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March 11, 2015**

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**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
March 11, 2015**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, March 11, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor Javier M. Gonzales  
Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor 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 A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Brian Snyder, City Manager said he would like to pull Item #10(j), to go back to Public Utilities for an informational item and discussion. He asked to insert a Muchas Gracias for Cecilia Lipworth prior to 9(a)

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

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

**7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Bushee 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) **BID NO. 15/11/B – SALVADOR PEREZ FITNESS EQUIPMENT; THE FITNESS SUPERSTORE. (ROBERT RODARTE)**
- b) **REQUEST FOR APPROVAL OF BUS BRIDGE SERVICES AGREEMENT – PUBLIC TRANSIT SERVICES WITHIN THE CITY OF SANTA FE; RIO METRO REGIONAL TRANSIT DISTRICT. (KEN SMITHSON)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – SOFTWARE LICENSES AND TECHNICAL SUPPORT; ROUTEMATCH SOFTWARE, INC. (KEN SMITHSON)**
- d) **REQUEST FOR APPROVAL OF APPLICATION – FY 2015/16 LAW ENFORCEMENT PROTECTION FUND; NEW MEXICO DEPARTMENT OF FINANCE & ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (CHIEF ERIC GARCIA)**
- e) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) FORD FUSION VEHICLES AND EQUIPMENT FOR POLICE DEPARTMENT; DON CHALMERS FORD. (DEPUTY CHIEF MARIO SALBIDREZ)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – POLICE PROPERTY TAX FUND.**

- f) **REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT – SOUTHSIDE TRANSIT CENTER AND POLICE DEPARTMENT RENOVATIONS (RFP #15/19/P); HUITT-ZOLLERS, INC. (LeANN VALDEZ)**
  - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – ALARM ENFORCEMENT FUND.**
- g) *[Removed for discussion by Councilor Trujillo]*
- h) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR APRIL 8, 2015:**
  - 1) *[Removed for discussion by Councilor Maestas]*
  - 2) **BILL NO. 2015-10: AN ORDINANCE AUTHORIZING THE SALE OF 2,352 SQUARE FEET OF REAL PROPERTY LOCATED ADJACENT TO 213 WEST ALAMEDA STREET AND DESCRIBED AS PARCEL ‘A’ AS SHOWN AND DELINEATED ON A PLAT OF SURVEY ENTITLED, “BOUNDARY SURVEY PLAT, PARCEL ‘A’ FOR GALISTEO STREET, INC., LYING AND BEING SITUATE WITHIN PROJECTED SECTION 24, T17N, R9E, WITHIN THE SANTA FE GRANT, NMPM, WEST ALAMEDA, CITY AND COUNTY OF SANTA FE, NEW MEXICO,” DATED DECEMBER 12, 2014. (MATTHEW O’REILLY)**
- i) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT TO PROVIDE FULL FUNDING FOR FY 2014/15 ECONOMIC DEVELOPMENT PROGRAM. (KATE NOBLE)**
- j) **REQUEST FOR APPROVAL FOR CITY OF SANTA FE TO BECOME A CHARTER MEMBER OF THE RIO GRANDE WILDFIRE AND WATER SOURCE PROTECTION COLLABORATIVE PROGRAM. (RICK CARPENTER. This item was removed from the agenda and sent back to the Public Utilities Committee.)**

**8. APPROVAL OF MINUTES: JOINT CITY/COUNTY MEETING - FEBRUARY 20, 2015  
REGULAR CITY COUNCIL MEETING - FEBRUARY 25, 2015.**

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to approve the minutes of the Joint City/County meeting of February 20, 2015, as presented.

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

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of February 25, 2015 as presented.

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

## 9. PRESENTATIONS

### (a)(1) MUCHAS GRACIAS – CECILIA LIPWORTH

Councilor Bushee presented a Muchas Gracias Certificate to Cecilia Lipworth for her work organizing programs and activities of One Billion and Rising to end violence against women and girls.

