you, and the then Land Commissioner don't agree on that process, there's an administrative hearing process that ensues and ultimately that goes, in this case, to the Santa Fe District Court. So if, in your judgment at that

point in time, whenever that is, the then Land Commissioner is not being reasonable, you have multiple ways of making sure you are protected.”

Mr. Relkin continued, “And historically, this is the reason there’s been millions and millions and millions of dollars invested on State Trust Land on 5-year grazing leases. If not for that improvement value credit, the banks would not have loaned on that on 5-year, short term leases, which is what we can lease for grazing. So it’s a mechanism to try to assure our lessees, but it’s an excellent question. It’s exactly the right question, but it’s the uniqueness of the State Land Office and who actually use those improvements that make us different, and the built-in process all the way up to an appeal to court if the two parties can’t come together. Hopefully, that answers your question.”

- Councilor Maestas said, “It does. Thank you. Maybe you should stay up there, I have one more question and Matt, you touched on it, on Section 8 titled Reservations and Negative Easement. And I understand the need for the State Land Office to maintain rights over any mineral rights and be able to make decisions regarding mining. My concern is, I didn’t see any limitations on surface area disturbance from mining. Let’s just say the State Land Office, after it leases this land to the City, decides to allow mining on a portion of it, what impact will that have on the property. I didn’t see any limitations/restrictions on mining.”
- Councilor Maestas continued, “My fear is, not only will this allow for any kind of unilateral approval of mining on this land, if we want to stop it, we have to pay more rent. And I really felt like the City is in a vulnerable position, and this seems to be totally at the discretion of the Commissioner. So, there could be an administrative policy change where, okay, we’re going to allow some mining. And if we want to stop it, we have to pay more rent. Can you maybe address the parameters, let’s just say, if mining were to occur on that parcel. What protections, limitations, would there be for the Lessee, for us.”

Mr. O’Reilly said, “I’d like to speak to that, but do you want to go first.”

Mr. Relkin said no.

Mr. O’Reilly said, “It’s a great question again Mayor, Councilors. Section 8 of the lease Reservations and Negative Easement talks about the resources themselves for exploring and mining and developing those resources, but it also talks about the necessity for easements and rights of way in order to get to those resources. And in Section 8(a) it talks about the Lessor reserving rights of ways of access, ingress that are necessary to get to those resources. And in the next paragraph, it also says that any such right-of-way or easement shall be located to avoid unreasonable interference with permitted uses.”

Mr. O’Reilly continued, “Now, that language may not be sufficiently calming for the Council. And so, I’ve been in touch with the Land Office, and I’ve inquired with them what it would take for the City to just, at this point in time, obtain this negative easement or remove these rights. What I am going to recommend when I close is that the Council approve the lease with a couple of

conditions. And one of the conditions would be that we amend Section 8 and pay the State Land Office some sort of a fee to obtain this negative easement or remove these rights. And that the Council, given the incredibly low rate that we're entering into the Land Office right now in this lease, that the Council approve up to say \$4,000 as a one time fee to remove this provision or to buy this negative easement. So that will be a condition that I propose to you a little bit later in my presentation, and that would eliminate this."

- Councilor Maestas said he will wait for that recommendation, "but maybe if you could do the math and tell us, even if we purchase the negative easement, where is that revised price relative to market value of the lease, just to make sure that it's still a good deal, even with the negative easement. But I would recommend that we address this. The economic development potential is great, but as long as the discretion exists for the Land Office to allow mining on this parcel, could curtail our future options. And so that was my concern with Section 8."

Mr. Riley said because when we get to the point of building a fire station and/or the point where a future business wants to locate on this property – before we get to that point, we will be going back to the Land Office to request a longer term lease, and we would roll that provision into the longer term lease at that time. He said he didn't see it as an important thing to address right this minute as we are entering into the first 25-year lease, but there's certainly no reason why we couldn't. I would say that if the Council is willing to set a limit of \$4,000 as a one time fee so the Land Office would not pursue these mineral rights. If you apply that \$4,000 across a 25-year lease, it's hundreds of dollars and our lease is already at a few hundred dollars per acre in the first instance in the way it's drafted, and we would be well well below what the market rate would be if we were able to go out and try to obtain private land for the same purpose."

Mr. Riley continued, "That said, I think that you might have had some other questions, Councilor. I think you wanted to know if any water rights conveyed with the lease. The water rights do not come with the lease to the property, but the City through it's water ordinances does derive water for a fire station. And any future other developer on the site, would have to comply with our water development budget ordinance, meaning they would have to bring water rights or pay a fee in accordance with our water ordinance. So no water rights actually come with this lease."

Mr. Relkin said, "A very good question. A couple of points that I would like to make that might be helpful. First of all State law requires us to reserve those mineral rights and access to them. It's not a discretionary thing with the Commissioner. The second thing to recognize is pragmatically, the surface owners disturbance law protects the surface owner from a mineral disturbance. So the mineral state is dominant in New Mexico law, but nonetheless, if that mineral exploiter of the mineral is causing damage to the surface, then they have to pay for that. So you see, State-wide and in other states in similar situations, is that the business reality says if you've got a fire station and an economic development part and somebody's thinking about sand and gravel, the numbers don't add up for that sand and gravel operator to try to get a mineral lease from the then Commissioner. That's kind of the practical balance. And so a lot of people that get surface leases from us, ground leases from us, choose not to purchase this negative easement. They believe the economic reality."

Mr. Relkin continued, "Now if you're in the oil patch, you might think a little differently, but in places where that isn't the case, a lot of them make that choice. Nonetheless to be your public body and to be totally comfortable, we have this where you purchase this negative easement. And what happens on that, just so you understand the process, you put whatever cap you want on it, whatever amount. We take it to our Minerals Division. They do an analysis of the mineral estate in that area, the geologists, and will come back with a value they believe for the term of the lease that the minerals might be. I have no idea what that would be, but in similar situations where the geology isn't indicating that we have gold, silver or oil immediately available, the numbers are relatively low. So that's a practical business decision that I think the City should make. But we have that way of dealing with it. And what the negative easement says is, so you have given us X amount of dollars, and for that while we have this right, this contract says we won't exercise it. We will not exercise.... we will not lease this for minerals because you have paid whatever amount and we've agreed that that's a fair market value amount for that."

Mr. Relkin continued, "Additionally, I would like to point out, while this lease is very favorable in terms, as Matt has been explaining, on the economics for the City, it is also a great boon for the State Trust. We have to get, from our perspective, true value for the use of the land. And the way we're doing it is, although we make \$800 million a year, or have under Commissioner Powell, never before, but made \$800 million a year, we can't spend any of that to improve our own land, not one dime. So we have to partner with either the private sector or other governmental entities in order to get our land improved, so we can get the higher rate of return when you actually do have a private sector user for that land, for example. That's how we get the money for the schools, we incentivize the City to make its investment as it deems fit, do the marketing, bring it, but then we start to get the return for our schools. That's the other nice thing, that rent goes back into our schools, so once again, we're saving all our taxpayers money by this arrangement. So I hope that answers the question on the mineral reservation."

- Councillor Maestas said, "It does. Lastly, I read some language in here about an environmental site assessment. Typically, in real estate, the property owner has to disclose any issues with the property. Matt, are there... has there been any kind of environmental site assessment. Should we be concerned about any potential findings, if and when we develop this property. Have there been any disclosures or assessments done by the Land Office on this parcel."

Mr. O'Reilly said, "The short answer is no, we haven't performed a Phase 1 Environmental Analysis of the property, and to my knowledge, neither has the State Land Office. But at the same time, the State Land Office has not informed us that there has been any uses of this property that would cause anything to actually worry about. I would also just remind the Council that the City has the ability to relinquish the entire lease any time we want to for the payment of a whopping \$50 fee. So, if for some reason we decide, you know what, this isn't working out for us, we're not going to put our fire station here or gee, we have doubts, we can relinquish this lease. I don't know, Kelley, if you want to speak to that."

Kelly Brennan, City Attorney, said, "I just wanted to add that on page 18 of the packet, Section 16 addresses Hazardous Materials, and Subsection B says, '*Lessee shall be responsible for conditions on the Lease Premises caused by Hazardous Materials placed thereon by Lessee or others acting by, through or under Lessee, but Lessee shall not be responsible or liable with respect to Hazardous Material conditions not cause by Lessee or by others acting by, through or under Lessee...*' So, we are responsible for our own pollution, but not for others."

- Councilor Maestas said, "Thank you. Those are my questions."
- Council Rivera said, "Kelley, I assume the Legal Department has reviewed this and is okay with it."

Ms. Brennan said, "Yes Councilor, we have and we are. And the only other comment I would make is that the lease, as pointed out by Counsel for the Commissioner of Public Lands, the Land Office, is many of these terms in the lease are mandated by State law, and are expressed in the Administrative Code that governs this particular form of lease."

- Councilor Rivera said, "Thank you. Another question for the Fire Chief. Chief, has there been any further discussion with County regarding what their plans are for the fire station that is in close proximity of this location."

Chief Litzenberg said, "Yes, we continue discussions with them. No matter what their plans are, there seems to be the issue is that it's partly a volunteer station. So, even if they move their paid staff once we assume full responsibility for the annexation area, they probably won't have the ability to move the entire volunteer group out for quite some time. So they would not be able to vacate that property entirely by the time we need to build. But yes, our discussions about it keep going. I don't see that their viewpoint will change any time soon."

- Councilor Rivera asked, "What would those volunteers respond to – just the Agua Fria Village?"

Chief Litzenberg said, "They mainly are responding to the traditional village and everything outside of 599, everything that's growing outside of 599."

- Councilor Rivera said, "That was all I had Mayor Pro-Tem. Thank you."
- Councilor Trujillo said, "Matt and Commissioner Powell.... first of all, thank you for your service to New Mexico, we appreciate that. I had a conversation with Commissioner Powell prior to this [meeting]. I guess, are there grazing rights that are tied to this piece of property, is what I'm hearing."

Mr. O'Reilly said, "Yes. The City, in working with the State Land Office and finalizing the due diligence, have identified that there is a residual grazing lease that is on part of this property. It actually is on all of this property. That grazing lease expires in 9 months. So, a few moments ago, I mentioned that I was going to recommend two conditions of approval. One was the negative easement, and if the Council is still interested in doing that, that could be a potential condition of

approval. The other would be that the State Land Office obtain a relinquishment from the current leaseholder of those rights prior to the City signing this lease. And it's my understanding that the State Land Office is in conversation with that leaseholder right now, and will be meeting with them this week to hopefully get that relinquishment."

- Councilor Trujillo said, "Okay. So I guess my question is to the State Land Office. Do you foresee a problem in relinquishing that."

Mr. Relkin said, "Councilor, I don't foresee a problem, but can't stand here today and speak for that grazing Lessee. We're in communication. They've agreed to have that discussion with us in the very near future. In addition to that, this is a very very small part of a much much larger grazing lease and it's isolated now that 599 has gone through, so I don't think there has been a cow on it for a long long time. But, nonetheless, the process and the rights of the grazing lessee, we have to go through that process and those rights are protected up until the lease expiration. So, I think the recommendation of Matt to make it contingent upon that makes a lot of sense to me."

- Councilor Trujillo said, "Thank you. That's all I have Mayor Pro-Tem."

- Mayor Pro-Tem Ives said, "I only have one or two observations. I thought that the negative easement actually provided an appropriate balance between the possessory interest being given to the City of Santa Fe, and the ongoing obligations of the State Land Office under their Trust responsibilities to bring in revenue, and I wasn't aware of the opportunity to buy that out. That certainly makes that a much easier process and something we can address up front, which I think you're hearing expressed as a positive from the Governing Body."

- Mayor Pro-Tem Ives said, "The only other question I had under Permitted Uses, and this a little different than what you had indicated, Matt. It says that '*The Lessor and Lessee acknowledge that Lessor is not subject to any municipal or county ordinances and regulations that may on the effective date or thereafter regulate zoning and use of the leased premises.*' And that's presumably under the supremacy of State vis a vis the ordinances and what not of the City of Santa Fe. It goes on to say that we would use those as guidelines, so I think the effect is much the same and certainly appreciate the opportunity to be observant of our own processes, even though it might be State property. So what is the pleasure of the Governing Body."

- Councilor Dominguez said, "Just real quick, Mayor Pro-Tem. Are those the only two conditions that you had Matt."

Mr. O'Reilly said, "Yes, Mayor Pro-Tem, if it's okay, I would like to restate what I think those conditions of approval might be. The first would be that the City not sign the lease until the existing grazing lease on this property is relinquished by the current lessee. And two, that the City Council authorize up to \$4,000 to purchase a negative easement on the property and that be done at the same time as the main lease is executed."

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to approve the lease pursuant to the discussion and the lease we have before us, with the two conditions that it will be contingent upon the existing grazing lease being relinquished and that we allocate up to, but no more than \$4,000 to purchase the negative easement.

DISCUSSION: Mayor Pro-Tem Ives said, "On that point, and before going further, let me just ask a clarifying question on the grazing lease. You said it was set to expire in 9 months, so I assume it's expiring based on its term as opposed to simply having to be renewed or repaid for the ensuing year. It begs in my mind the question I've been worrying about totally getting rid of the lease which is certainly the best alternative, which is to go ahead and sign this and put it in place, but simply have the rental obligation and the term begin as of the point that the grazing lease is terminated. And I don't know if that's a possibility for the State Land Office. That way, we secure it and get it in place without having to worry about any changes."

Mr. Relkin said, "That's a possibility to explore. However, I'll point out a few reasons why that might not make the most sense in this case. First of all, the Land Commissioner has the authority to withdraw from any grazing lease when there is a higher and better purpose for that land, up to 640 acres or ½ of the grazing lessee's lease, whichever is less. So if, and we hope this doesn't become the situation, that discretion rests with the Commissioner at that time, if for some reason we can't work something out, which I'm very hopeful that we can. And we always like to try to do that first, for obvious reasons. Second, if we issued this lease today, or after these conditions are met, without getting the relinquishment, we will have leased someone else's property while their lease is still in place. And without their agreement on that, I think we could be subjecting both of ourselves to potential challenge as opposed to the other two methodologies that we have. And so we think it makes a lot more sense. We have faced this issue before. It's never gone through the courts before, and so we think this is the much more prudent way and also the much more neighborly way in this particular instance. So, that would be our suggestion, Mayor."

Councilor Maestas said, "I'm a little uncomfortable with capping the purchase amount for the negative easement. Can the State Land Office simply agree that if the appraisal for the potential for mining exceeds \$4,000, that you'll agree to \$4,000, because this appraisal is to be determined. So what if the appraisal exceeds the \$4,000 cap on the purchase for the negative easement. Then that will scuttle the deal."

Mr. Relkin said, "So, if I might make a suggestion, Mayor, Councilor. We cannot agree that \$4,000 is going to be the cap tonight, without having our geologists take a look at it. It's not a full-blown real estate appraisal, it's an evaluation by our in-house geologists and they can turn it around rather quickly, and they do this, not every day, but multiple times a year, so they're pretty good at it and pretty quick at it. So, what I might suggest in order to alleviate your concern is to have a cap of \$4,000 or an amount agreed to by the Land Office and bring it back to the Council for approval, if there's anything above the cap."

Mayor Pro-Tem asked the City Attorney to weigh-in.

Ms. Brennan said, "I would suggest a cap, a higher cap, if that were acceptable to you, just to be on the safe side. I assume that the \$4,000 number represents some kind of sense of an estimate of a top number, but to avoid having to come back at a period when it would be difficult to do that, I would consider setting a higher cap that, nevertheless, represents your level of tolerance for that."

Mayor Pro-Tem Ives said, "Madam City Attorney, let me just ask, given the expenditure authority of the City Manager, do we have to set a specific cap or is that something that could be left to the discretion of the City Manager."

Ms. Brennan said, "If you are willing to do so, you could leave it to the discretion of the City Manager within the \$50,000 authorization and make that the cap, or less, I mean it could be \$10,000, with the authorization of the City Manger."

Mayor Pro-Tem Ives said, "I think we have a couple of options here."

Councilor Maestas said, "I would just leave it to the City Manager's discretion relative to the lease."

Councilor Dominguez noted that the Governing Body is well aware of the whole easement thing. He is confident the City Manager would make us aware of it and it's not something that has to be in the lease itself. He said, "I just don't want the City Manager to go spend \$50,000 or \$49,000 on this. It's not very likely, but there's just not I guess a fallback provision in here for us anyway. But I'll go ahead and amend the motion."

FRIENDLY AMENDMENT: Councilor Dominguez proposed to amend the motion to leave it to the City Manager's discretion on dealing with the purchase of the negative easement. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

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

Against: None.

Mayor Pro-Tem Ives thanked Mr. O'Reilly for his presentation, and Commissioner Powell and staff and Chief Litzenberg and staff for attending the meeting and responding to questions.

9. ADJOURN

The was no further business to come before the Governing Body, and the meeting was adjourned at approximately 6:10 p.m.

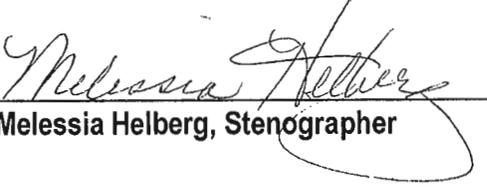
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer

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 December 10, 2014

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REQUEST FROM QIANG TU FOR THE FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE WOK CHINESE CUISINE, 2860 CERRILLOS ROAD #A2, WHICH IS WITHIN 300 FEET OF THE SANTA FE CHRISTIAN FELLOWSHIP CHURCH, 2860 CERRILLOS ROAD, SUITE C3;

Waiver granted

40-41

IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM QIANG TU FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE WITH ON PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE WOK CHINESE CUISINE, 2860 CERRILLOS ROAD #A2

Approved

40-41

REQUEST FROM RESTAURANT 210, LLC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE WITH PATIO SERVICE FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT TABLA DE LOS SANTOS, 210 DON GASPAR AVENUE

Approved

42

NEW MEXICO HARD CIDER, LLC, HAS REQUESTED THE FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE PRODUCTION AND SALE OF ALCOHOLIC BEVERAGES (WINE ONLY), AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D, WHICH IS WITHIN 300 FEET OF IGLESIA RENACER MINISTERIOS, 1225 PATHWAY DRIVE

Approved

42-44

IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM NEW MEXICO HARD CIDER, LLC, FOR A WINE GROWERS LIQUOR LICENSE TO BE LOCATED AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D

Approved

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NEW MEXICO HARD CIDER, LLC, HAS REQUESTED THE FOLLOWING:

PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE PRODUCTION AND SALE OF ALCOHOLIC BEVERAGES (WINE ONLY), AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D, WHICH IS WITHIN 300 FEET OF IGLESIA RENACER MINISTERIOS, 1225 PATHWAY DRIVE

Approved

44-45

IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM NEW MEXICO HARD CIDER, LLC, FOR A WINE WHOLESALER LIQUOR LICENSE TO BE LOCATED AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D

Approved

44-45

CONSIDERATION OF BILL NO. 2014-32: ADOPTION OF ORDINANCE NO. 2014-36. 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

Approved

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CONSIDERATION OF BILL NO. 2014-33: ADOPTION OF ORDINANCE NO. 2014-37. AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987, TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY

CONSIDERATION OF RESOLUTION NO. 2014-101. A RESOLUTION DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS WHO MEET THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A POSITION ON THE COMMISSION.