Mayor Gonzales thanked the organization which bring awareness to women's issues and to end violence against women, as well as bringing the community together to support these efforts. Mayor Gonzales said we look forward each year to the activities of One Billion and Rising.

### a) PROCLAMATION – CERTIFIED GOVERNMENT FINANCIAL MANAGERS MONTH – MARCH 2015. (COUNCILOR DOMINGUEZ)

Councilor Dominguez read the Proclamation into the record declaring March 2015 as Certified Government Financial Managers Month in New Mexico, and presented the Proclamation to Elena Tercero, President, New Mexico AGA Chapter..

Ms. Tercero said there are almost 300 members in New Mexico, most of whom are government employees, and they encourage the membership to participate in the Association of Government Accountants for continuing education. They encourage their members to become CGFM. She currently is studying for the CGFM and has completed one exam with two to go. She introduced members and CGFM's Brian Maestas and Vince Lithgow, who are part of this Chapter and committee.

Councilor Dominguez thanked them for their hard work.

### b) CLIMATE ACTION TASK FORCE UPDATE AND RECOMMENDED ENERGY INITIATIVES. (DAVID COSS). (Postponed from February 25, 2015 City Council Meeting)

A copy of Memorandum dated February 25, 2015, to Mayor Gonzales and City Councilors, from the Santa Fe Climate Action Task Force, regarding *Energy Efficiency and Renewable Energy Programs and Project Recommendations*, is incorporated herewith to these minutes as Exhibit "1."

Mayor Gonzales said he reached out to a group of citizens in the Fall and asked them to begin to take on the development of measurable action items that would help us begin to take on the challenges of climate change and to present a set of recommendations the Council could consider to move into policy. He said, after hundreds of hours, and the more than 70 people who participated in this process, he would like to invite Former Mayor Coss, Co-Chair of the Task Force along with Councilor Ives, to present the report. He thanked the members of the Task Force for serving, and continue to serve, on this Task Force to help us identify policy that can be brought before the Council for adoption. He said later this evening, he will begin the process along with Councilor Ives, with introducing resolutions and to invite any of the members of the Council to consider joining as cosponsors so we can build support for policy that will yield results in battling climate change in Santa Fe.

Former Mayor David Coss said it is great to see everyone again. He said he thought often in Co-Chairing the Task Force with Councilor Ives, about the great example that Justice Serna set when he chaired the Charter Commission two years ago. He said he did such a great job with this. He said he Chairs and listens and tries not to say too much. He said the citizens on the Task Force who are working so hard, really "know their stuff, are very passionate about it and really have done a tremendous amount of work." He noted several people from the Task Force are in attendance, and asked them to stand, and thanked them for their work. He said his presentation this evening is the work of the Task Force that has been going on for a long time.

Former Mayor Coss presented information from Exhibit "1." Please see Exhibit "1" for specifics of this presentation.

*The Governing Body commented and asked questions as follows:*

- Mayor Gonzales reiterated Former Mayor Coss's thanks to the Sustainable Planning Commission who re-gearred themselves a little bit to move into the Climate Action Task Force and become a part of the body and allow for their expertise to be lent to community members when they were considering some of these recommendations. He said, "I want to assure the Council that the Sustainability Commission that was appointed by Council is intact, in play and participating alongside with the Climate Action Task Force."
- Councilor Ives thanked Former Mayor Coss for the initial report to the Governing Body on the activities and recommendations of the Climate Action Task Force. He said this is a significant and important first step in the process which Mayor Gonzales set in place in September, to leverage the significant expertise and capacity across the community by the citizens who live here who bring so much knowledge and experience in these issues, creating an opportunity for them to be much more involved in taking our City forward into a very sustainable future. He thanked the members of the Task force in attendance as well as those who aren't here, as well as the 70 odd people who serve on the different working groups who are working to bring forth recommendations in all the other areas.

- Councilor Ives continued, saying, this is to be the first of many such opportunities to present to the Governing Body the recommendations to consider on policies to move our City forward into the sustainable future we all desire for it. He looks forward to continuing working with Former Mayor Coss. He said we have had many of these committees doing fabulous work and the Climate Action Task force is a catalyst in taking the good work done over many years, combining it with what is new and best in all of these areas and bringing it forward to the Governing Body for its consideration. He said we will have opportunity as Councilors to participate in those areas in which we have a particular interest to be able to look at sponsoring items of policy related to the recommendations that the Task Force will be bringing forward. He said, "Again, thanks. A brilliant start and looking forward to more."

- Councilor Bushee thanked Former Mayor Coss for his past initiatives, and for bringing Nick Schiavo on board as our energy specialist, and said, "we just went to town getting our City buildings solarized and that was the big jump start on the effort." She asked if the new Finance Director participated in any way, commenting she is interest in the Appendix, and the suggestion to use the water resources as a potential funding source.

Former Mayor Coss said the new Finance Director wasn't involved.

- Councilor Bushee asked who put together the Appendix that says, "We have a number of current customers, 762, I assume that's who are participating in some form of solar rooftop or other solar form, and the aim is to find 10,000 by a certain period. I'm just interested in the numbers."

Former Mayor Coss said, "The matrix and some of those goal settings were done by the Finance and the Energy working groups, and we get some of our numbers from Positive Energy and some of the solar installation companies. It was not reviewed with the Finance Department, it was more the financial expertise of the people on the working group."

- Councilor Bushee said she is looking for timelines as to when they have any expectation that we could achieve a goal of 10,000 residential solar energy systems.

Former Mayor Coss said, "That's significant. That's not in the next year. I think it ties back to the first goal of what is our footprint and what do we need to get to a zero footprint by 2040. But we think 740 is a darned good start, but not nearly enough. And again, that's why the PNM Rate Case concerns us, because it is a backward step when we're really going in a really positive direction. But I think every community in the country is looking at, we need to accelerate this."

- Councilor Bushee said she wanted to see who was behind the numbers and if they had the expertise to be able to consider that as a realistic goal. She said, "I'm assuming, again, not knowing the entire makeup of the committee, did the Santa Fe Public Schools participate in some way."

Former Mayor Coss said, "Yes. Lisa [Randall] has been with us all along."

- Councilor Bushee asked if they have ever bonded to go out.... because just like us, we can bond easily to build things. She asked, "Do you know if the schools have bonded to consider solarization."
- Former Mayor Coss said, "Some of the members may, I don't think they have. I think they've been doing it...."
- Mayor Gonzales said someone said yes.
- Councilor Bushee said she is interested in the funding mechanisms, the rate and would love to know if there is some way to send this to the Finance Committee to look at some of these funding options.

Former Mayor Coss said, "Those are great questions, and I think we're right at the time we want to start having Councilors and Council committees working with us and looking at these recommendations."

- Mayor Gonzales said, "I want to add on that point, Councilor. Thank for bringing up that point. There is a next process which is to turn it over to the Council. These really are citizen led recommendations. I will add that Commissioner Holian has been a part of this program as well, so the County has been included. I want to recognize Craig O'Hare and John Alejandro who have staffed the action task force for both the County and the City. And we expect Commissioner Holian to take at least form of recommendations to the Commission, so there can be joint participation in that."
- Mayor Gonzales continued, "And I think on the point of the Water Company, I think the way I understand the Climate Action Task Force, is they threw out a series of ideas, given where the City is. One of the options we could have, although it's going to take some work to understand, would be to adopt what other utilities across the country have, which is some form of utility bill pay through our water customers that would all people who could not necessarily go to a bank and borrow money for small retrofits or other energy efficient programs in their home, for us to look at utility bill pay in the form of our Water Company, to allow people to pay back costs associated with those retrofits."
- Mayor Gonzales, "Now, that's at the 30,000 ft. level, because we have the structure set up, but it will take a lot of work on our Finance Department's part, and certainly the utility side of the house. And any proposal or recommendation for that kind of program would be under full review by the City Council's Finance, Public Utilities and other committees. This is one example I've heard how the water company can play a role in being able to use their structure to bring other forms of capital if you will to some time of retrofit programs to the public that normally wouldn't. Large utilities in other communities across the country haven't opted for that kind of program, but we can if we have the mechanism to do so."