Approved [amended]

46-51

Approved w/amendments

46-51

CONSIDERATION OF BILL NO. 2014-34: ADOPTION OF ORDINANCE NO. 2014-38. AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE, SECTION 18-1 SFCC 1987 AND THE BUSINESS REGISTRATION ORDINANCE, SECTION 18-2 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

Approved

51-58

CONSIDERATION OF RESOLUTION NO. 2014-103. A RESOLUTION RELATING TO THE LIVING WAGE ORDINANCE, §28-1 SFCC 1987; DIRECTING STAFF TO EXPLORE AND RECOMMEND TO THE GOVERNING BODY A LIVING WAGE PROGRAM THAT WILL EDUCATE AND ASSIST SANTA FE BUSINESSES IN COMPLYING WITH THE LIVING WAGE REQUIREMENTS AND A MECHANISM FOR CITY STAFF TO PERFORM FIELD COMPLIANCE REVIEWS OF BUSINESSES TO ENSURE COMPLIANCE WITH THE LIVING WAGE ORDINANCE

Approved

51-58

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
December 10, 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, December 10, 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 P
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

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

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 Dominguez 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 Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10. CONSENT CALENDAR

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of December 8, 2014, regarding Item 10(b), is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of December 8, 2014, regarding Item 10(d), is incorporated herewith to these minutes as Exhibit "2."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of December 8, 2014, regarding Item 10(t), is incorporated herewith to these minutes as Exhibit "3."

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT – YOUTH WORKERS TO IMPLEMENT STORM WATER MANAGEMENT IMPROVEMENTS AND SANTA FE RIVER AND WATERSHED IMPROVEMENTS; YOUTHWORKS, INC. (BRIAN DRYPOLCHER)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – DESIGN SERVICES RELATED TO REPLACEMENT OF SOUTH DEHUMIDIFICATION UNIT AT GENOVEVA CHAVEZ COMMUNITY CENTER; THE RESPONSE GROUP, INC. (JASON KLUCK)**
- c) **REQUEST FOR APPROVAL OF ELECTRIC LINE EXTENSION AGREEMENT – SOUTHWEST ACTIVITY NODE (SWAN) PARK PHASE I; PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM). (MARY MacDONALD)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – ON CALL ENGINEERING DESIGN SERVICES FOR UNDERPASS PROJECT; LOUIS BERGER GROUP, INC. (LEROY PACHECO)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**

- e) *[Removed for discussion by Councilor Bushee]*
- f) REQUEST FOR CONCEPT APPROVAL OF SALE OF REAL ESTATE CONTAINING APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – 2,000 (96 GALLON) RESIDENTIAL REFUSE CONTAINER LIDS FOR ENVIRONMENTAL SERVICES DIVISION; TOTER, INC. (LAWRENCE GARCIA)
- g) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR FY 2014/15 WILDLAND URBAN INTERFACE GRANT FOR FIRE DEPARTMENT. (JAN SNYDER)
- h) REQUEST FOR APPROVAL OF BUDGET INCREASE FOR WILDLAND URBAN INTERFACE GRANT FROM STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES. (JAN SNYDER)
- i) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT FOR SUPPORT VEHICLE – ONE TON TRUCK FOR FIRE WILDLAND DIVISION; DON CHALMERS FORD. (JAN SNYDER)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – FIRE FUND.
- j) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT FOR TWENTY (20) MOBILE RADIOS AND ACCESSORIES FOR FIRE DEPARTMENT; MOTOROLA SOLUTIONS. (JAN SNYDER)
- k) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT FOR 2014 FIRE ENGINE FOR FIRE DEPARTMENT; SIDONS-MARTIN EMERGENCY GROUP. (JAN SNYDER)
- l) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JANUARY 14, 2015:
 - 1) BILL NO. 2014-36. AN ORDINANCE RELATING TO THE PLAZA PUSHCART VENDOR ORDINANCE; AMENDING SUBSECTION 23-5.5 SFCC 1987, TO CHANGE THE NUMBER OF LICENSES ISSUED AND THE TERM OF EACH LICENSE AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE ORDINANCE (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ, MAYOR GONZALES AND COUNCILOR IVES). (SEVASTIAN GURULE)
 - a) A RESOLUTION AMENDING RESOLUTION NO. 2002-79 TO CHANGE THE ANNUAL LICENSE FEES FOR PLAZA PUSHCART VENDORS (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ, MAYOR GONZALES AND COUNCILOR IVES)
- m) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT FOR FY 2014/15 WILDLAND FIRE HAZARD REDUCTION AND ADJUST REVENUES TO MATCH BUDGETED EXPENDITURES. (JAN SNYDER)

- n) **REQUEST FOR APPROVAL OF BUDGET INCREASE FOR PROCUREMENT OF TEN (10) EMS GURNEYS FOR FIRE DEPARTMENT FOR STRYKER EMS EQUIPMENT; PROCUREMENT APPROVED AT FINANCE COMMITTEE MEETING OF OCTOBER 20, 2014, AND CITY COUNCIL MEETING OF OCTOBER 29, 2014. (JAN SNYDER)**
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed for discussion by Councilor Dominguez]*
- q) **CONSIDERATION OF RESOLUTION NO. 2014-96 (COUNCILOR IVES AND COUNCILOR TRUJILLO). A RESOLUTION ENDORSING THE EFFORTS OF NEW MEXICO DENTAL FOUNDATION FOR THE MISSION OF MERCY PROGRAM ("NM MOM") TO PROVIDE NO COST DENTAL CARE TO THE RESIDENTS OF SANTA FE AND AUTHORIZING THE WAIVER OF FEES FOR USE OF THE SANTA FE COMMUNITY CONVENTION CENTER FOR THE NM MOM EVENT IN APRIL OF 2016. (RANDY RANDALL)**
- r) **CONSIDERATION OF RESOLUTION NO. 2014-97 (COUNCILOR DOMINGUEZ). A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY TO REFUND THE NEW MEXICO FINANCE AUTHORITY CONVENTION CENTER LOAN. (HELENE HAUSMAN)**
- s) **REQUEST FOR APPROVAL – CITY OF SANTA FE SCHEDULE FOR 2015 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA VIGIL)**
- t) **CONSIDERATION OF RESOLUTION NO. 2014-98 (COUNCILOR BUSHEE, COUNCILOR LINDELL, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO AND COUNCILOR DIMAS). REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES, BY COUNCIL DISTRICT, FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52ND LEGISLATURE – STATE OF NEW MEXICO – FIRST SESSION 2015. (BRIAN SNYDER)**
- u) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – CITY SEWER SERVICE FOR SANTA FE BREWING COMPANY PROPERTY UNDER THE TERMS OF THE 2008 SETTLEMENT AND SFCC 22-6.2; SANTA FE COUNTY. (NICK SCHIAVO AND CLAUDIA BORCHERT)**

- v) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL RTU TO HYDRO GENERATOR STATION AND ADDING McCLURE RESERVOIR PROJECT ONTO CITY SCADA SYSTEM; AUTOMATION ELECTRIC. (ALEX PUGLISI AND ALEX GAMINO)**

**8. APPROVAL OF MINUTES: JOINT CITY/COUNTY MEETING – OCTOBER 20, 2014
REGULAR CITY COUNCIL MEETING – NOVEMBER 12, 2014.**

The following correction was made to the minutes of the Joint City/County meeting of November 12, 2014:

Beginning on page 8, global change of “perspective,” to “prospective.”

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the minutes of the Joint City/County meeting of October 20, 2014, as amended, and the minutes of the Regular City Council meeting of November 12, 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) AWARDS – MAYOR’S CUP FOR SCHOLASTIC CHESS.

Mayor Gonzales said earlier in the year he had visited the group and had issued the challenge to participate in the Mayor’s Cup for Scholastic Chess.

The Chess Coach, assisted by Mayor Gonzales, presented the bronze, silver and gold awards for the Mayor’s Cup for Scholastic Chess. The Chess Coach noted last Sunday the Students Championship was held for New Mexico Scholastic Chess and two of the children are still State champions, and hold many other high rankings state-wide.

b) SANTA FE PREP HIGH SCHOOL – BOYS SOCCER CLASS 4-A STATE CHAMPIONS.

Mayor Gonzales presented a trophy to the Santa Fe Preparatory High School Boys Soccer Class 4-A State Champions.

Coach Hirsch Wilson asked the members of the Soccer Team to introduce themselves. He said the fathers of two current soccer players played in the last State Championship for Santa Fe Prep 32 years ago. He said there are 20 on the roster with 8 seniors.

Mayor Gonzales read a description into the record of Santa Fe Prep's state championship win against Sandia Prep and congratulated them for bringing home the 4-A championship to Santa Fe.

Mayor Gonzales said Keenan Amer was the State Soccer Player of the year for 4-A, and congratulated him on his win, commenting that he was not advised of his win prior to this meeting.

Mayor Gonzales thanked the parents of the Soccer teams for Capital High and Santa Fe Prep for their support of their kids to get them to practice as well as to do their school work. He said we love champs and we are proud of these champions, and that all children of Santa Fe are champions as far as the Governing Body is concerned.

c) CAPITAL HIGH SCHOOL – BOYS SOCCER CLASS 5-A STATE CHAMPIONS.

Mayor Gonzales, Councilor Dominguez and Councilor Rivera, presented a trophy to the Capital High School Boys Soccer Class 5-A State Champions, and their coach Eugene Doyle.

Councilor Dominguez congratulated the team, and said many of the members of the team are overcoming challenges that a lot of young people don't have to overcome. He said the team is coached by Eugene Doyle, and Assistant Coach Moises Del Rio and managers Manuel Chavez and Rodrigo Garcia. He said there are 22 on the roster with 8 seniors.

Councilor Dominguez read a description into the record of Capital High School's state championship win.

Councilor Rivera congratulated the State Champs and said they are very proud of them, commenting Capital High is in Councilor Dominguez and his District.

Mayor Gonzales congratulated the team for capturing the championship and bringing home so much pride. He said Jesus Garcia was the State Soccer Player of the Year, and presented him with a soccer ball signed by him and all the members of the City Council.

d) PROCLAMATION – SANTA FE SCHOOL OF COOKING DAY – DECEMBER 13, 2014.

Mayor Gonzales read a Proclamation into the record declaring December 13, 2014, as Santa Fe School of Cooking Day and presented it to representatives of the School. He said there will be events for the community on Saturday

A representative of the school said the events are open to the public from 2:00 to 5:00 p.m. If you bring food for the hungry, you will get a coupon for 25% off in the market. She said they will have Santa Claus, cookie making, tamale making, music and food, and invited everyone to come. She thanked the City for its support over 25 years.

e) MUCHAS GRACIAS – 40TH ANNIVERSARY OF THE FRIENDS OF THE SANTA FE PUBLIC LIBRARY

Mayor Gonzales introduced the Friends of the Santa Fe Public Library in attendance. He said last week he held open office hours at the southside Library, and they do an amazing job to create community inside the library. He said people are looking at computers, studying and doing really neat things, in addition to checking out book. Mayor Gonzales presented a Muchas Gracias Certificate to the Friends of the Santa Fe Public Library.

Kitty Sherlock, President, Friends of the Santa Fe Public Library, asked the members of the group in attendance to introduce themselves.

Ms. Sherlock thanked the Mayor and Councilors, saying they are honored to receive this award, and gave a brief history of the Friends of the Santa Fe Public Library. Their mission is to support the public library, providing funding, advocacy programming and services to the diverse community of Santa Fe.

Mayor Gonzales said he presented them with "a piece of paper, but the gratitude from us is so much more for all you do. We really appreciate what you're doing, and we stand by you and look forward to our continued partnership into the future. Thank you."

f) 311 CALL CENTER PROGRAM HISTORY AND RECOMMENDATIONS. (SEVASTIAN GURULE)

A copy of a power point presentation *Industry Expert Esther Tenenbaum*, is incorporated herewith to these minutes as Exhibit "4."

Mr. Gurule said he and staff met with Esther Tenenbaum, Director, Albuquerque 311 Call Center, on November 7, 2014, and visited the 311 operation which is extremely expressive. He said the 311 Call Center serves as a crucial link between the public and local government by providing a one-stop shop for all City non-emergency services. Mr. Gurule noted the handout and said in the cover memo there are a list of options in no particular order, noting Brian Snyder had given the go-ahead to gather ideas. He introduced Esther Tenenbaum to make her presentation.

Esther Tenenbaum from Albuquerque presented information regarding this matter regarding the success of the program in Albuquerque. Please see Exhibit "4" for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Councilor Bushee thanked Ms. Tenenbaum for her presentation and enthusiasm. She said she has been wanting to get this system since 2008. She said, "Your budget total, and you said you brought outside staff for a new perspective, but I'm assuming you rearranged existing staff in some ways.

Ms. Tenenbaum said, "My operating budget annually is approximately \$3.2 million, and my call volume is about 2 million, which is a good price per call. This includes my software charges, my telephony, my staffing and my fringe benefits. So I have a larger constituent base, as well, but that's something you want to keep in mind, because it's not going to be just the people right here that are going to call. There are going to be a lot of people that come in. So that's a little bit about our budget."

Ms. Tenenbaum continued, "Our start-up budget was much higher. So from a start-up perspective, you want to look at software, because if you don't have anywhere to track those calls or any way of gathering that data, you're really just taking calls. And sticks tally isn't really effective for accountability from departments. So your software costs up front can vary, depending on what you're looking for, depending on how many licenses you need. I don't have the exact budget Councilor Bushee, but I know it was at least \$5 million to get us started."

- Councilor Bushee asked the number of staff are included.

Ms. Tenenbaum said, "I currently have 57 staff. We were projected for 70, but because of the efficiencies that we continue to build in, we've been able to give back."

- Councilor Bushee said, "And that was all new positions, nothing rearranged or reconfigured."

Ms. Tenenbaum said that is correct.

- Councilor Bushee asked, "How are you connected to the website."

- Councilor Dominguez said, "Can I ask a real quick question on the staffing, just to follow up. The 57 members of your staff, is that what you started out and what you have now. What was the number of start-up staff."

Ms. Tenenbaum said, "When we first began in the pilot phase, we were getting about 150 calls a day. Today, we get over 8,000 calls a day. So we actually started out with 4 call handlers and most of the staff at the beginning was the infrastructure – the supervisors, the managers, the quality training to get the infrastructure built while we were in the pilot phase. As we expanded hours, we also added some head count ahead of it. Our training program, when I came on board, was less than two weeks. And what you invest in training is what you get in return. I believe there is a big ROI. Our training program now is eight weeks. So if we know we have positions, we're not going to hire and bring two people in for an eight week training. We're going to wait until we have enough opens. We slowly added people."

Ms. Tenenbaum continued, "We went live to the public.... we started in a pilot phase in 2004. We went live to the Public on July 1, 2005. At that time, the forecasts were that we would only get calls for these departments. And I said, I know the way people behave. We're going to get calls for anything City-related. This is a test. So in the training, I built out the fact that we could get

calls just for that, and I think what are we going to do with it. So we were very efficient to begin with, but we gradually added our staff. We peaked with a budget of 73 positions. I never really filled them, because we were able to build efficiencies. We lost positions during the budget crunch, then we sized down our hours, we needed less positions.”

- Councilor Bushee asked if there is some way that they interact with the website.

Ms. Tenenbaum said, “Yes. That’s a challenge in any call center. It’s called the knowledge based challenge. And usually there is an entire time, made of 3-4 people that maintain information. I didn’t like that process. I said, you know our website has a lot of information on it. Why wouldn’t we just ask the departments to keep it current, and if we find the same information, ask them to get it up there. We can answer the questions and they won’t get the service request. Because if the information doesn’t exist, the department is going to get a ticket to work. And so, we got the buy-in from the departments. Hey, we don’t have to give them our frequently asked questions and maintain the website, we just need to maintain the website.”

Ms. Tenenbaum continued, “So I still partner and meet regularly. I’m part of the web team strategic planning. I go out to departments and say, okay this is why you’re getting this many service requests, we can reduce that, so I have data. And if you’ll get more information out there, we can answer the question. You can have more times to service the community. So very very close relationship between the departments and the website. Our departments each are responsible for their component of the website. My ideal would be to have a web team that’s over content that has partnerships out to the departments, but that’s just a little bit more costly.”

- Councilor Bushee said, “How critical would you say bringing outside eyes, new names, new people to the process. What I envision.... it got sort of waylaid previously, budgetary concerns. But really, nobody was familiar with the system and the successes of the system. For instance, we just hired a new Graffiti Manager, and we have a Graffiti Operations person. We have about five people now dedicated to graffiti. In the winter, they can’t get out there and eradicate graffiti. And my estimation of how this would work, is we might just do some reconfiguration with existing staff and training. And of course software would have to come along at some point. It just seems to me, to really get this started here, it’s not like we have a few spare million hanging around for this effort. It has always seemed a more efficient way to do business. And I would love some encouragement in hopes that we could do it with existing staffing levels.”

Ms. Tenenbaum said, “So, there’s pros and cons to that. Of course you can do it, then what are you going to do when graffiti season picks up, who’s going to take over your phone calls. Because by that time, you have gained some popularity, so now what happens to your process. So just want to look at what you’re going to do when these people go off to take care of graffiti. When we first started, we did borrow people in the pilot phase. And you could use graffiti as your pilot phase. You can use any department as your pilot phase. The pilot phase was the abandoned vehicles and the Mayor’s phone number, because they would get a lot of calls there. So we took existing staff then and said help us understand what you do with these calls. That’s when we saw

the inconsistencies. Depending on who got that call, was how they were doing it. So we were able to fix that within that group, but we did end up giving those people back to their department, because it is cyclical in graffiti. You're right, in the winter there's not much, but what are you going to do from the consistent standpoint then to do your call handling when it is graffiti season – move another department in, and then you've got the learning curve. So it can be done, it's not that it's impossible, it's that you want to make sure you have all your ducks in a row for your seasonality.”

- Councilor Bushee said, “Well, I guess I just meant, in some cases, we have duplication of effort, but this is probably something for a committee discussion. And maybe we can get you back up here.”

Ms. Tenenbaum said most definitely.

- Mayor Pro-Tem Ives thanked Ms. Tenenbaum for being here this evening.
- Mayor Pro-Tem Ives said Mr. Gurule noted there are options detailed in the Memorandum, and asked him to walk us through what he is looking for here tonight.
- Mr. Gurule said, “What we're looking at right now, is to receive direction from the Governing Body on how you would like us to start to proceed. There are a list of objectives we need to accomplish. We did an internal study in 2008, and it's been several years. And conducting that kind of internal study would be beneficial for us to truly understand what exactly we are going to be looking for, and where we could potentially start in trying to address the concerns. Brian has been very adamant in trying to implement a 311 system, and looking at the best cost-saving way to do so, but achieve the ultimate goal. I think right now, we're looking at conducting an internal study and being able to understand exactly where are the high call volumes, and what are those departments. And we have a really good idea with the information we collect. But it would be helpful for us to understand exactly the number of phone calls being received directly from those departments, divisions and sections, how much staff time is being spent in answering those phone calls, and what is being done with those phone calls. Are the calls primarily for information, which as Ms. Tenenbaum said, if that information can be placed on the website to reduce the number of calls. So I think right now, it would be beneficial for us to conduct an internal study to identify the needs, the benefits and challenges.”
- Mayor Pro-Tem Ives said it is published as a presentation, so he is unsure we are in the position of taking any action.

Mr. Snyder said, “I don't think we are in the position to take action. It is staff's goal to, one, bring this idea to you. It's been discussed since 2008 at different time. Present some options as staff sees them, based on our conversations with Albuquerque which is one example of a model. It's not the only model, but our hope was to get some dialogue flowing so we don't necessarily get some direction, but to get a sense of what the next step may be. I heard a couple of Councilors mention a committee processes. If that is the wish of the Governing Body, whether it starts at

Public Works, Finance or whatever committee that would be, we are open to that. But we would like to initiate the dialogue and try to get some feedback. Obviously there are costs associated with this, so it would end up at Finance at some point, but at the same time, it may start at a different committee first to get to the bare bones of what we would like to see with a 311 system, so we can put some costs to it, so we can have a good discussion about it.”

- Councilor Trujillo said he appreciates the discussion we just had, but he feels this really needs to go through the committees. And since it affects every realm of the City it has to go to Public Safety. He said he is glad this was brought forward, and asked if we need to do this by Resolution, and bring it to Public Works, reiterating it needs to go through a lot of committees.
- Councilor Dominguez said he is unsure if we're ready for a Resolution. He wouldn't mind having a more In-depth discussion at Finance to determine what we want staff to starting putting costs to. For example, if it will require a whole new software upgrade, that fits with Councilor Ives' legislation regarding IT and enhancing that department. He said, "So I think that before any legislation is considered, we need to have that in-depth discussion to vet some of these things out. And then from there, if any Councilor wants to propose any legislation relative to that, that's appropriate. I think that it has to be something that is part of our budget discussion, because without doubt, it is going to be an expansion of the operation we have at the City. That's something I think the Finance Director is going to have to be involved in. I think it is something worth discussion."
- Councilor Dominguez continued, "I know Councilor Bushee has talked about this since 2008. I'm interest in not only the potential costs as we talk about expansion, but just the efficiencies. I know during the presentation, it's acknowledged that you can't necessarily quantify some of those efficiencies. But we have to be able to have those discussions so we can give staff something more concrete to work with. And after that someone can propose a resolution. I'm happy to have that in-depth discussion at Finance, and you might want to be involved in that too Councilor Bushee, and Public Works as well."
- Councilor Rivera asked roughly how many people will be needed for this type of center.

Mr. Gurule said he hasn't done that research.

- Councilor Rivera asked if the call volume study attached to the presentation is current.

Mr. Gurule said that is from 2008.

- Councilor Rivera said then the cost could be considerably more now. He agrees with the other Councilors that we need further discussion on this and decide where we want to go.

- Councilor Maestas said he wants to reinforce Commissioner Dominguez's remarks. He said we have a long way to go and it isn't something we can just go out and procure, commenting a lot needs to be done internally. He said we have applied for a Quality Award, and the City was successful in getting recognized. However, we did get a lot of feedback on customer service, and we've been talking a lot about how to leverage our limited resources to improve our constituent relations and our responsiveness in getting back to complaints, resolving them quickly and such. He is sold on the concept, completely sold, and said "I have no doubt it will pay for itself, no doubt whatsoever." He support the recommendation to do the internal analysis, although he isn't keen on issuing an RFP and wonders why that can't be done with existing staff.
- Councilor Maestas continued, noting all the options presented have no fiscal impact, so it is premature to look at specific options and estimating the fiscal impact of those. He said we have committed to do a strategic plan, and that will guide the way we want the government to be now and in the future. That will play a big part in how we want the City to run. He thinks this service, when we get to that point, we will have a strategic plan, a new vision for the City, we'll assess all departments, especially with regard to constituent relations and being efficient. And then we'll be ready for prime time with hopefully the revenues to support start-up and such. This is a great start to a dialogue, but we have a lot of work to do.
- Councilor Ives said from his perspective, he thinks this clearly is the direction in which we need to be moving as a City. It represents an ease of contact to the public in how it interacts with the City, one stop one easy way to communicate. He said having a phone based system that accomplishes this make fabulous sense. He said the Memo requests approval to commence a thorough internal review, and thinks that's within the City Manager's purview, noting the Council has expressed interested in learning more about the possibilities before we consider doing an RFP. He said the Albuquerque experience clearly demonstrates it is not inexpensive, although it may clearly justify moving in that direction in terms of efficiencies and savings.
- Councilor Rivera asked if this system was in operation when Albuquerque had the Bosque Fires, and asked if there was a noticeable increase in 311 calls during that time.

Ms. Tenenbaum said they have been in many situations where the community had some sort of emergency. She said they were not in operation during the first Bosque Fire, but they did experience additional fires where people needed to know where to take their animals, what to do, if they are being evacuated. She said they were part of the freeze, the shortage of gas, and were able to identify that, noting PNM's phones weren't being answered, nor the Gas Company's, and they were able to set up a call center and help them. They have been part of the community emergency response team as a critical player. They also set up call centers to back up "our 242 cops," when the phone system goes down, and they were part of the H1N1 when it was an issue. She said in an emergency they can get out a centralized message to the community so there is one point of contact. They also are part of the school lock-down process.

- Councilor Rivera asked if they increase personnel during those times, or can they handle it with existing staff, and is there a call-back process.

Ms. Tenenbaum said they are considered as essential personnel, and she is fortunate to work with a group of people who are there no matter the weather or circumstances. She said when they get when they get call influxes, everyone takes calls, including herself, supervisors and managers who stay on the phones a minimum of 4 hours a week so they can be in touch with what their agents are dealing. During an emergency they can transition to a sustainable call volume. In the summer, all exempt people are on the phones taking calls as well, so they don't need to hire temporaries or bring in additional staff during emergencies.

CONSENT CALENDAR DISCUSSION

10(e) REQUEST FOR APPROVAL OF AGREEMENT – METER READING INFRASTRUCTURE SYSTEM AND IMPLEMENTATION SERVICES (RFP #14/14/P); BADGER METER, INC. (DIANA CATANACH)

1) REQUEST FOR APPROVAL OF BUDGET INCREASE – METER READING FUND.

Councilor Bushee said she removed this because she had a lot of constituent requests that we hold a public hearing, "but that may or may not go anywhere tonight." She asked if there is a way people can opt out, commenting we have concerns with antennas and some people have problems with this.

Ms. Catanach said, "One of the reasons is that the transparency comes from the tower itself, so she doesn't know if we don't put an end point on one particular house if it would make a difference. She doesn't know if that is an option, and deferred the question to Richard."

Richard Chavez, Meter Reading Supervisor, said, "It's based off a cellular tower, so there will be no antennas. The end point is what would transmit a signal at 3:00 a.m., I believe, is what we're looking at, for a second. Badger has bought time at a specific time which is 3:00 a.m. to transmit that signal."

Councilor Bushee said then that's why we distributed our broadcast, and there is really no opting out.

Mr. Chavez said, "The only opting out for that resident to not have...."

Councilor Bushee asked how that would change anything.

Mr. Chavez said it wouldn't change anything, they just wouldn't have an AMI.

Councilor Bushee said, "Again, I'm going to ask my colleagues if there would be any interest in having a public hearing on this issue for those that wish to express this concern."

There was no response by anyone on the Governing Body.

Councilor Bushee said, "Then, I'm going to have to let someone else make a motion."

MOTION: Councilor Maestas moved, seconded by Councilor Trujillo, to approve Item 10(e) and Item 10(e)(1) as presented.

DISCUSSION: Councilor Maestas said a lot of constituents sent emails of concern, and he received telephone calls as well. He said, "This is not the first wireless system that we've had. I believe, prior to my tenure on the Council, this debate already occurred. So I feel like this is not a new system, and I don't feel like this represents any kind of potential, new health threat, even if there is such a thing. And I have received some objective information regarding the FCC and the requirements, and a guarantee from the company that the radiofrequency waves are not harmful at all. The duration is extremely short, but I want to acknowledge that I did receive a lot of emails of concern. I think, in the future, any time any constituents raise some questions that we should err on the cautious side. And maybe not have a full public hearing, but maybe pull it and answer some of these questions before we go forward. Because I would hate anyone to feel like we're pushing something through and ignoring public input. So I made a motion, I'm going to support it, but I think in the future... and I know that there were some direct emails to key department heads about the concerns regarding the radiofrequency waves. So, in the future, I would like to take a more cautious approach."

Councilor Bushee said, "The previous system that didn't work, wasn't that directly on the meter."

Mr. Chavez said, "Yes, that was an end point, it was an apparatus that was on the meter and it was actually transmitting simultaneously."

Councilor Bushee said, "Right, but it was something that was a little easier to opt out. It wasn't as widely disbursed, let's just say, as this system is. The radio frequencies."

Mr. Chavez said, "If you didn't put a Firefly on the meter, your neighbor would have one."

Councilor Bushee said, "I understand that. I'm just saying.... the concern I'm getting from people is that it's this general broadcasting of radio frequency and that they have no option. And it's adding to the cumulative effect that some people feel that are very sensitive. Maybe Nick's got something else to tell us. So that's really where I'm coming from in terms of trying to let at least the public come forward and express their concerns."

Mr. Schiavo said, "The current Firefly system pulses out once every 3 seconds, so, it's about 28,000 times a day it pulses out."

Councilor Bushee said, "When it works, you mean."

Mr. Schiavo said, "The system that is being proposed will only pulse out once a day at 3:00 a.m. So it's one pulse, one second. It's the equivalent of having not even a cell phone at your ear for one second."

Councilor Bushee asked, "Is it different than the other in that at the end point it's not directly attached or fixed to the meter."

Mr. Schiavo said, "No Councilor. It is absolutely attached to the meter. It pulses out from your meter. That's how it takes the read. It's just going through the existing cell network."

Councilor Bushee said, "Thank you for that explanation."

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(o) CONSIDERATION OF RESOLUTION NO. 2014-99. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2014/2015. (CAL PROBASCO AND ANDY HOPKINS)

Councilor Bushee said we should take this opportunity to introduce the new Finance Director.

Councilor Bushee said, "My concern is on page 11 of the adjustments, Item 4150, where we are still carrying forward \$723,000 plus some hundreds on 2008 General Obligation bonds. Is that correct?"

Mr. Probasco said, "That was the adjustment reflecting the revised property tax yield. In most years we've used the certificate from the previous year, because we anticipated increase in valuations. I reviewed the certificate that was issued in September and made adjustments. And then, we had actually made an error in the original estimate for that property tax, so what that does is get is on track of the actual yield."

Councilor Bushee said, "So that's not money sitting in a pot."

Mr. Probasco said, "No ma'am. That's anticipated revenue from our property tax. And basically that comes in primarily in the December/January timeframe, then in May/June. We actually have a lot of confidence in the certificates we get, because DFA computes the rate with the latest valuations, and usually we're within a few hundred dollars at the end of the year, but a portion of that was a correction to an understatement of our revenue."

Councilor Bushee said, "Okay. So, in any of these mid-year adjustment line items are there any that are just monies that are sitting in a fund and haven't been expended in an appropriate time frame."

Mr. Probasco said, "I doesn't pass judgment on our project execution, but we have a large number of CIP projects in progress. The funding perhaps became available in the prior year, and the CIP adjustments reflect basically the needs of our capital program to be carried forward."

Councilor Bushee said, "Like, for instance, all of these various park and some trail projects that were just expended, I'm assuming they're not from a very old bond."

Mr. Probasco said, "No. In fact we just loaded, within the last 24 hours, the project money for the second sale of the Parks bonds. So what you see in the parks area, that's from the previous actions."

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to adopt Resolution No. 2014-99.

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.

Brian Snyder introduced Oscar Rodriguez, the new Finance Director, who has been with us since around Thanksgiving, noting he met with the last Finance Committee, so they had the opportunity to meet him, but the Council as a whole has not. He said, "Welcome Oscar, and if you want to say any words."

Mr. Rodriguez said, "Just hello. I'm honored to serve. I've been trying to get here for a long time, so it is great to be part of this great and beautiful community."

Mayor Gonzales welcomed Mr. Rodriguez, noting he had the opportunity to spend some time with him and is very excited about his vision and that he understands the mechanics of a budget and how it can be a very valuable tool in helping us make critical decision. He said, "I'm really glad you're part of the team, and thanks for being willing to come and work with us. I appreciate it."

10(p) CONSIDERATION OF RESOLUTION NO. 2014-100 (COUNCILOR DOMINGUEZ AND, COUNCILOR BUSHEE, COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION ADOPTING THE 2014 SANTA FE CITY AND COUNTY ADVISORY COUNCIL ON FOOD POLICY FOOD PLAN ENTITLED *PLANNING FOR SANTA FE'S FOOD FUTURE: QUERENCIA, A STORY OF FOOD, FARMING AND FRIENDS*. (SUE PERRY)

Councilor Dominguez said he removed this for two reasons. One, he wanted to thank all of the staff who have worked on this, and all the other community members that participated in the creation of this Plan. He said, "I think it's going to lay the foundation and the groundwork to really provide not only food access, but healthy food access to everyone in our community, not just those who can afford it. And so, I'd to just ask Morgan if she wanted to say a few words very quickly, and then we'll go ahead and move on this.

Morgan Day said, "Thank you so much for your time this evening Mayor and City Councilors. My name is Morgan Day, and I've been the coordinator for the Santa Fe Food Policy Council. I just wanted to come before you tonight to express our hope that you will consider adopting this plan as the official document to guide food access and so many other issues that the City and County of Santa Fe are facing. The Food Plan plans for Santa Fe's food future, which I'm sure all of you have seen. Hopefully you've had a few minutes to read over it. It was developed by the Santa Food Policy Council to ensure a safe, healthy and affordable food supply that will be available to all residents of the City and County of Santa for decades to come. This document helps bridge local, state and national issues including health, distribution, economy, education, agriculture and the land and water conservation through the lens of good."

Ms. Day continued, "The Food Plan represents community priorities and recommendations on growing food, accessing food and food education to promote the availability of healthy, affordable food for Santa Feans. The Food Plan's recommendations and goals are already in line with many of the goals of the City, City priorities on fostering community garden spaces, creating thoughtful regulation and education on urban farming, supporting local farmers to provide access to healthy, locally grown food. These are all perfectly aligned with the goals and priorities that are laid out in the food plan. And many bodies within Santa Fe City government are already working to the Food Plan as a guiding document. But even though the City's work has aligned with the Food Plan without formal adoption, we encourage the City Council to vote to adopt the Food Plan as its official roadmap toward community centered, sustainable access to healthier foods for all Santa Feans. I look forward with working with all of you to help make the goals laid out in the Food Plan a reality. Thank you."

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2014-100, as submitted.

DISCUSSION: Councilor Maestas thanked Ms. Day for attending the meeting, and thanked the sponsors of the Resolution as well. He asked to be added as a cosponsor. He said he grew up on a small farm, so he knows how important it is to grow your own food and how it can be vital in sustaining a community. He said when the recession hit, it was a reality check in terms of where we get our local food. He thinks this is a monumental step forward in preparing for any such occurrences in the future, and commended everyone for working on this.

Mayor Gonzales said, "I just want to add my thanks and gratitude. I love this document. It's probably been one of the coolest policy documents I've seen. And part of it is the roadmap and the goals, not only are they achievable, but they continue to foster an environment where we can honor our heritage, which as we

know in Santa Fe, is so much of our history. Even when the Tesuques occupied and lived in these areas, farming was very much a part of what happened in this community. And the fact that this document provides a pathway back for that in encouraging it, so that not only do we honor the heritage, but we do it in a way that provides food security and access to fresh food to our population. It is awesome. Well done Sue and the Council, for this. I'm giddy over it. I have been since I read it and am excited to see the rollout and what we can do to continue to support these efforts."

Councilor Bushee said, "I want to mention that this is a County effort as well. And I'm grateful for all the work of all the volunteers to date. It went beyond what I expected when I first brought forward some of these initiatives. And I think there's much more we can take on. I think urban agriculture is here to say, and food security issues are certainly a real concern in our community. I would love to link and intersect the two in whatever way possible. And I look forward to having the Food Policy Council take a look at that in a greater way and in more detail. I sent some proposals forward and they kind of stalled out. I would love to see them resurface with a real conversation behind them."