- Councilor Bushee asked if we can presume that the federal government – Fannie Mae and all of them – are going to continue to not allow us to use property taxes as the basis to do that kind of funding.”
- Mayor Gonzales said, “PACE is funding that allows for property taxes to be used, or basically property to be secured to general capital to go for retrofits. That’s different from using a utility bill system. And, you’re right, I don’t think there’s been movement on the residential side. And Mike Lofton is here so he could help on that. But on the commercial side there seems to be a vehicle available for large commercial users. I think the technicalities and the cumbersome process is something that needs to be evaluated on whether it truly can be a form of financing. But PACE is very different from the utility bill pay that could be considered by the Council.”
- Councilor Dominguez said, “Thank you, Mayors, for your work. Thank you Councilor Ives for your work as well, and thanks to the Task Force. How many members did you say there were, Mayor.”
- Former Mayor Coss said, “I think, with all the working groups, there are over 70 people that have been participating. I think Commissioner Holian’s group is truly large, for the land, the water and food security.”
- Councilor Dominguez said it is exciting to see that kind of energy behind this sort of effort, and it’s exciting to see this kind of effort being brought as far as it has been brought. He said, “It’s one of those things where there is probably going to be a lot of capital costs, or expense I should say, in the front, but on the back end it’s probably going to be well worth that investment.”
- Councilor Dominguez continued, “I had just a couple of questions. One has to do with what Councilor Bushee brought up in terms of bringing this to the Finance Committee. I’m not sure what the timeline is for some of this stuff in terms of what the cost may be. I would ask staff to be wary of the fact that we’re getting ready to jump into our budget. And so, as important as that is, and as important as this is, we want to make sure we provide the proper attention that each of those things need.”
- Councilor Dominguez continued, ‘The question I had was, with regard to the LEAP process, it sounds like from what I read, that that the City is ready to initiate in that process. And it might be more of a technical question that staff might be able to answer.”
- Former Mayor Coss said that is a question for John Alejandro.
- Mayor Gonzales said, “And I think that we.... so the goal would be to go to Finance with specific resolutions that would identify financial implications to the programs. But I will say that the Climate Action Task Force has heard from all of us that the City doesn’t have a pull of capital necessary to put into these. So the idea of creating financing is something that is very important in this process. I think what the Council will be seeing over the course of the summer is a series of resolutions that

map to the recommendations that the Task Force has brought forward. And that's where you'll get to start really delving into what works, what doesn't."

- Councilor Dominguez said, "But the process is, in and of itself, right. It's a process that you probably have to go through outside of some of the other creative finance opportunities."
- Mayor Gonzales said, "Certainly, for expansion of City facilities that are going to use solar, that obviously has implications that need to be addressed and dealt with, for sure."
- Councilor Dominguez said he brought that up, because it seems like it might be one of those pieces of low hanging fruit we should pay specific attention to. He doesn't know the cost implications, but the sooner we engage in some of these processes the better it will be as we start to consider the fiscal impacts these might have on the City."
- Councilor Dominguez continued, "Just on the other comment I wanted to make, is I know a good part of this, and it's a good thing, is we're looking at job growth. I want to make sure we continue to work with our Public Schools and the private sector to make sure we have the qualified workforce for some of this technology that is important and technical and all those things. So we need to make sure we have that qualified workforce to make sure we can provide as many jobs as we can locally, so we don't have to contract with Albuquerque because we don't have the workforce here to make these things happen. I look forward to what might come down. This is a great start, a great blueprint, and again, congratulations and thanks for all of your work for the Task Force."
- Mayor Gonzales noted that the Schools developed a Sustainability High School, so they are starting to work with high school students to introduce them to the concept of sustainability and preparing them to map into the Community College which already has a comprehensive program. He said, "Fortunately, Councilor Maestas on your point on the number of individuals. What has been interesting and fascinating to watch here is that hasn't been minus me asking 10-12 individuals to help lead this, everything else has been open access for the public to participate. So those aren't through appointments. They are people who have an active interest in a particular part and they show up to the meetings and they become, by matter of their interest, participants in the dialogue and the discussion. And that's how it's led to 70 plus members, by the community knowing about it and choosing to show up and put time and effort into it."
- Councilor Maestas said it is fitting that Former Mayor Coss is here continuing to implement his legacy and sustainability here in the City, and it's good to see him. He thanked the members of the Task Force for their work to date. He said, "Before we consider specific initiatives from the Task Force, and I realize these are all low hanging fruit, short term initiatives, I was looking through the other climate action plan in the Sustainable Santa Fe Plan and there's a lot of overlap in recommendations. So if we're going to talk significant investment or implementation, it would be good, for me, to see kind of status report on the climate action plan from the Sustainable Santa Fe Plan. I would be more apt to invest money and continue initiatives already underway, versus