Councilor Ives said this is done in conjunction with the County, and asked if the County will be going through a similar adoption process.

Ms. Day said, "Yes. The County has already adopted the Food Plan."

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.

Explaining his vote: Councilor Ives said, "I would join as a cosponsor, and the answer is yes."

Mayor Gonzales reminded the Councilors that we will be doing a hard stop at 7:00 p.m., as agreed at the last meeting.

11. APPEAL – DRIVEWAY PERMIT #14-10-04; GABRIEL BROWNE FOR SOUTHWESTERN COLLEGE – 3952 SAN FELIPE ROAD. (JOHN ROMERO)

A letter dated October 14, 2014, to Southwest College, with attachments, from John J. Romero, Traffic Engineering Division, Public Works Department, is incorporated herewith to these minutes as Exhibit "5."

A copy of a letter to Brian Snyder, City Manager, via email and hand-delivery, with attachments, from Gabriel Browne, Praxis Architects, Inc., in this matter, entered for the record by Gabriel Browne, is incorporated herewith to these minutes as Exhibit "6."

A copy of a Plat showing a lot line adjustment, prepared by A-Z Surveying, Inc., dated October 7, 20013, entered for the record by Gabriel Browne, is incorporated herewith to these minutes as Exhibit "7."

A copy of a color drawing of the subject site, entered for the record by Gabriel Browne, is incorporated herewith to these minutes as Exhibit "8."

Mayor Gonzales asked John Romero to address the reason this is on the administrative calendar and not a public hearing.

Mr. Romero deferred to Kelley Brennan to answer this question.

Kelley Brennan, City Attorney, said, "This is under a separate appeal process in streets. It is not a quasi judicial appeal under our usual process. These are very rare and they're heard, we checked back, there have been a couple in the past, and this is exactly how they've been heard."

Councilor Bushee asked, "Kelley, have they ever been heard at committee. In the past, we've heard some things."

Ms. Brennan said, "No Councilor, I don't believe so."

John Romero presented information from his Letter dated October 14, 2014, with attachments, which is in the Council packet. Please see Exhibit "5" for specifics of this presentation.

Mr. Romero said the reason for denial was the fact that it was going to result in too many accesses, too close together. He said the process to obtain an access permit is an administrative permit, but upon denial, the City Code allows the applicant to appeal the denial to Council through the City Manager's Office, which they are doing right now. He said in the packet there is an aerial photograph of the subject sites, noting the existing site is highlighted in blue, and the proposed site is highlighted in red. He was unable to overlay the graphic, but believes the applicant may have better graphics. He said, "In essence, we're looking to have the red site not access San Felipe directly, but access the dirt road between the existing and proposed site."

At this time Mayor Gonzales said, "We are going to run out of time and not give the applicant enough of an opportunity to address the Council fully. I think we agreed at our last meeting that we would move into the public hearings at 7:00 p.m., to allow for those to move through and then go back onto the agenda and finish this. I hate to the ask the applicant to hold off and wait until we go through the evening, but we've got to stay consistent with the rules that we have."

Councilor Bushee said, "All we need to do is to allow for the public input at 7:00 p.m., we can then proceed with consent."

Mayor Gonzales said he looks to the Council veterans for input as to how they agreed. He said, "What I understood last time is that we would do a hard stop at 7:00 p.m., and go into the evening session, and when we concluded the evening session, we would go back to the administrative."

Councilor Bushee said, "I put it in there, the Governing Body Rules. Just move the public hearing to 7:00 p.m. We used to have people come in at midnight at the end of business, and then you stop."

Mayor Gonzales asked if that is Matters from the Public.

Councilor Bushee said, "Yes. And then you just proceed as you were going with the rest of the agenda."

Mayor Gonzales said, "The public hearings on the land use would just follow."

Councilor Bushee said, "Correct, we could go right into this one, right after."

Mayor Gonzales said, "With that said, we're just going to put a temporary pause on where you guys are. I'm going to allow the Council to take at least a 5 minute break, because they've been here since 5:00 p.m., and come back at 7:00 p.m. And we'll go to matters from the public to allow them to offer whatever input they want to the Council on any issue and then we'll come back right where we left off here, and continue on the calendar. Thank you for the clarification, Councilor Bushee. All right, we'll take a 5 minute break. We'll be back at 7:00 p.m."

Break 7:05 to 7:15 p.m.

Following the break, the Mayor moved to the Evening Session for Petitions from the Floor

EVENING SESSION

F. PETITIONS FROM THE FLOOR

A copy of a letter dated December 1, 2014, to members of the Santa Fe City Council, from Nohemy Bojorquez-Flores, with regard to the lack of sidewalks on the Southside and the need for sidewalks for pedestrian safety, especially for school children who walk to school and cross certain streets, is incorporated herewith to these minutes as Exhibit "9."

A copy of a petition containing approximately 900 signatures, submitted for the record by Mariel Nanasi, New Energy Economy, with the following heading:

Dear Honorable Mayor Gonzales, Honorable Mayor Pro-Tem and Councilor Peter

Ives, Honorable Councilor Patti Bushee, Honorable Councilor Signe I. Lindell, Honorable Councilor Joseph M. Maestas, Honorable Councilor Carmichael Dominguez, Honorable Councilor Chris Rivera, Honorable Councilor Ron Trujillo and Honorable Councilor Bill Dimas.

We are pleased to present you with this petition affirming this statement:

"I am writing to congratulate the City for its bold step to establish a municipal utility in Santa Fe, NM by Ordinance and express my strong support for the proposal. Like fellow Santa Feans I believe we should be doing more to shift to renewable energy and take advantage of the enormous potential and local economic benefits of solar. By using its authority under state law to create a municipal electric utility, the City is asserting Santa Fe's right to make energy decisions through a local, democratic process that benefits our residents, builds resilience in the face of climate disruption and protects our environment.

I understand that this ordinance will open the door to a number of options for our community to pursue more aggressive energy efficiency, renewable energy, and innovative energy solutions that will create tangible benefits for Santa Feans and provide our community the opportunity to become a national leader in renewable energy.

I applaud the City's leadership and ask you to vote in support of the Ordinance."

Attached is a list of individuals who have added their names to the petition, as well as additional comments written by the petition signers themselves.

***Sincerely,
Bianca Sopoci-Belknap***

is incorporated herewith to these minutes as Exhibit "10."

A copy of *The Gib Singleton Newsletter*, submitted for the record by Randy Pfeifer, is incorporated herewith to these minutes as Exhibit "11."

Mayor Gonzales gave each person 3 minutes to petition the Governing Body.

William Bruno, Ph.D., said he has a Ph.D. from Berkeley and has been a scientist at Los Alamos National Laboratories for about 20 years, and currently is semi-retired. He understands that today the Governing Body approved a plan to put new "wireless meters on all the water meters." He said, in his opinion, this will affect human health and wildlife, as well as plants. He said what is discouraging about this case.... federal law doesn't allow them to control when we put up certain antennas, in this case the federal government doesn't require us to put on these water meters. It should be done so that individual homeowners have an option, which has done with smart meters throughout the country, as well as the gas meters in New Mexico. He said an article published this year in *The Journal of Nature*, saying they have

done experiments for many years showing that migratory birds will orient their flight according to the earth's magnetic field. They would do this in wooden huts so there was no steel to interfere with their ability to do that. They then moved the huts onto the campus of the university in Germany. The birds "stopped being able to do it, the birds would fly in random directions," after moving the huts. They found if they shielded the inside of the cage with thin aluminum and grounded it, the birds retained their ability. Then they put transmitters in their huts and found that very weak electromagnetic signals were sufficient to cause the birds to lose this ability. He said what is remarkable about this is where is the antenna. How can a bird do this with no antenna. We're starting to understand the birds do have an antenna, it's called the cryptochrome gene, which has remarkable quantum properties which allows long term quantum coherence between electron states. It is triggered by light, noting the bird needs blue ultraviolet light to cause the electron separation. After that happens, the earth's magnetic field is enough to change the rate at which these electrons recombine. Humans have the same gene, and he says there are experiments that humans under the right conditions can respond to earth's magnetic field and use it for navigation.

Alexandra Seluja, Chair of Immigration Committee, said she is in support of Bill No. 2014-34. She said their community continues to have people coming forward being abused with wage theft. She said anything that can be done to enforce this with businesses, noting this is the minimum wage and everybody needs follow the rules. She said people are asked to work after they clock-out and don't get paid for it. There are people who are not paid the minimum wage established by the City. They are in favor of addressing the issues so businesses are aware of the consequences for not paying the City adopted minimum wage.

Mayor Gonzales asked people who are here to speak to an issue on the agenda, to wait until that public hearing for that particular item, unless they won't be here to participate.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
December 10, 2014**

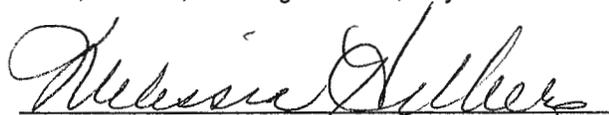
STEPHANIE BENINATO: Stephanie Beninato. Mayor and Council, I want to show you some things and I'm sorry that supposedly this machinery is not working right now. So I'm just going to hold this up and see what you can do with this, but I don't think you can. So I guess I will talk about it and then pass it around and would like it back. This is July 27th. This is 0.61 inches coming through the intersection. This is toward the end of the storm. As you'll see, the water comes up over the sidewalk. It's coming directly across the intersection and part of it is going north, keeping the other drain and coming down onto that drain. Again, my engineer expert said that size cubic feet per second, which is pretty much 0.69 inches, that photo there. And if that

much comes through the intersection it's unsafe and should be captured before it gets to the intersection. This is a photo taken on August 26th when Don Gaspar was flooding in the 500 block. This is at my house after it was starting to retreat. It had been up over the sidewalk, hitting the foundation of this historic house. And this is the third time this past summer at least that the foundation has been hit. Yolanda could you take this over, too. And this one is after that storm in September, September 22nd. You can see all the dirt is up on the sidewalk and also the drains are clogged. And the only reason the drain in front of my house isn't clogged, as I told you before, is that I went out and cleared part of the drain. You have a petition from 38 people who said an intersection is unsafe. It would be nice if you did something about it. In addition, the City wants to say that my house was put in after the street. This is a 1912 map of the City. My house is over here and the deed said the house was in place before 1908. The property was totally consolidated by 1913. And if you look at this map, and again, I'll pass it around, but I will need it back, you will see that West Santa Fe Avenue does not exist and that there is actually a building directly across from my property. So my property is actually protected from any downward slope before Santa Fe Avenue went in. The City chose to take away the building. The City chose to put the street in where it is. And so I think I have a very strong case. But I would like to avoid going to trial, and so I'm asking that you direct the City Attorney, Mr. Mayor, to sit down and actually talk me to me very seriously about settlement. Thank you very much."

MAYOR GONZALES: Thank you Stephanie.

Note: The photos to which Ms. Beninato refers in her petition were not entered for the record.

I certify that this is a true and accurate transcript of the requested portion of Petitions From The Floor, Item #F, Evening Session, City Council Meeting, December 10, 2014.


Melessia Helberg, Council Stenographer

Nohemy Bojorquez-Flores, said she is a lifelong resident of Santa Fe and served in Americorps after graduation. Ms. Bojorquez-Flores read a letter into the record with regard to the needs on the Southside, including lack of sidewalks and the need for sidewalks for pedestrian safety, especially for school children who walk to school and cross certain streets. Please see Exhibit "9" for the text of Ms. Bojorquez-Flores' statement for the record.

Tomas Rivera said he is a member of the Chainbreaker Collective, a membership based, economic and environmental justice organization Santa Fe, with 400 members the bulk of whom are transit dependent bus riders and bicyclists. He said with regard to the shuttle, they are in favor of staff recommendation to not continue the pilot program and to look for a better alternative. They believe extending evening service across the board, particularly to Route #2 serving the College as well would be a much better alternative. He will be happy to work with anyone from the City to come up with the position for that. They think extending evening service and service across the board is a much better solution for bus riders and the people of Santa Fe. He is here because the members are low income workers and to speak in support of the living wage issue. He said people talk to them about how people are being exploited at their jobs. The Chainbreakers wants to see that the living wage law is enforced in such a way it protects the low wage employees of Santa Fe.

Mariel Nanasi, New Energy Economy, said, "I'm the Executive Director and President of New Energy Economy. I believe tonight Patti Bushee is introducing a Resolution to remove the franchise agreement with PNM. I am here to speak in opposition to this, the City taking this aggressive stance that is directly threatening our climate. There was a unanimous decision made by this body to oppose PNM's replacement power plan at the PRC, which is all coal and nuclear. This replaces the closing of coal at San Juan with the purchasing of more coal from fleeing co-owners and more nuclear at huge expense to New Mexico ratepayers. PNM's ownership in the San Juan Coal Plan will go from approximately 46% to 59%., adding more coal to the generation mix for New Mexicans, is in direct conflict with numerous adopted resolutions by this body and your predecessors, at a time when we already are experiencing climate disruption, greatly reduced snow impact, warmer days, greater fire danger, including the worst two fires in New Mexico history in the last 5 years. PNM's replacing power plant is antithetical to the rule of law that governs this City, overwhelming public preference for removals and the public desire that overwhelmingly wants the City to break from PNM and create clean energy protections that benefit our residents and our environments."

Ms. Nanasi continued, "This Resolution proposed by Councilor Bushee would take our City backward, not forward. We broke with PNM before and our City is more water secure now than it was under PNM. Why. Because PNM cares about short-term profits that are sent to Wall Street, that are exported from our City which is antithetical to the concerns of Santa Feans. We care about providing security and services to our people. Today, our own City water authority has been warning all of us to conserve because of the dire climate consequences that we experience. Today our City water authority is one of the most conservation practicing entities and is one of the most revered water authorities in our nation. If we would have stayed with PNM we might literally be bankrupt of water. The decision not to

retain PNM's electricity franchise agreement on a long term basis came out of a lengthy public process years ago in which the public resoundingly opposed renewal. Why. Because PNM's legacy investments are climate altering, polluting, they're water hogs and do serve the long term health interests of our people."

Ms. Nanasi continued, "If the City were to sign onto a franchise agreement with PNM that would go against the public will. I have a copy here of over 900 petitions supporting municipalization that I would like to make part of the record. Municipalization will allow the City to establish an energy conservation and energy efficient utility. I would like to read one of the 900 plus comments, from Malia Jandres. Municipalization is the most exciting and inspiring news I have heard in some time. I am happy that our City leadership recognizes the importance of such a strategy and I commend them for being leaders with a vision that will make Santa Fe a model of responsibility and sustainability."

Ms. Nanasi continued, "There is an inherent conflict here between what Santa Feans want and what PNM is doing. PNM is closing half the coal plant and all California utilities and Tri-State are exiting that plant. Guess who's buying more coal. PNM. PNM is asking for a sponge for unwanted coal from the 3 coal owners and we would bear that burden. At a time when utilities all across the U.S. are moving toward renewables in an unprecedented way, PNM is doubling down and moving in the wrong direction. The time is now to move toward climate solutions and break away from the economic death grip of PNM's climate altering energy production. Thank you."

Jeffrey Haas, lawyer, said, "I am a lawyer. I represent Mora County. I guess I consider myself an environmentalist, but I'm kind of here as a lawyer to respond to the proposed Climate Action Plan that would involve PNM in the City of Santa Fe's speaking out what they want for their Climate Action Plan. As a lawyer, if a client came to me and said, we need to figure out what we want, I would say, "Well what are your priorities, what are your policies, what do you your constituents want. I wouldn't have them go to the person they're trying to negotiate with and then figure out with that person what their priorities are. It seems like Santa Fe needs to figure out their priorities are in terms of energy, renewable energy priorities. That should be done separately from PNM with whom they are going to negotiate. So I just think it's logical that you would not have them on the group that's trying to figure this out"

Mr. Haas continued, "There's an absolute conflict of interest here between what PNM wants, which is profits for its shareholders which is servicing the whole state which is a lot of interest and what Santa Feans may choose. Your obligation is to people of Santa Fe, not to PNM. I just give this example. If the City of Santa Fe were trying to negotiate to cut down on cigarette smoking, would we have the cigarette manufacturers as part of our plan to do that. I don't think we would. And similarly, do you think PNM is going to invite you all to come into their board meeting to figure out what their priorities are for energy in New Mexico. They're not. So I think to invite them in at the beginning, makes absolutely no sense. And of course, the reason they're there, if they're part of that Committee, it will kill the idea of municipalization. They're not going to approve a plan that will give Santa Fe any kind of independence from them. So I just think it's a really bad idea. I think Santa Feans deserve the independence of determining our own energy priorities without PNM and then we can negotiate from there. Thank you."

Paul Holton said he wants to second what Mr. Haas just said. He thinks Santa Fe has an opportunity to be a national leader with its environmental policies with a municipal utility and renewables. I think it's fundamentally important for the future of Santa Fe and the country, indeed for the whole world. I think change has to start at the bottom. The way things seems to be working these days with Citizens United and the tremendous political power that large companies like PNM have, and I think we need to hold our own counsel, get a municipal utility formed here and go forward to control our own destiny. So I think it's a bad idea. Thank you very much."

Sharon Argembright said "I went to Farmington and I actually looked at the area at ground level. We [*inaudible*] that are down wind is like the twilight down. The vegetation is gone. There are multiple homes with for sale signs. I saw one child riding a bicycle in the neighborhood. It was eerie. Recently, I saw a satellite image of Farmington in the newspaper, and it was incriminating. It was one hot spot from the air. I'm so concerned about the environment, my children, I put a geothermal [*inaudible*] in my house and I put solar panels to one inch, and I am using no fossil fuel and I'm even getting checks back from PNM. If one citizen can do this, I think our City can do this. Thank you."

Bobbe Besold said, "I like your twinkle lights. I'm here to speak against working with PNM. I am appalled that this City is considering this. They have a horrible track record as far as what they are contributing to Northern New Mexico, in terms of asthma. We have one of the greatest amounts of childhood asthma of anywhere else in the country. And this is a place with clean air. So that's due to coal and PNM has no vision or idea of doing anything other than working with coal with nuclear. And as you know a lot of people in this State have also died because of uranium mining and proximity to uranium and working with those materials. The track record of PNM is horrible, and it goes against the vision we have of having a City utility, our own municipal utility, which is giving me incredible hope to learn about that. And I'm looking to remember this in the vision of doing that, and working with members of the City rather than the public utility. Thank you."