starting something new and shifting investments away from some of these other Climate Action Plan recommendations.”

- Councilor Maestas continued, “That’s a tall task, I know that. This is kind of maybe farther down the road, but I think that would be really helpful, because in the plan there were no milestones, or timelines or anything like that. I’m sure with each progress report filed by the Commission, they did make progress on a lot of these, the Green Building Code, the solarization of City buildings. But I think for me to have proper context I would like to see where we are in terms of implementing all these initiatives and see how we can incorporate your Task Force’s recommendation.”

Former Mayor Coss said that fits with their first recommendation to get the carbon footprint nailed down, and really we want to work with what the Sustainable Santa Fe Commission has developed, and all the other great groups in Santa Fe and take it forward. You hit on the main point, which is it’s time to start measuring if we want to be carbon neutral by 2040, where are we now, and what collection of actions and programs can get us there. I hope to see 2040.

- Mayor Gonzales, “In closing, there is no staff movement in implementing any of these policies until the Council has considered resolutions. I just want to assure what we see up here are recommendations that will come to policy. I think the Manager has been very clear to the staff that until Council adopts a resolution that gives specific direction, that they are not to move in those areas.”

## **CONSENT CALENDAR DISCUSSION**

### **10(g) CONSIDERATION OF RESOLUTION NO. 2015-24 (COUNCILOR RIVERA AND COUNCILOR IVES). A RESOLUTION SUPPORTING THE NEXT PHASE OF PROJECT PLANNING FOR 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. (ALEXANDRA LADD)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, March 9, 2015, is incorporated herewith to these minutes as Exhibit “2.”

Councilor Ives asked to be added as a cosponsor.

Councilor Trujillo said he has had a lot of time to look at this and what it’s about. He said, “This is City land we’ve donated to Creative Santa Fe for those that are creative. In all the time I’ve been on the Council, we’ve always had the discussion about creating housing for Police, Fire, teachers. Are we going to start donating land and, this section here is for creative people, this section here hopefully will be for Police Officers, this section here for Fire. That’s not something I would like to see. You know, I’ve been about fairness across the Board. That’s what I want to see. I understand where you are going with this.

I've spoken with a lot of my constituents and personnel from Fire and Police. Some of them would like to live in Santa Fe because they protect the City, but rates are high, they understand that."

Councilor Trujillo continued, "I'm just wondering, within this complex, is there going to be room for possibly putting a Police Officer, possibly putting one of our Fire Department personnel. These are questions I'm asking you guys."

Kate Noble said, "If I may. This has been something that has been a bit of a struggle in talking about this project. And I'll let Daniel answer the specific question in a moment. This has been focused on creatives because it is a project that puts together affordable housing and economic development and the idea there would be shared services, resources, work spaces to support it. To some degree, we've struggled with the initial perception that it's for artists. And just to read from a handout that was presented to Business & Quality of Life, today... *while initially focused on artists, the scope of the Arts & Creativity project has broadened to serve what we're calling creatives, meaning people to materially participate in or support the creative economy. These are creative individuals working in the visual arts, music, theater, dance, media arts, designers, entrepreneurs, writers, craftsmen, builders, or people in related industries that support these professions.*' So, because we're talking about a project that does something new in putting affordable housing and economic services together, focusing around the creative industries, faced that sort of initial stigma that it was only for artists, and it's not. I will let Daniel answer, because I don't know the specific answer on Police Officers."

Daniel Werwath said, "I would say, first of all, I don't think that a Police Officer would income qualify for the type of very affordable rental housing we're proposing to create with this project, so that's just a consideration at the top level, unless maybe it was single income household with a very large family. So that's a consideration. We certainly haven't finalized the details of his this process works and we realize it is something that will take the utmost care in terms of how we approach it."

Mr. Werwath continued, "What I would say to address your core question is that what we're trying to do here is develop a new type of housing that's not available and do it in a way that's affordable. I too, having worked as a housing counselor for years at the Housing Trust, know well the challenges that particularly public servants have in finding affordable housing. But I would also put forward that we have some of the best affordable housing programs in the country designed to serve this folks. And this is really a unique thing,. We're trying to target people with relatively low incomes, below 60% of the median income. That's a very low income level, lower than pretty much anyone that is a City employee, maybe a newly-hired high school Parks maintenance guy would qualify or large families."

Mr. Werwath said, "Really, it's about trying to create a new type of housing that creates not just an affordable space for living, but also some economic opportunity at the same time and I think it's a really novel approach."

Councilor Trujillo said, "I'm not going to hold this up. I just wanted you to be aware of what I've been told. "The other thing I want on the record, is where you are planning to develop this is on Siler Road on City property."

Mr. Werwath said, "That's is their preferred site which is far from being 100% confident from the City side and our side."

Councilor Trujillo said, "I brought this up at Finance, because, I'm not saying it's going to happen, but it could happen in the future, because we have the homeless shelter on Cerrillos Road. And I know it's not a popular place to have it. We probably will be over the next few years lease. I don't know what's going to happen, but I think it's imperative the Council get to work on what we're going to do that building – if it is going to stay a homeless shelter are we going to expand it or are we going to move it. One of those options. I'm looking at moving to Siler Road because we have the land. You guys have your building *[inaudible]* and we're looking at this, and should it occur that I get this Not In My Backyard. It's City property and nothing's going to happen, I'm just putting it in here. That's all the discussion I really want to have on it. I just want you to be aware of that and I want the rest of the Council to be aware as well. Other than that, I will move for approval."

**MOTION:** Councilor Trujillo moved, seconded by Councilor Ives, to adopt Resolution No. 2015-24.

**DISCUSSION:** Councilor Dominguez asked Councilor Trujillo if he has specific language to propose.

Councilor Trujillo said if the housing that Mr. Werwath is trying to create, and technically Police Officers and Firefighters would make too much money to be there, he understands that. He reiterated he has heard from Police and Firefighters along with other constituents, and he doesn't know how to word that into it.

Councilor Dominguez said the issue of housing for public employees is much more complicated than a proposal and the things being requested in this Resolution. "It's just complex, and there a lot of moving parts to it. But one of the things I would like to see and ask if staff is okay with this, to kind of speak to the issue of the homeless shelter or the fact that there is a lot of land there in the Siler Road area. If there is a way for us, not as a condition of this piece of legislation, but an opportunity for use to ask staff to evaluate the entire public space we have there on Siler Road to find out what are the possibilities. That's what I'm interested in. Councilor Lindell, I don't know if you have language to propose. Let me hear what you have to say and then I think I have some that gets to the intent that I have. So let me ask staff, first of all, if you see any problems with that."

Ms. Noble said, "This Resolution has been revised in order to make it place