Leslie LaKind, D.D.S., said he is a former dentist here for 37 years. He is here to support the people here from New Energy Economy. He wants us to be very careful. He said many people in the audience are not speaking. He found out just about an hour ago, and 7-8 of them came right away to show their commitment for this concern. He said he used to call it global warning until recently, but he calls it our climate crisis. He said global warming is here and we're sliding toward potential extinction of use, especially in another two centuries. He said, "We can't tinker around the edges anymore. We need something like the Manhattan Project. We can do it and other cities, areas and countries are going in that direction, and that's the direction we absolutely have to go in. [*inaudible*] like now. So thank you for listening."

Jade Gordon said she is a 14 year resident of Santa Fe and really wants clean energy and to be able to breathe normally. She had asthma in the past and has been doing really well in Santa Fe. She supports what New Energy Economy and everybody else has been saying. She said, "We don't want more coal or nuclear energy. I was so hopeful when I heard about the possible creation of a City municipal utility and I just ask you please, please, let's not give away our right to PNM to be able to have that."

Randy Pfeifer said he is here speaking on behalf of an artist friend, Gib Singleton, who passed away last year. He said Mr. Singleton is a world-renowned artist and he would like to get Governing Body support to speak to the Arts Commission about installing a plaque for him on Palace Avenue. He said, "I'm going to leave some paperwork [Exhibit "11"] with you. One sheet is about his life and the other sheet is about his passing. I would appreciate your help and your consideration. Thank you very much."

Patricia Cardona said she is new to Santa Fe, having lived in New Mexico for about 14 years. She came here specifically because of the clean air, because she is an asthmatic. It has helped her a great deal to be in this City. She said, "I came from an area that had a public utility. I worked for a public utility, and I know they can deliver services very very well. I do not believe that any City should give away its right to have a municipal utility service, whether it be water, power or transportation. I think those are public services. If there are private companies that can compete with them, that is fine, but I still feel that there needs to be opportunity in business, the private as well as the public sector to be able to compete in providing services to the public. I also believe, and I know I'm a customer of PNM, I pay my PNM bill, I should have choice of my energy product. I should have products that are available to me that are clean and healthy that do not have by-products that are destructive to the water, the air or the land. I also believe that we are in a transition, a society in transition, and therefore we need people who can think and do things differently, that can unencumber themselves with outdated technology and their mindset because they are unable to change. We should not be giving away the public sector's right to provide the essential services to citizens, especially when they can provide healthy products that may not be available to the degree that is necessary in the private sector. Thank you."

Following the Petitions from the Floor in the Evening Session, the Governing Body resumed discussion on Item #11 from the Afternoon Session as follows.

11. APPEAL – DRIVEWAY PERMIT #14-10-04; GABRIEL BROWNE FOR SOUTHWESTERN COLLEGE – 3952 SAN FELIPE ROAD. (JOHN ROMERO)

John Romero said, "I have an aerial that I know the applicant would like to use, and I would like to use it before I turn it over to him. So your packet does show the proposed access point. The access that we're looking to obtain is not along San Felipe, it is along the minor road to the south of the subject parcel. And with that, I'll turn it over to Gabriel Browne, he's the agent for the Applicant, the Southwest College."

Gabriel Browne, on behalf of Southwest College, presented information via overhead using documents which he submitted for the record. Please, see Exhibits "5," "6," "7," and "8" for specifics of this presentation.

Mr. Browne said, "Thank you Mayor and City Councilors for taking your time to hear us. I really enjoy coming to City Council meetings..... I like seeing the breadth and depth of the work you do and I appreciate it very much. I'm going to try to keep this pretty brief. We have a pretty simple situation here. I appreciate the work of the Traffic Division and the work John does specifically. I understand he's trying to keep our City safer. He has very strict regulations. This little strip is a quarter of a mile long, about 1,600 feet long, is considered a minor arterial. I think that's probably a misclassification and that means John is supposed to limit us to access only every 660 feet along this road. That doesn't make any sense in this case. Along the eastern side of the road, we have property and businesses about every 200 feet. Those are well established businesses. Some of them have been there 20 plus years. I can't imagine consolidating those lots or consolidating those access points, so again, I don't think the basic proposal here is very realistic."

Mr. Browne continued, "Let me give you just a little background and a little orientation. So, San Felipe Road goes between Agua Fria and Airport Road as you can see on the proposal in front of you. It's 1/4 mile long. Southwestern College was established at that location about 30 plus years ago and has been functioning there on an existing campus. They have sort of new leadership there, and they're looking to establish themselves, long-term, in this community. Their existing campus is composed mostly of old adobe buildings, some of which were residential, some of which were farm buildings that have been converted into classroom space and other things to make it work. But they have a long range plan to establish themselves here in the community in a more permanent way."

Mr. Browne continued, "The school, about 3-4 years ago, was given the opportunity to buy a parcel of land that was previously occupied as a school. There was a housing development there in the past. They were given the opportunity to buy this. They had this sort of long range plan of establishing them on Santa Fe's Southwestern side, and they knew that was the future of their campus. At the time, it had two existing access ways. One where we're proposing and another on a drive which appears in the City GIS information as housing drive. And we've highlighted that in that illustration for you. After the property was purchased, Southwest College was building a building on their own campus, which is the southern, the lower campus on the drawing. They were building a new building in the way back. Their campus is very small, very tight and they have a whole bunch of college students on it. We'll give you a rundown on the institutions itself in a few minutes. They were concerned about bringing all the construction traffic through their property."

Mr. Browne continued, "And so they went to their neighbor, Eloy Montano, who owns the property there in pink, who runs a very successful sand and gravel and landscape materials business out of that property. And they bought what they thought was a temporary easement from Mr. Montano, so they could bring construction traffic through the north side of the campus through Mr. Montano's property, and to access the back corner of their property for construction. That easement was recorded and you have a copy of that. It's this plat here. It's a very poorly done survey in my opinion. I'm sorry if the survey is in

the audience this evening. But essentially, the survey has one line which we highlighted in the information we gave you that essentially says that the marks given are the end of the easement given to the College."

Mr. Browne continued, "Most permanent easements as you may or may not know are given to a piece of the property and the future owners of the property. So normally an easement is granted to a tract of land, in this case it was granted to the College. The intention of the parties at the time was that it was a temporary easement, but there is no mention in the document that it is temporary. It was taken to the City Legal staff for an interpretation and the City Legal staff came back with the notion that the easement was both permanent and rightful egress to a piece of property that the College didn't own at the time the easement was granted."

Mr. Browne said, "Let me just go through that again, because it is a little bit confusing. They owned the south property. They were doing some construction on the building back here at the back. They borrowed an easement to access this south property was supposed to be temporary and only for the benefit of the [inaudible]. Now the College owns this northern property and City staff is suggesting we can use San Felipe Drive. I have no idea why it has a name, because it's not a City street, it's private land, but essentially City Staff is recommending and I understand why, but we think it's a poor recommendation, that we access off San Felipe Drive. So we're asking for a single access off San Felipe Road at the middle of the property."

Mr. Browne continued, "There are several reasons why this isn't a good idea. The legal one is the most important, but the other that it is a terrible access point for a college. This is a private piece of property, it is not an improved road, it's a muddy and dusty mess, filled with tractor trailers and very large trucks most of the way. The business that operates this has a private sign on this driveway and a gate. In the morning, before the gate is open, the traffic backs all the way to San Felipe Drive. And the idea of opening that and having college students get in there off the public bus system and their own vehicles sounds both nonsensical and rather dangerous."

Mr. Browne continued, "Finally, the legal argument is the most important. That is that staff is asking us to do something that is almost certainly going to create a legal battle with the neighbor. The College is not interested in the delay of the project. We're going to talk a little more about the project, the reason for that and the institution itself." He introduced Dr. Ann Filemyr, Vice-President of Academic Affairs and the Dean of the College to talk about the institution and the purpose of this building."

Dr. Ann Filemyr said they see this as a public safety issue. The school was founded in 1976 in Alamogordo and moved to Santa Fe in 1981 and bought the property, noting the school is in its 35th year. It is a not for profit graduate school, with two masters degrees programs, one in counseling and one in art therapy, noting they have the only art therapy program in New Mexico. 25% of the students are New Mexicans with the other 75% coming from across the country. The founders are currently directors at Youth Shelters, Santa Fe Guidance Center, Sangre de Cristo Mental Health, Mesa Vista, Girard House, the Pastoral Counseling Center and Tesuque Social Service. Their alumni also work at CYFD, Agave, Los Cumbres, La Luz Family Shelter and so on. Their alumni and founders are touching lives and making a difference. They currently operate Southwestern Counseling Center, which will be brought to the College

campus and further serve the community where they are located. There is a sliding scale for treatment and no one is turned away for lack of financial resources. They only earn on average \$8 per session for counseling and therapy, noting 68% of the clients are low income, 41% are minority and 11% are children. The counseling center is open 6 days a week, and it is costing the College \$150,000 a year to run the Center and provide that service to the community. They've been doing this with no public or private partnerships.

Dr. Filemyr continued, noting there was a driveway entrance directly on San Felipe when they bought the property. It never occurred them they wouldn't be able to use the direct access to the road. The road is designed for Mr. Montano's business and it is his business driveway. It is his private property and "we have always had that understanding." They never used it for the students, faculty or traffic for the previous construction. They don't want to get into a legal fight, and they want the access of the driveway off San Felipe Road to provide a safe opportunity for people to come in and out of the future counseling center. They want to move ahead, and are appealing to the Governing Body this evening, noting this is the only body that can over-rule that decision. We are here this evening, "to ask you to reconsider, and allow us to have a driveway access directly off San Felipe Road... and we're here to answer any questions you have and hopefully, we can get this done."

The Governing Body commented and asked questions as follows.

- Councilor Rivera asked what is the current access point for the southern portion.

Mr. Browne said it is highlighted in blue, so it is at the at southern edge at the southern property.

- Councilor Rivera asked if the appeal were to be granted, then they could close Housing Drive and that would no longer be a driveway.

Mr. Browne said this is correct.

- Councilor Rivera asked Mr. Romero if San Felipe Road was a County road previously, or has it been a City road the entire time.

John Romero said the property is located in an area which was recently annexed into the City, and he believes San Felipe is a County Road, but it hasn't been turned over to the City due to lack of improvements. However, it eventually will be officially a City road.

- Councilor Rivera said when we annexed portions of the County, we realized there would be issues such as this one where the normal City rules don't quite fit, such as the situation we're in. He said John is just enforcing what has been on the City books for a long time which makes sense in the previous City limits. He said an exception in this case may be appropriate.
- Councilor Trujillo said there is an access at the corner for the southern part of the property, and asked if Bentley Road is a private road.

Mr. Romero said, "It's a private road that's half on the College's new property and half on the mobile home property which has an easement to the College's half, but the College doesn't have an easement to the mobile home half.

- Councilor Trujillo asked if there is anything in the City Code that says they can have only one driveway. He asked if this is one piece of property..

Mr. Romero said, "There are two pieces of property. The one on the south is the existing property, and the one on the north is the recently purchased separate piece of property.

- Councilor Trujillo asked, regarding the temporary access, how something can be recorded as temporary. Will they go back after this is done and take it off. He said the easement was filed at the County Courthouse and there is nothing saying it is temporary.

Mr. Romero said, "In order for them to amend the plat, since it's in the City, they would have to come through a City process. They could do it only if both agreed to how the easement should look. The reviewing agency, which would now be the City, would have to agree to it as well. I would recommend that the easement be further clarified that it is a perpetual easement."

- Councilor Lindell said, "I've taken a look at this, and with this piece of property, I think what Councilor Rivera said is probably the case. It doesn't fit with what we typically see, and there are some extenuating circumstances with it. It's very very seldom in my years of looking at land use, that I go against the recommendations of staff. But in looking at this, and all the different configurations of it and the service that Southwestern College provides, I'm going to go ahead and make a motion to uphold this appeal."

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to grant the appeal in this case.

DISCUSSION: Councilor Ives said, "Years ago, I had the pleasure and privilege of serving on the Board of Southwestern College when it was transitioning from its original founder into the ongoing institution it is today. It was about that time that the University of New Mexico stopped offering advanced degrees in art therapy. And I remember having a great sense of positive prospective for Southwestern due to the fact that it is now the single institution within our State which grants advanced degrees in art therapy..... I come knowing the good work it does and respecting that." He said he deals with land uses all the time, and they interpret documents which are filed based on what is in the record. He appreciates that they understood the easement to be temporary and believes Mr. Montano had the same understanding. He said the fact they're willing to give up the use of Housing Drive and concentrate on the middle of the property, commenting he believes the property deserves its own access. He said the multitude of driveways on San Felipe Road detracts from the argument that we should be hard-headed and heavy-handed on the west side of the road. He will be voting in favor of granting the appeal.

Responding to Councilor Maestas, Mr. Romero said, "Right now San Felipe is a rural typical section, very unkept. It is a minor arterial, because it is basically the continuation of Agua Fria to Airport Road. In the future it likely will be a road the City would have to improve with curb, gutter, median and sidewalk. He said it is basically an infill project, and will urbanize in that area sooner or later. He said these were efforts to plan for the future urbanization of the area."

Councilor Maestas asked regarding the existing access to the south along San Felipe Road, if that can be consolidated with access from San Felipe Drive, and access exclusively from San Felipe Drive, and was that considered.

Mr. Romero said it was, and something he voiced to the applicant early-on, with the understanding that was a separate piece of property. He said that would be an ideal solution, but he would be forcing them to relocate their access.

Councilor Maestas asked if we are allowed to question access on a separate piece of property that is not germane to the driveway request, and the reason we really couldn't exact any kind of compromise on access to the south property.

Mr. Romero said, "Since that property wasn't a formal part of the application, I didn't think I could do that."

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 the vote: Councilor Bushee.

12. REQUEST FOR APPROVAL OF ASSIGNMENT OF THE RAILYARD CONSERVATION EASEMENT FROM THE TRUST FOR PUBLIC LAND TO THE SANTA FE CONSERVATION TRUST PURSUANT TO PARAGRAPH 12(b) OF THE CONSERVATION EASEMENT. (BLAKE WHITCOMB)

Councilor Ives recused himself from participating on this Agenda Item, because he works at the Trust for Public Land.

Kelley Brennan said, "Bob Siqueiros might have something to add. I just wanted to read you a section from the Deed of Conservation Easement itself that is relevant to this that provides for successors. It says:

Any assignment of this Conservation Easement is subject to approval by the Grantor [that's the

City]. Grantee agrees to provide notice in writing of any proposed assignment of any portion of this easement. And Grantor shall have 45 days to either approve or disapprove any proposed assignment.

The TPL had proposed early on assigning the Conservation Easement to the stewards, the Railyard Stewards. The Governing Body felt there was a conflict because there is a grant to the Stewards to maintain the park particularly, and suggested that TPL do an RFP. However, there aren't a lot of local groups that do this kind of thing, and the Santa Fe Conservation Trust seemed to be an ideal candidate. There weren't a lot of others that were local, and so they proposed this. As far as I know, everyone who is affected, has been in favor of it."

Mr. Siqueiros said he has nothing to add except Richard Czoski, Executive Director, Railyard Corporation, had to leave the meeting, but the Corporation and the Board are in favor of the transition to the Santa Fe Conservation Trust and he believes the Park Stewards also are in favor.

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

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: None

Absent for the vote: Councilor Bushee.

Recused: Councilor Ives.

13. SANTA FE UNIVERSITY OF ART AND DESIGN WEEKEND SHUTTLE PILOT PROJECT – FINAL REPORT AND STAFF RECOMMENDATION. (JON BULTHUIS)

Mayor Gonzales said the Council has had the chance to review the packet, and asked Jon Bulthuis what he is requesting.

Mr. Bulthuis said it is a request for action, and the recommendation is that the Pilot Project not continue beyond the termination date of December 20, 2014, as initially set out.

MOTION: Councilor Lindell moved, seconded by Councilor Dimas, to approve recommend the Pilot Project end as scheduled on December 20, 2014.

DISCUSSION: Mayor Gonzales thanked Mr. Bulthuis for his work, and appreciates the voices that came from this to focus on later routes, and looking at ways to increase the amount of service on the south side for many working families.

Councilor Maestas commended Mr. Bulthuis, commenting the purpose was consistent with reinvigorating the nighttime economy, getting our young people out and about. He said all of us learned a lot.

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.

14. REPORT ON SUMMER 2014 PEOPLE TO THE PLAZA. (KATE NOBLE)

Mayor Gonzales asked Ms. Noble to highlight some of the areas she thinks are important for the Council to focus on.

Kate Noble presented information from her Memorandum of December 12, 2014, with attachments, to the City Council in this matter. Please see this Memorandum, which is in the Council packets, for specifics of this presentation..

The Governing Body commented and asked questions as follows:

- Councilor Trujillo said we wanted the locals to see that the Plaza is the place to go, and that has been a problem over the years. A lot of people felt the Plaza didn't belong to them. He said he saw a lot of people in the evening when there were programs. He said some people liked the cruise nights and the old cars on the Plaza. He said good things came from it, noting he heard from the vendors about some sections not having tables, noting that is a recommendation. He said we discussed closing the Plaza, but when you drive through the Plaza you hear the music, see what's happening on the Plaza and it will make them go to the Plaza. He said he did have some reservations about that, but believes it brought some people back to the Plaza. He wants to expand on it to get the southside residents back to the Plaza. He commended the Mayor for this initiative.
- Councilor Dominguez said sometimes we have to take baby steps to get to a much better place, and this is one example of where there is always work to be done and build on the vision of the Governing Body and Mayor.
- Councilor Dominguez asked if we have demographic data for the surveys that were collected.

Ms. Noble said no, although they did distinguish between local and tourists, but we didn't ask for age and gender.

- Councilor Dominguez said then there was no geographic locations, and Ms. Noble said no.
- Councilor Dominguez said then a majority of the surveys could be from people who primarily reside on the south side – the point is we just don't know. And Ms. Noble said yes.
- Councilor Dominguez thinks that is something we can build on, which is to get as much information as possible from as much data as we can.
- Councilor Dominguez said some of the plans in Ms. Noble's Memo, noting she talks about 8 additional table sets, noting there isn't a huge fiscal impact. However, he wants to know which ones of those have huge fiscal impacts, such as additional bathrooms and parking during Plaza events. He doesn't know what public bathrooms means – renting or leasing space to have public bathroom. Things, such as additional signage won't have a huge fiscal impact, and it's something we need to start measuring so we have an idea of the costs.
- Councilor Dominguez continued, "Outside of that Mayor, I think it's a very good effort. Again, I think to make some of the changes and make your vision a reality, sometimes you have to take these small baby steps to get to a much better place. Congratulations. I look forward to seeing even more people on the Plaza, and maybe even more food trucks."
- Councilor Ives noted the BQL met earlier today looking at the proposed improvements, the design plan for the downtown Transit Center. A significant issue was bathrooms. He said we really do need, at this point in time, to find a solution that works in the City, such as the closing of the Transit Center at 5:00 p.m. He said he spoke with the Director of Public Works and he will put together a review of the City's efforts to deal with the public restroom issue which has been fraught with challenge. He looks forward to taking up these challenges. He said we need to look at creating a similar space in the southwest sector at Zona del Sol, given the distance to the Plaza, and lay the foundation during the upcoming budget cycle.
- Councilor Maestas complimented the Mayor. He said he agrees it is time to begin in earnest pursuing wayfinding signs, and would like the MPO to pursue funding for the wayfinding signage.
- Councilor Bushee wants us to be careful that stationary vehicles don't take up the streets of the Plaza during the summer.
- Councilor Rivera said people are requesting more music, food, special events. He said there is music in the evenings, and asked if they were looking for music during the day as opposed to the evening.

Ms. Noble said there wasn't specificity, but that was always the number one thing people said would bring them to Plaza. She would think they would mean additional evening music and music in the day.

- Councilor Rivera asked if the surveys were done mostly in the day or a mixture.

Ms. Noble said the methodology was to try to get a cross-section, so they targeted a diverse number of evening events at Bandstand, and daytime, noting they picked events to survey to try to get the most representative sample possible.

- Councilor Rivera asked the type of special events people felt would bring them back.

Ms. Noble said music was the primary thing, others said special events, such as a Halloween Parade, or a costume ball, noting theme nights came up a bunch.

- Councilor Rivera said then it was for more additional nighttime events, and Ms. Noble yes.

- Mayor Gonzales thanked the Council for supporting this effort. He said for him, as a native, the Plaza is the one location which connects us to our heritage – a place his grandparents shopped, and their grandparents took wood on burros to sell. He has wanted, through this effort, for everybody to recognize the Plaza belongs to the entire community no matter where they live. The Plaza is part of our heritage, our history, where our forbears gathered as a community. He appreciates that Ms. Noble was able to put something together in very short order. He thinks with early planning, next year we can meet some of the goals and challenges the Councilors would like to see happening on the Plaza.

- Mayor Gonzales continued, "But I have to say to the City Manager and Ike, those Parks crews were amazing. Consistently, regardless of how people felt, when they were there, I heard continuously how nice the parks looked. That is a labor of love by people who work for our City who take pride in the initiative." He said that continued through the lighting ceremony. He said the Parks crews work in all kinds of weather. He asked Mr. Pino to thank them for their work.

- Mayor Gonzales said he would like the program to come back to the Council early so there can be dialogue in February and March. He said Bandstand was expanded to the south side on San Isidro, which was terrific. If we expand the music we need to expand it accordingly on the south side. He thanked Ms. Noble, Mr. Trujillo and staff for their hard work on this program.

15. CONSIDERATION OF RESOLUTION NO. 2014-101 (COUNCILOR IVES). A RESOLUTION SUPPORTING THE "INTERIM JOBS COUNCIL" 2014 LEGISLATIVE AGENDA TO BE CONSIDERED BY THE NEW MEXICO STATE LEGISLATURE DURING THE 52ND LEGISLATURE – STATE OF NEW MEXICO – FIRST SESSION 2015. (FABIAN TRUJILLO)

Fabian Trujillo presented information regarding this matter from the materials in the Council packet. Please see these documents for specifics of this presentation.

Councilor Ives thanked Mr. Trujillo for the presentation, and said he would like to “augment the presentation with two comments.” He said New Mexico was last place in terms of generation of new jobs when the country began to come out of the recession. He said the State is evidencing they’re paying attention to the fact we were trailing in that regard, and created the Jobs Council to specifically address these problems and have come forward with proposals to stimulate job. He said, “This effort is worthy of our support in Santa Fe, and we should send a message to the Legislature that we create their efforts to create jobs and hopefully we’ll see results in Santa Fe from these funds coming in and what we’re doing in the City as well.

MOTION: Councilor Ives moved, seconded by Councilor Bushee, to adopt Resolution No. 2014-101

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.

Mayor Gonzales introduced School Board Chair Linda Trujillo and apologized for not being at the School Board meeting this evening as Superintendent Boyd presented the State of the Schools message. He thanked her for her leadership.

Councilor Maestas noted that Linda Trujillo was recognized as the School Board member of the year in New Mexico and congratulated her on this honor.

MOTION: Councilor Rivera moved, seconded by Councilor /Maestas, to reconsider the previous approval of the agenda to move Items 16 through 20 to the end of the Evening Agenda, to approve the agenda as amended, and go straight into the Evening Session.

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

**THE EVENING SESSION CONCLUDED AT APPROXIMATELY 9:00 P.M.
AND THE MAYOR MOVED DIRECTLY INTO THE EVENING SESSION**

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 9:00 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor 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

F. PETITIONS FROM THE FLOOR

This item was done at 7:00 p.m., in the Afternoon Session.

G. APPOINTMENTS

Transit Advisory Board

Mayor Gonzales made the following appointments to the Transit Advisory Board:

Aurora Black (At-Large Representative) – Reappointment – Term ending 03/2016;
Chris Calvert (At-Large Representative) – Reappointment – Term ending 03/2016;
Colin Messer (Governmental Representative) – Reappointment – Term ending -03/2016; and
Stan Cooper (At-Large Representative) – Reappointment – Term ending 03/2016.

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

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

H. PUBLIC HEARINGS

1) REQUEST FROM ADELITA'S, INC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT ADELITA'S EXPRESS MEXICAN RESTAURANT, 6417 AIRPORT ROAD, SUITE 100. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of December 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said, the location is not within 300 feet of a church or school, noting there are staff reports in the packet regarding litter, noise and traffic. She said staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Councilor Trujillo said the restaurant is at the corner of Cerrillos Road and Rufina and there is a banquet hall in the restaurant, and asked if she will be using the liquor license in the banquet hall as well.

Ann Yen, owner, was sworn. Ms. Yen said they already have the liquor license, noting it is on Airport Road.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor moved, seconded by Councilor , to approve the request from Adelita's, Inc., for a Restaurant Liquor License (on-premise consumption only) to be located at Adelita's Express Mexican Restaurant, 6417 Airport Road, Suite 100, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Dominguez asked if this is a transfer from one location to another, and Ms. Vigil said this is only for a beer and wine license and at that location only.

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.

- 1) **REQUEST GEORGE RIVERA, JR., FOR A TRANSFER OF LOCATION OF DISPENSER LICENSE #0433, WITH PACKAGE SALES FROM ALEGRIA, 2797 AGUA FRIA STREET, TO SPROUT FARMERS MARKET, 199 PASEO DE PERALTA. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of December 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said the location is not within 300 feet of a church or school, noting there are staff reports in the packet regarding litter, noise and traffic. She said staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to approve the request for a transfer of location of Dispenser License #0433 with package sales from Alegria to Sprout Farmers Market, 199 Paseo de Peralta at the DeVargas Mall, with all conditions of approval as recommended by staff.

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

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

Against: None.

- 3) **REQUEST FROM QIANG TU FOR THE FOLLOWING:**
 - a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE WOK CHINESE CUISINE, 2860 CERRILLOS ROAD #A2, WHICH IS WITHIN 300 FEET OF THE SANTA FE CHRISTIAN FELLOWSHIP CHURCH, 2860 CERRILLOS ROAD, SUITE C3;**
 - b) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM QIANG TU FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE WITH ON PREMISE CONSUMPTION ONLY) TO BE LOCATED AT THE WOK CHINESE CUISINE, 2860 CERRILLOS ROAD #A2.**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of December 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil noted this is a two part request. She noted there is a letter in the packet dated December 1, 2014, from Pastor Jesse Morales of the Santa Fe Christian Fellowship Church, indicating they have no opposition to this request. Ms. Vigil said there are staff reports in the packet regarding litter, noise and traffic and staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction to allow the sale of alcoholic beverages at the Wok Chinese Cuisine, 2860 Cerrillos Road #A-2, with all conditions of approval as recommended by staff.

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

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

Against: None.

Absent for the vote: Mayor Gonzales

Councilor Dominguez said, "Just for the record, there is a letter of no objection from Pastor Morales, so I will move for approval."

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the request from Qiang Tu for a Restaurant Liquor License (Beer and Wine with on-premise consumption only), to be located at the Wok Chinese Cuisine, 2860 Cerrillos Road #A-2, with all conditions of approval as recommended by staff.

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

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

Against: None.

Absent for the vote: Mayor Gonzales

- 4) **REQUEST FROM RESTAURANT 210, LLC., FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE WITH PATIO SERVICE FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT TABLA DE LOS SANTOS, 210 DON GASPAR AVENUE. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of December 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said, the location is not within 300 feet of a church or school, there are staff reports in the packet regarding litter, noise and traffic and staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Rivera, to approve the request from 210, LLC, for a Restaurant Liquor License (beer and wine with patio service for on-premise consumption only) to be located at Tabla de los Santos, 210 Don Gaspar Avenue, with all conditions of approval as recommended by staff.

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

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

Against: None.

- 5) **NEW MEXICO HARD CIDER, LLC, HAS REQUESTED THE FOLLOWING:**
- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE PRODUCTION AND SALE OF ALCOHOLIC BEVERAGES (WINE ONLY), AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D, WHICH IS WITHIN 300 FEET OF IGLESIA RENACER MINISTERIOS, 1225 PATHWAY DRIVE.**
 - n) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM NEW MEXICO HARD CIDER, LLC, FOR A WINE GROWERS LIQUOR LICENSE TO BE LOCATED AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D.**
(YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of December 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil noted this is a two-part request, noting there is a letter in the packet from Pastor Elio Galaviz Parra, Iglesia Renacer Ministries, stating the Iglesia is in support of this request and has no opposition to the location or the business. She said there are staff reports in the packet regarding litter, noise and traffic and staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to grant the request for the waiver of the 300 foot location restriction to allow the production and sale of alcoholic beverages (wine only), at New Mexico Hard Cider, 3134 Rufina Street, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Rivera said this is one of the winners of one our business awards, and he is glad to see he is coming forward, commenting he seems to be successful and congratulated him on this effort.

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.

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to approve the request for a Wine Growers Liquor License by New Mexico Hard Cider, LLC, to be located at New Mexico Hard Cider 3134 Rufina Street, Unit D.

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.

Mayor Gonzales said, "Well done. Congratulations. We're all rooting for you. It's great to see everyone start a business, but the fact that your family has been part of this community for a long time, and I know you're an Aggie, I'm going to cheer you on even more now. I waited to say that until after they voted yes. Good luck, and we can't wait until you get things moving."

- 6) **NEW MEXICO HARD CIDER, LLC, HAS REQUESTED THE FOLLOWING:**
- a) **PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE PRODUCTION AND SALE OF ALCOHOLIC BEVERAGES (WINE ONLY), AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D, WHICH IS WITHIN 300 FEET OF IGLESIA RENACER MINISTERIOS, 1225 PATHWAY DRIVE.**
 - n) **IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, A REQUEST FROM NEW MEXICO HARD CIDER, LLC, FOR A WINE WHOLESALER LIQUOR LICENSE TO BE LOCATED AT NEW MEXICO HARD CIDER, 3134 RUFINA STREET, UNIT D.**
- (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of December 3, 2014, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil noted this also is a two part request, noting there is a letter in the packet from Pastor Elio Galaviz Parra, Iglesia Renacer Ministries, stating the Iglesia is in support of this request and has no opposition to the location or the business. She said there are staff reports in the packet regarding litter, noise and traffic and staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to grant the request for the waiver of the 300 foot location restriction to allow the production and sale of alcoholic beverages (wine only), at New Mexico Hard Cider, 3134 Rufina Street, with all conditions of approval as recommended by staff.

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

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

Against: None.

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve the request for a Wine Wholesaler License by New Mexico Hard Cider, LLC, to be located at New Mexico Hard Cider 3134 Rufina Street, Unit D.

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.

- 7) **CONSIDERATION OF BILL NO. 2014-32: ADOPTION OF ORDINANCE NO. 2014-36 (COUNCILOR DOMINGUEZ AND COUNCILOR BUSHEE). 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. (DAVID PFEIFER)**

Isaac Pino, Director, Public Works Department, said at the recommendation of the Parks and Open Space Advisory Committee [POSAC], and the Public Works Committee, the Ordinance will be amended, noting the amendment is on page 2 of the Ordinance at Article 5, which would require any new park or reconstruction or expansion of an existing park exceeding 2 acres in size or \$250,000, to have Early Neighborhood Notification requirements.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Ordinance No. 2014-36, with the amendments in the packet.

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

- 8) **CONSIDERATION OF BILL NO. 2014-33: ADOPTION OF ORDINANCE NO. 2014-37 (COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO-AND COUNCILOR IVES, AND COUNCILOR MAESTAS). AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987, TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (ZACHARY SHANDLER).**
- a) **CONSIDERATION OF RESOLUTION NO. 2014-102 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO PROVIDE OUTREACH AND EDUCATION TO THE PUBLIC REGARDING THE CITY OF SANTA FE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION ("COMMISSION") AND CALL ON INTERESTED PERSONS WHO MEET THE QUALIFICATIONS FOR COMMISSION MEMBERSHIP, TO APPLY FOR A POSITION ON THE COMMISSION.**

A copy of an amendment proposed by Councilor Carmichael Dominguez to the proposed Ordinance is incorporated herewith to these minutes as Exhibit "12."

A copy of an amendment proposed by Councilor Dominguez to the proposed Resolution, to replace the one in the packet, is incorporated herewith to these minutes as Exhibit "13."

Zachary Shandler said he will ask the Bill Sponsor to take the lead and he will stand for any questions.

Councilor Dominguez said, "I'll make some brief comments and then we can move on. First of all, I want to thank staff, Zach, Melissa, Kelley, and Yolanda as well for all the work they've provided in this piece of legislation, and all the input I received from the public about questions and/or concerns they had regarding this. I think the need to redistrict is obvious, we don't need to repeat it, but I think the Governing Body is well aware of the reason we are redistricting."

Councilor Dominguez continued, "The results of this bill are a couple of things. Number one, it puts us in compliance with our Constitution. I know it also fulfills the intent of the Charter which is to have a truly independent redistricting board, and we try to minimize the political influence that has happened in the past and happens all the time. The other thing we're trying to do is to give the Commission some autonomy, so they can do their work without interference from the Governing Body or other interested parties. I just want the Governing Body to keep in mind the fact that timing is of the essence, so we need to be careful with that."

Councilor Dominguez continued, "I think the biggest changes in the bill are, number one, we're eliminating the \$5 contribution, we eliminated the lobbyist position, we clarified the alternate provision as Councilor Maestas had asked. And the biggest one recently is that members of the Commission should not be eligible to run for a Council position in 2016. There are other minor language changes, regarding powers and duties, and that maps created by the general public can be considered by the Commission as well. And there are a lot of other minor language changes in there. So again, I just want to thank staff for their work. I'm ready to answer any questions the Governing Body may have. And I'll leave it at that Mayor, thank you."

Councilor Maestas commended staff and sponsors, noting this has undergone quite a transformation since we saw the first version, and is incredibly so much better. He asked to be added as a cosponsor. He looks forward to seeing the Commission in action and making history in Santa Fe.

Mayor Gonzales said, "Obviously the recommendations and conclusions will be done before the next election. Whenever the 2016 cycle comes up, at that point the representation would be more equal, is that right, as opposed to now where it's definitely lopsided."

Councilor Dominguez said, "Yes. It's to make sure the redistricting happens before the 2016 election."

Mayor Gonzales said, "Then there will need to be an educational component that we put in the plan, too."

Ms. Vigil said there are a set of amendments from Councilor Dominguez on your desks which replaces what is in the packet. So, if you move for approval, it will be with these amendments.

Public Hearing

Speaking to the Request

Chris Fulineto, Action and Advocacy Chair, speaking on behalf of the League of Women Voters, read a letter into the record as follows:

The League supports an independent Citizen Redistricting Commissions at all levels of government. The League has advocated for many years for redistricting processes that not only includes citizen participation, transparency and fairness but that also reflects the full diversity of America's communities. We support increased opportunities for the public to participate in the process, and we favor clear redistricting criteria such as those enumerated in the Ordinance before the Governing Body this evening. An impartial knowledgeable committee of citizens is most likely to meet the goals of successful and legal redistricting without regard to politics and personalities that can occur when interested parties do the redistricting. Local and state leagues across the country have advocated for this kind of redistricting process, and it's been very successful where it's been used. That's why the League supported the Charter change and why we believe voters approved this approach in the March election. The one thing that concerns us however, is the random selection of the members of the Redistricting Commission. In the proposed Ordinance, there seems to be no mechanism to ensure that members are, in fact, knowledgeable. We think the amendment that calls for applicants to identify their qualifications is a good step toward that goal. By reviewing these stated qualifications, the public can then decide for itself if this method is viable. This aspect of the proposed Ordinance can then be evaluated. That said, we would prefer a system that evaluates potential Commission members from the outset. In closing, we want to thank Councilor Dominguez for his leadership on this Resolution and Ordinance, as well as thanking all of the Councilors for their input and support. Thank you.

Former Councilor Karen Heldmeyer said, "In addition to thanking Councilor Dominguez for realizing this needed to be done now and coming up with the initial idea, I want to thank the members of the League of Women Voters Action and Advocacy Committee who reviewed several drafts of this and made a lot of suggestions that you see incorporated into the amendments being offered tonight. And I wanted to say one thing that isn't within the scope of either the Ordinance or the Resolution, but in the research we did in this, what we found is that District 3 as currently constituted, even with almost twice as many people as any other District, has the fewest number of registered voters of any area of the City. That is something that, as the 2016 election comes up, the City needs to address. We need the parties to do the registration, they do the get out the vote, and certainly the League of Women Voters does anything we can to get as many people registered to vote as possible. One of our big projects is registering high school students in the High School, so when they turn 18, they're registered. And we also have registration drives in other places as well, but I think it falls on City to say let's not call this the forgotten side of town. Let's really work with people there who are eligible to vote and get them registered."

The Public Hearing was closed

Councilor Bushee asked, if there is not a random selection, if there is a suggested method.

Ms. Fulineto said, "If it is not going to be random, there has to be someone vetting the applications and making sure people are who they say they are for the professional positions as well as for the residents, that they are registered voters. There aren't really any specifications laid out except that they are registered voters and that they live in the District they are going to be representing. For the professional positions, they should have some professional qualifications. And right now, as I understand it, the Ordinance just calls for them to state what their qualifications are, but there's no real vetting process."

Councilor Bushee asked if she is aware of the amendments on the two specialized sort of positions, a statistician and a cartographer, with these amendments you don't have to be a resident of the City, they may also be a resident of.....

Ms. Fulineto said right.

Councilor Bushee would like sponsor to talk about that just a tad. She said the randomness is to try to remove the subjectivity and politics, but she doesn't know an alternative, and asked who would do the vetting.

Ms. Fulineto said that is the big issue. "We don't have a proposal for how to do that. There is just a concern that the people who apply may have ulterior motives..... one of the amendments says they can't run in the next election, but they may be wanting to pad their resume, or they have some reason other than a real interest in helping the redistricting process to sign up for this, or to apply for this. I don't have a proposal for how you would get around that."

Councilor Dominguez said he can speak to that. He said, "There are other models around the country that have this vetting process. One of those models in California is that a separate commission, committee or whatever they are called, is created to vet the applications and establish the qualifications. It's for legislation at the state level, and some of the models, or all the models I've looked at for redistricting. It's really a lengthy process, and I think we probably can do that if we didn't have the time constraints we have now, but it would take time to get a committee together. You have to ask the same questions about who is qualified to determine whether or not those people are qualified enough to be on the Commission itself. *Without having to go down that road, I think that this is democratic for one. It places trust in our public as we're asked to do.* And really having to justify it in the Resolution that is accompanying this to at least provide a narrative about why they feel they're qualified.

Councilor Bushee asked if Councilor Dominguez would be open to a hybrid. She said, "I have implicit confidence in the League of Women Voters to be impartial. I don't know of any League of Women Voters that want to run for higher office or local office. Could we have a quick, brief vetting committee."

Councilor Dominguez said, "I wouldn't mind that Councilor Bushee. And I thought about that as well, because there are other organizations that are impartial as well, but we haven't had an in-depth discussion about well, who are the individuals in those organizations that would be doing the vetting. So we don't know what the individual may have in mind."

Ms. Fulineto said, "May I add something. I need to point out that I am here speaking for the League of Women Voters and we have a position supporting independent redistricting commissions, but we don't have any position on the deals of how those work, how they should be set up. And I can't say, in my position on the League that we would be able to step in and do any kind of vetting as an organization. I understand what you're saying."

Councilor Bushee said, "I know. I'm just suggesting something like that. It's just the last time we did this, this is years apart, but I still think it could be better and I have my own concerns about the random selection."

Councilor Dominguez said, "Everyone is going to have concerns about the random selection, but if we want to keep people who are politically motivated out of the equation, we have to at some point, either invoke a pretty lengthy and extensive process to make that happen or we pick randomly."

Councilor Maestas said, "I think there are a lot of checks and balances in this legislation. It has a real robust public hearing process. It's very large. I don't see any possibility of any kind of special interest block monopolizing the proceedings. This Commission is going to be advised by a professional consultant regarding potential redistricting scenarios, subject to very detailed criteria in this legislation. And then again, I think this is just like jury duty. I realize it's going to be very specialized, but I think the bottom line is it's transparent, it is democratic, and I think there will be a lot of support to this Commission, and I'm sure there will be significant public input throughout the public hearings that are going to be conducted once the Commission is appointed. And also, I want to remind everyone that this is a very aggressive time frame here and the sooner we get going the better. I actually do like the random selection of the Commission members. So, really I think this proposal, this legislation is robust and I think we're going to be very pleased with it at the end of the day."

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to adopt Ordinance No. 2014-37, with the amendments.

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.

Explaining her vote: Councilor Bushee said, "Yes, with some trepidation."

Explaining his vote: Councilor Dominguez said, "Yes, with very little trepidation."

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to adopt Resolution No. 2014-102, with the amendments on the table.

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.

9) **CONSIDERATION OF BILL NO. 2014-34: ADOPTION OF ORDINANCE NO. 2014-38 (COUNCILOR MAESTAS, COUNCILOR IVES AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING THE BUSINESS LICENSE ORDINANCE, SECTION 18-1 SFCC 1987 AND THE BUSINESS REGISTRATION ORDINANCE, SECTION 18-2 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. (ZACHARY SHANDLER**

b) **CONSIDERATION OF RESOLUTION NO. 2014-103 (COUNCILOR MAESTAS, COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION RELATING TO THE LIVING WAGE ORDINANCE, §28-1 SFCC 1987; DIRECTING STAFF TO EXPLORE AND RECOMMEND TO THE GOVERNING BODY A LIVING WAGE PROGRAM THAT WILL EDUCATE AND ASSIST SANTA FE BUSINESSES IN COMPLYING WITH THE LIVING WAGE REQUIREMENTS AND A MECHANISM FOR CITY STAFF TO PERFORM FIELD COMPLIANCE REVIEWS OF BUSINESSES TO ENSURE COMPLIANCE WITH THE LIVING WAGE ORDINANCE**

A copy of a petition containing approximately 300 signatures, submitted for the record by Lorenzo Ramirez, with the following heading *Presentaciones derechos de los Trabajadores – clases de Ingles*, is incorporated herewith to these minutes as Exhibit "14."

Zachary Shandler said, "I will defer to the Council sponsor, and I'll stand for questions."

Councilor Maestas said, "I want to make a few remarks about this. I think these are two small steps to create more of a pro-active Living Wage Ordinance enforcement program. The Ordinance change is basically a self-certification that businesses who wish to renew or obtain a new license, will affirm they are in compliance with the Living Wage. Through the course of staff research, many of the local governments out there that do have a progressive living wage ordinance, have a similar requirement. In addition to the affirmation, the businesses have to agree to have access to their records, their property to verify they are in compliance with the living wage ordinance. Other governments have a more substantial intrusive process, this just has the affirmation to the business license."

Councilor Maestas continued, "The Resolution itself is to explore a more comprehensive, pro-active enforcement program. It's not meant to be punitive, and I want to reiterate that. It is to raise awareness and educate businesses about compliance with the Living Wage Ordinance and create a more pro-active compliance program that could contain other avenues than self-certification."

Councilor Maestas continued, "These are both two small steps toward creating a more progressive Ordinance. Just like any Ordinance on the books, it's only as good as your ability to enforce it. I think these two actions before you, H(9) and H(9)(a), I think will accomplish that."

Councilor Ives said, "Not so much a question, but a statement of appreciation for bringing this forward. We do hear that these issues relating to the Living Wage and proper payment under our Ordinances exist in different parts of the community. It is a time where the average cost of living is significantly above the national average and well above the New Mexico average. And so this is one of the reasons the City of Santa Fe, in terms of putting its Living Wage Ordinance at the level it did, and so ensuring compliance with it, especially bringing that issue before our businesses as they renew licenses, I think is a very appropriate, a good way to reach out to them to have them confirm they are aware of the Ordinance, they are abiding with it. And that way, we protect some of the most vulnerable of our citizens, which I think this Governing Body should always be trying to do. I applaud those efforts, and thought I had previously joined as a sponsor, so I would. I would leave it to Councilor Maestas to move for approval."

Public Hearing

Speaking to the Request

Mayor Gonzales gave everyone 3 minutes to speak to this issue. He asked everyone to be sure any testimony is new evidence being provided and not being repeated from previous testimony that's already been said, and please state your name for the record..

Lorenzo Ramirez, a member of Centro de Trabajadores Unidos de Nuevo Mexico, said they are here in support of this Ordinance and Resolution. He asked all the people in attendance in support to please stand up. He thanked Councilor Maestas for presenting this proposal to do something for the workers who are not paid the living wage. He presented approximately 300 petition signatures which were collected from the community in support of the Resolution and Ordinance.

Maria Christina Lopez, Former Immigration Chair, said she will be translating for the following four individuals who will be speaking briefly:

Carlos Campos said, "Good evening Mayor Gonzales and members of the City Council. My name is Carlos Campos. I worked at Posa's Restaurant for seven years and I was not paid my extra time, nor the minimum salary of the City. When we complained about our salaries, they let us go, and we went to Somos and they helped us to make a complaint of wage theft, and we're

still fighting that case. Wage theft affects my family, my children and the City's economy. I ask you to please approve this Ordinance, because there are still many workers who suffer from wage theft and they are afraid of retaliation. Thank you."

Catalinga Garcia. My name is Catalinga Garcia, and I worked at the *[inaudible]* Hotel for two years. I worked 5 days a week, and I clean from 14-17 rooms a day. And sometimes I couldn't finish in the time that I was supposed to in my paper. And in all that time I was never paid all of the hours that I worked. They make me punch out and then I had to work two or two and a half more hours a day. When I told my supervisor that I had the right to be paid for my hours that I had worked, she let me go, and I ended up without a job, because I claimed my salary. And what they owe me in total, more or less, 960 hours which is approximately \$10,000. I came to Somos and they gave me information and made my complaint. I ask you to please support this Ordinance so that the owners of these places don't keep stealing salaries. Thank you."

Lilia Ramirez said, "I worked at Chocolate Maven for 6 years. During that time, I was a victim of wage theft. My patron didn't pay me the minimum wage. They pay me in cash and from my salary my patron took 10%. I, like the rest of my coworkers, was afraid of reprisals. I was afraid of complaining because I was afraid of reprisal. And it's also because I didn't know my rights I came to Somos un Pueblo Unido to ask for guidance and they informed me about my rights. I complained to the City. I ask you to please support this proposal which would protect the workers. Thank you very much."

Vladimil Ramirez said, "I worked at Posa's for four years and I was a victim of wage theft. They didn't pay me my minimum wage and they didn't pay me for the extra hours I worked. They also didn't pay me the times I worked in the morning when we had meetings. I complained to the Labor Department, and the next day I was let go. I ask you to please help us with this Ordinance to protect the workers so nothing like this happens to other coworkers."

Iria Saenz said, "I worked at Burro Alley Café. I worked for 6 weeks. I didn't get paid a check for *those 6 weeks. I asked for my check. He fired me and told me not to come back or bother getting my money.* All I got was in cash, my tips, and there was about \$15 during the week. During the weekend, it was \$50, and I just ask you to let other people know about this, and to please help us get justice for what they're doing to us. Thank you."

Gabriella [??], Staff Attorney, at the United Workers Center, which is a project of Somos un Pueblo Unido, said, "Ever since the passage of the Santa Fe Living Wage, Somos has been working on strengthening wage laws for all workers at the State and local level. We have been working with City staff to improve reactive steps to enforce the Santa Fe Living Wage. This Resolution and Ordinance are good changes for the pro-active side. Even just this week, we learned local businesses that support Somos didn't even know the Living Wage had increased to \$10.66, so this is really going to help educate employers. So therefore, this is the right move. Thank you."

Miles Conway, member of the Business & Quality of Life Committee, chaired by Councilor Lindell, said, "This Ordinance and Resolution came before our Committee a short time ago. It had a little more teeth in it when it passed through, but we are still, and speaking for myself and as the Communications Director of AFSCME Council #18 of Public Employees in New Mexico, very grateful to see this coming forward and before you tonight. I think it's an important step. I think the Living Wage needs these teeth. I'm certain that when we passed this Living Wage Ordinance all those years ago, we never intended for it to be neglected and not enforced, and I'm glad this night has come that we can finally enforce it. Speaking as a member of organized labor in new Mexico, even in labor with the best contracts in the world, and a strong union to stand behind it with resources and employees that have stewards they can talk to, wage theft happens all the time. We fight it and we fight cases and sometimes they drag on for years. And we are able to prevail in those cases. But these are workers with resources, and those you've heard from tonight, are also our fellow workers in Santa Fe with access to resources. They were lucky enough to find their way to Somos. But not every worker is going to be that lucky out there in our City. And so, this Ordinance is a great step forward to put some teeth in the Living Wage Ordinance. What is it – the journey of 1,000 pennies an hour is going to start with getting off the dime. So, appreciate your consideration of this Resolution and this Ordinance, and I'm glad to see the Governing Body will work with City staff and we will explore and recommend the next steps to make the Living Wage Ordinance even more of a great model for our country. Thank you."

John Hendry, President, New Mexico Federation of Labor, said Miles said everything he had to say. He said, "AFSCME is fighting hard since State government is stealing money from its own workers, and they're working hard to get that money after 6 years, so this can happen to anyone. The burden of protecting workers is going to fall to you for at least the next couple of years, probably the next four years. There's going to be a lot of anti-worker legislation we're going to see at the Capitol, and the fight back is going to have to come from the cities and from leaders like you. So you will be seeing us this year. Fair warning, we're going to be talking about the *[inaudible]*, and I think that figure of 15 is going to have to come into conversation here. This is a great start. Thank you for doing this, we appreciate it, and we'll be back."

Former Mayor David Coss said, "I just wanted to come and support this legislation. I'm really grateful to Councilor Maestas for bringing this forward and for the help he received. I was proud to be on Council that passed the Living Wage with Councilor Bushee, who I think is the only one there back when we did it. And I think enforcement, education and information to the business community have been two things that we've needed to address more strongly. I think for a few year, we were just afraid to touch it again. So I'm glad to see that you took it on Councilor, I really appreciate that. I think the businesses need that information. They need to know when it's going up, who it applies to, how it works with tips, so many factors. And then, as been testified to so eloquently, wage theft does occur. I was very proud as a Councilor and then as Mayor, at how well Santa Fe embraced the Living Wage. And I think the business community, though it wasn't their favorite legislation, generally got in line and paid it. And I think when we have businesses, as have been testified to tonight where they don't pay it, it undercuts all the rest of those businesses. And so I'm really happy to see the City addressing this aspect. The information aspect, and the enforcement aspect, because it's been weak since our first bill, and I see this as a great chance to move something all of us in Santa Fe are very proud of, to move that forward again. So thank you very much, and have a very good holiday season."

Sharon Archenbright, Vice-President of Local #1199, Hospital and Healthcare workers in Northern New Mexico, said, "We are in support of this on behalf of all the members, and urge you pass this Resolution and Ordinance. Thank you."

Bruce Weatherbee, Rosario Hill, said he a former President of the Central Labor Council in Santa Fe and Northern New Mexico. He commended the people who came forward earlier and testified. He said, "They are very brave people and they need your help. I commend Councilor Maestas for bringing this forward. The effort the City has made as Mr. Hendry said earlier, is going to be needed even moreso in the next few years. A group of us joined Somos last summer before the Workforce Solutions Office, and you're not getting the response from State Government that should be doing this. Whatever you guys can do to help folks get their hard earned money and put it back into this economy is important. Thank you."

The Public Hearing was closed

Councilor Bushee said, "I did sign on early on, Yolanda, I don't know, I'm not on there now. Is there any benefit to adding a section that it would be cause for revocation of a business license if the business is not in compliance with the Living Wage Ordinance."

Mr. Shandler said Councilor Maestas has the answer, and he can defer to him.

Councilor Maestas said, "Under the current Ordinance right now, the City Manager does have the ultimate authority to revoke a license."

Councilor Bushee said we are going to pursue through Resolution a more robust enforcement program, and she knows the authority lies with the City Manager. She asked if there is anything to preclude the City from adding now to this bill a new section that would say, if the two sections you are adding are not complied with, there is cause for revocation of the business license.

Mr. Shandler said, "The bill itself just addresses the licensing portion. It does not open up Chapter 28. So if you were going to open Chapter 28, even for that sense, we would have to renote it."

Councilor Bushee said then this is not in Chapter 28.

Mr. Shandler said it is Chapter 18.

Councilor Bushee suggested when you pursue the enforcement program that be considered and any other possibility under this Ordinance for the other chapter.

Councilor Maestas said, "Before I move to approve, I want to just reemphasize these testimonials of these folks who have experienced wage theft, hostile work environment, and reprisals to the degree where they are fired from their job. So I think this really hits home, the human element behind this issue, and I would definitely like to respond to those that say that there haven't been any complaints. When you have a reactive enforcement program, the numbers aren't going to be there. But I guarantee you when we do create a more comprehensive pro-active enforcement program, we'll get a better sense in terms of what the compliance is. But again, it's not meant to be punitive. It's meant to be a deterrent, to ensure the businesses are aware from the very beginning and they know there will be consequences if they don't comply. But I say this is a non-punitive effort, and I ask all of you, all my colleagues on this Council, that when staff comes forward in 90 days that you be very open-minded and supportive of changes to this Ordinance to create a more pro-active, comprehensive compliance program."

MOTION: Councilor Maestas moved, seconded by Councilor Ives, to adopt Ordinance No. 2014-2038 as presented.

DISCUSSION: Councilor Bushee asked what are the consequences. This is sort of putting people notice that they need to comply, so I guess I'm asking for the next steps and maybe that's in the future program. She would like to pursue if one of the consequences could be a revocation of the business license.

Mr. Shandler said, "That currently is in Chapter 28, the revocation of a business license. There are pending complaints right now that were approaching that level. And there also are Court proceedings, and whether we should pursue those options. So those reactive models are already in Chapter 28, and thanks to working with this group we've re-looked at things to try to make it more efficient with greater results for employees."

Councilor Bushee said, "So directly related to the Living Wage Ordinance there is that possibility or consequence."

Mr. Shandler said yes.

Councilor Maestas said, "Just on that point, there really were no administrative procedures to enforce the existing Ordinance. And thanks to staff and other stakeholders, Somos un Pueblo, now we have some administrative procedures and progressive discipline that could possibly work up to the ultimate discipline which is a revocation of a business license, which the City Manager has that authority today. So I think we're going to use a pro-active enforcement program so we don't have to really pull the ultimate penalty. We hope we never get there. I think this proposal, particularly in the Resolution, will ensure that we don't ever have to go there."

Councilor Dominguez thanked staff for its work, and thanked Councilor Maestas. He said, "This isn't necessarily a new issue. It's been going on for quite some time. And I think Mayor Coss kind of mentioned. It's not something we forget about, but sometimes maybe we don't have the appetite to deal with this. So thank you for bringing this to the surface. I will say, regardless of your political use, it is a shame people are taken advantage of, and I hope this is one step closer to making sure we don't take advantage of people. I think that's the most important thing, and it's congratulations and I look forward to seeing what comes in the future on this."

Mayor Gonzales said, "It should be a group hug to Councilor Maestas for bringing this forward. Well done. Just kind of reflecting and listening to people talk tonight, and Mayor Coss in the discussion when the Living Wage was so courageously passed by this Council. I think the motivation behind it, at least the way I understood it, was to make sure that every person living in this community had access to a wage that would allow them to raise their families, to be productive members of our community to help move our economy forward. I don't think the Living Wage ever had parameters around it. We never said regardless of the color of your skin, your orientation, your gender, that you wouldn't be entitled to a living wage. And what has happened is it is almost like the bully on the school ground who knows he can take advantage of that kid who, for no other reason, is the person he's taking advantage of. I think what we have to do as a City and through this Ordinance, is we're standing up to that."

Mayor Gonzales continued, "And I appreciate not wanting to be punitive, but on the other hand, I also want us to send a very clear message to the business community that if you cheat on wages with one Santa Fean, any Santa Fean can be vulnerable to being cheated of wages. My hope is, through this 90-day development, we can be as aggressive as possible when it comes to education, but certainly when it comes to the enforcement. I think if there is this process of 1-2-3 strikes, what it means is that there are mouths that aren't able to be fed, employees that aren't able to be paid. There are people under the threat of losing their job, and we can't have that environment for our kids. We can't have that kind of business environment in our community if we want to move our economy forward."

Mayor Gonzales continued, "And I've got to say that nights like tonight, I'm so frustrated I can't speak Spanish, because I would want to communicate to people here tonight who spoke to us in Spanish that this is your community. You have the right to stand up and call out somebody when they've done something wrong. And you should never ever feel retaliation, and you should always know this is a

government who will stand by your side like we would anyone else's who wants to be a productive member of our community. So as much as we gave accolades to Councilor Maestas for leading this, I want to thank you for the courageous action you took in raising your hand and saying we were doing wrong and this needs to be addressed. And I will assure all of you that we're all committed to making this type of injustice doesn't continue to happen and that your concerns are addressed. And that you never have to worry about an hour you put into work to help someone out in the community or help a business out that you would be cheated of earned wages. I want to thank you guys for that and than Councilor Maestas and Ives and Bushee and Dominguez and everyone who signed on this early on to make sure this type of enforcement action is becoming a reality."

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.

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to adopt Resolution No. 2014-103.

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.

Explaining her vote: Councilor Bushee said, "Yes, and I had already signed onto this one a while back too.

10. **CONSIDERATION OF BILL NO. 2014-35: ADOPTION OF ORDINANCE NO. 2014-39 COUNCILOR DIMAS). AN ORDINANCE REPEALING AND READOPTING ARTICLE IX OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH THAT PARKING VIOLATIONS RELATED TO PARKING METERS, CITY PARKING LOTS AND CITY PARKING GARAGES ARE CIVIL PARKING VIOLATIONS AND SUBJECT TO ADMINISTRATIVE ADJUDICATION AND COLLECTION FROM AN EXTERNAL COLLECTION AGENCY; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE. (SEVASTIAN GURULE)**

Councilor Dimas said Sevastian Gurule has done so much work on this Ordinance, along with Melissa Byers and others, including the City Manager, Judge Ann Yalman and several others since this came up about a year and a half ago when we were having problems in collecting parking violations at parking meters in particular. He appreciates all the work Sevastian has done in leading this effort. He said this has been vetted 5-6 times by different committees where we did the things that are necessary to make it work. He turned the matter over to Mr. Gurule for his comments.

Sevastian Gurule's said, "As I was sitting at the back of the room trying to think what else I can share in regards to this, I couldn't help but reflect in the last 4 years of my tour of duty as the Parking Division Director. We've overcome some great challengers over the past 4 years. We have revenue projections of \$1.3 million, with a deficient consistent for the past 7 years. We had 4 cases of embezzlement and we've had several audits and one forensic audit. And through a lot of hard work, dedication, fiscal accountability and responsibility, my staff and I, with support of the City Manager and the Governing Director and Department Director, have made great strides to correct some of the errors that were doing on for quite some time."

Mr. Gurule continued, "In FY 2012-14 was the first time we recognized an actual net profit in the Parking Division. The forensic audit in March 2013, highlighted several areas in which we needed to improve our administration of citations and full accountability of all citations being adjudicated for the Municipal Court. With the leadership of Council Dimas, the support of the City Manager and our Department Director, before you here is a Code amendment to decriminalize parking citations related to parking meters, parking lots and parking garages. And to allow us the opportunity to have a civil adjudication process before a hearing officer. And most of all, the ability to use a collection agency that will assist us in collecting the fines that are still outstanding."

Mr. Gurule reviewed the information in his Memorandum of November 7, 2014, with attachments, to the Governing Body in this matter, which is in the Council packets. Mr. Gurule noted there is an FIR included in the packet. Please see this Memorandum for specifics of this presentation.

Mr. Gurule said he wants to be able to continue the work that has been done thus far within the Parking Division, noting the Division has a great opportunity for greater successes. He said there is a Code amendment before the Council this evening to decriminalize parking citations, and a request to create a Parking Violations Bureau. He asked for the Governing Body's support in these matters, and said *he would stand for questions.*

Councilor Dominguez thanked Mr. Gurule's wife for staying for the entire meeting with us, and for lending us your husband for all the years he's worked for the City.

Councilor Dominguez said, "I just want to say Sevastian that in all the years I've been a City Councilor, you have proven to live up to expectations that management and the Governing Body has of you, so thank you very much for all your work. Especially when it comes to a Division that had its challenges and problems and issues. You went through the whole process of dealing with lots of things,

some political, some not political, and some of the realities we had to deal with.”

Councilor Dominguez said during the Finance Committee meetings, two numbers were tossed out – \$301,000 and \$800,000. He said the current FIR indicates for 2014-2015, \$82,083 in costs, personnel and other operating costs, and asked if that is correct.

Mr. Gurule said yes, it would fund the remainder of the current fiscal year.

Councilor Dominguez said in the next FY it will be about \$293,000, and Mr. Gurule said that is correct.

Councilor Dominguez noted the revenue projections are \$162,683 for 2014/2015, and the rest is \$325,000 for 2015/2016. He asked if the difference is because one is for only part of the year and the other is for the entire year.

Mr. Gurule said this is correct, noting they are looking at minimal expenses for the remainder of this fiscal year, and they are preparing for public relations campaigns, finalizing the policy procedures, going through the contracting process to hire a hearing officer and to prepare for the July 2015 effective date of the Ordinance. He said they will have 6 months to put all of the processes in place to do public education, change of forms and get it finalized. He said they don't want to have a program that isn't ready to go.

Councilor Dominguez asked if everything in the implementation plan has been considered in the FIR provided by Mr. Gurule, and Mr. Gurule said this is correct.

Councilor Dominguez noted the second bullet in the staffing requirements talks about reclassifying an existing position, and asked if the \$8,500 is on top of the salary that position already is collecting and Mr. Gurule said this is correct.

Councilor Dominguez said it is for the position, regardless of who it is, who will be getting an \$8,500 raise, and Mr. Gurule said this is correct.

Councilor Dominguez thanked Councilor Dimas for his work in moving citations from criminal to civil, and said he thinks this is a very good outcome.

Councilor Lindell said this is a completely different FIR than what we saw at Finance. She said on the revenue side the fees and penalties for next year are \$211,000, and Mr. Gurule said this is correct.

Councilor Lindell asked about the \$114,000 for on-line.

Mr. Gurule said the Parking Division has been working hard in the last few months to implement new modules that would help us become more pro-active than reactive. The on-line service is built into the Parking Management System and allows patron to pay parking citations on-line or to appeal a citation on line. It is projected this will increase revenue by 30%..

Councilor Lindell asked if the \$114,000 or 30% increase is additional revenue.

Mr. Gurule said it is additional revenue and considers all outstanding balances. The projection is based on those citations with registered owner information and have New Mexico license plates.

Councilor Lindell said on page 2, under forecasted revenue increase, it indicates an increase of \$211,000 during FY 15/16, which is in the FIR. However, the \$114,000 isn't mentioned in the increase. She asked if that is an actual increase or if that is just taking those citations that will be paid on line.

Mr. Gurule noted that is an error and he forgot to include it.

Public Hearing

Speaking to the Request

There was no one speaking for or against this request..

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Ives, to adopt Ordinance No. 2014-39.

DISCUSSION: Councilor Maestas said he also would commend Councilor Dimas, noting this isn't precedent setting. He said we had civil fines for running red light violations, so this nothing new, and is part and parcel of Santa Fe being a Home Rule City. He asked Ms. Brennan if we could do this if we were not a home rule city.

Ms. Brennan said, "I had an interesting correspondence with Judge Yalman about this, as a result of the memorandum I wrote about decriminalizing marijuana. She said that I had convinced her that in fact it was possible to decriminalize these offenses, and that was in part because we are a Home Rule municipality."

Councilor Maestas said if we consider the savings and court costs, it would really add to the fiscal impact report in a positive way, so he supports this proposal.

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.

Mayor Gonzales thanked Mr. Gurule for the work he's done in Parking, which is a very tough job commenting that Mr. Gurule stepped in and did really well. He said the good thing is that he is coming back to help us in dealing with our own challenges in terms of how we communicate with our constituents and to do the work we were elected to work. He looks forward to working alongside Mr. Gurule in this regard.

16. MATTERS FROM THE CITY MANAGER.

There were no matters from the City Manager

*Mayor Gonzales exercised the discretion of the Chair
and moved Items #17 and # 18 to the end of the Evening Agenda*

19. MATTERS FROM THE CITY CLERK

Yolanda Vigil wished everyone Happy Holidays.

20. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of Bills and Resolutions scheduled for introduction by members of the Governing Body for the City Council meeting of December 10, 2014, is incorporated herewith to these minutes as Exhibit "15."

Councilor Rivera

Councilor Rivera introduced the following:

1. A Resolution directing staff to implement the next phase of developing the Santa Fe "Arts + Creativity Center" which is intended to provide affordable live, work, creation, performance and retail space for artists and creative businesses in Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

2. An Ordinance relating to the National Electrical Code and the National Electrical Safety Code; amending Subsection 7-1-1 SFCC 1987, to adopt the 2014 National Electric Code and the 2012 National Electrical Safety Code. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "17."

Councilor Rivera wished everyone a Merry Christmas and a Happy New Year, noting he will be in Florida during the holidays.

Councilor Trujillo

Councilor Trujillo introduced a Resolution authorizing the reallocation of 2012 Parks and Trails Bond funds, in the amount of \$533,300, that are currently allocated for the skate features at Franklin Miles Park, Ragle Park and West De Vargas Park to be reallocated for a skate feature at Genoveva Chavez Community Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

Councilor Trujillo wished everyone in Santa Fe a Merry Christmas and Happy Holidays. He has enjoyed working with the colleagues over the past year, and looks forward to next year.

Councilor Lindell

Councilor Lindell introduced a Resolution authorizing and supporting the submittal of the City's project application to the Santa Fe Metropolitan Planning Organization for funding under the Fiscal Year 2016/2017 NMDOT administered funds from the Transportation Alternatives Program and Recreational Trails Program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19"

Councilor Lindell wished everyone a Merry Christmas.

Councilor Dominguez

Councilor Dominguez thanked Brian Snyder and staff for all of the work they did to make the Second Annual Quality of Life Symposium a success, with special thanks to Catherine Mortimer.

Councilor Dominguez introduced the following:

1. A Resolution authorizing an extension of time for presentation of the special audit of the 2008 Parks, Trails and Open Space bond to March 31, 2014. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."
2. An Ordinance relating to youth league fees for use of City sports fields; amending

Subsection 23-4.13 to require Youth League Representatives to participate in the Keep Santa Fe Beautiful cleanup events in exchange for the reduced youth league fees the City offers and making such other grammatical and typographical changes as are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "21."

Councilor Dominguez said there a lot of missing young girls we've received press releases on. He asked the public to be safe with that, and he thinks the Governing Body should be briefed by the Police Chief in this regard.

Councilor Dominguez wished Feliz Navidad y Prospero Ano Nuevo to everyone – Happy Holidays and Merry Christmas.

Mayor Gonzales

Mayor Gonzales introduced the following:

1. A Resolution repealing Resolution No. 2014-1 relating to the Open Meetings Act; adopting the State of New Mexico's Open Meetings Act by reference; and adopting notice requirements. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "22."
2. A Resolution directing the City of Santa Fe Fire Department to explore the options for establishing a comprehensive plan for a long-term Community Protection Initiative ("CPI") and report back to the Governing Body its findings and recommendations, including the fiscal impact for establishing and maintaining such a program. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "23."
3. A Resolution declaring the Governing Body's continued support for the New Mexico School for the Arts and their efforts to establish a permanent location for their campus within the City of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "24."
4. A Resolution directing staff to design and implement a pilot project to install and evaluate green bicycle lane markings at high-risk intersections within the City of Santa Fe; authorizing a designation of up to \$50,000 of CIP on-road bicycle improvement funds for the pilot project; and conduct a study of Santa Fe's streets and roadways to determine the feasibility of implementing protected bike lanes throughout the City. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "25."

Mayor Gonzales thanked Councilor Dominguez for really pushing the Quality New Mexico

application.

Mayor Gonzales wished everyone Happy Holidays and to please be careful, and to ask everyone to support Santa Fe businesses as much as possible.

Councilor Ives

Councilor Ives has nothing to introduce, but would join several of the Mayor's introductions as a cosponsored – exploring options for establishing a comprehensive plan for long term community protection initiative, and declaring the Governing Body's continued support for the School for Arts..

Councilor Ives wished everyone a Joyous Holiday Season.

Councilor Bushee

Councilor Bushee introduced the following:

1. A Resolution directing staff to collaborate with stakeholders to achieve gold level status with the International Mountain Biking Association (IMBA) and to pursue new trail development opportunities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "26."
2. A Resolution directing staff to create a City of Santa Fe Climate Protection Action Plan ("CPAP") and Renewable Energy Vision ("REV")' establishing an Energy Collaboration Team to work with Public Service Company of New Mexico ("PNM") and New Mexico Gas Company ("NMGCO") to craft Memorandums of Understanding that align with the CPAP and REV and recommend amendments and/or new Franchise Agreements with PNM and NMGCO. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "27."

Councilor Bushee would like staff to look at the Minneapolis model where they couldn't get renewables they wanted, noting they are in a collaborative process. She clarified that the team which would be assembled on behalf of the City would be the sole team creating our action plan and energy vision. After 60 days, we would sit and negotiate and/or craft an MOU between the utilities and municipalities.

Councilor Bushee asked staff to look at the new Las Casitas Trail, noting after the recent rains, the drainage didn't happen, and she is concerned about the new trail area.

Councilor Bushee wished everyone a Happy and safe Holiday, Happy Hanukkah, Happy Kwanza,

Merry Christmas and good will toward all.

Councilor Maestas

Councilor Maestas wished everyone a Merry Christmas. He hopes he will see everyone at the City Christmas party.

Councilor Maestas said he wanted to shout out to City staff and the Conservation Trust for completing the little segment of the trail along Camino Cruz Blanca.

Councilor Dimas

Councilor Dominguez said he would like to cosponsor the Mayor's legislation on the Resolution directing the Fire Department to explore options for establishing comprehensive plan for long term community protection initiative, and Councilor Dominguez' Ordinance relating to Youth League Fees.

Councilor Dimas wished everyone a very Merry Christmas and a prosperous New Year.

17. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §§10-15-1(H)(7) AND (8) NMSA 1978, DISCUSSION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, IN THE MATTER OF THE APPLICATION BY THE CITY OF SANTA FE FOR PERMIT TO USE A SUPPLEMENTAL WELL, ADMINISTRATIVE HEARING BEFORE THE OFFICE OF THE STATE ENGINEER, CASES HU 12-018 AND 12-023 AND QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 14-2008 IN THE U.S. COURT OF APPEALS FOR THE TENTH DISTRICT; AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, that the Council go into Executive Session for discussion regarding threatened or pending litigation in which the City of Santa Fe is a participant, including, without limitation, in the matter of the application of the City of Santa Fe for permit to use a supplemental well, administrative hearing before the Office of the State Engineer, Cases HU 12-018 and 12-023; *Qwest Corporation v. City of Santa Fe*, Case No. 14-2008 in the U.S. Court of Appeals for the Tenth District; and discussion of the purchase, acquisition or disposal of real property or water rights by the City of Santa Fe, in accordance with §§10-15-1(H)(7) and (8) NMSA 1978.

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

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

Against: None.

The Council went into Executive Session at 10:35 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 11:50 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: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Ives and Councilor Bushee

18. ACTION REGARDING QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 14-2008 IN THE U.S. COURT OF APPEALS FOR THE TENTH DISTRICT.

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

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: None.

Absent for the vote: Councilor Bushee and Councilor Ives.

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 12:00 Midnight.

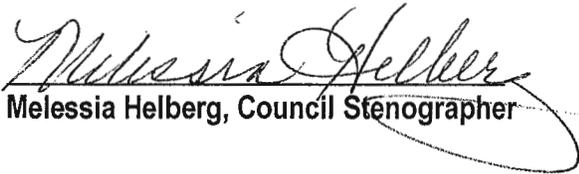
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer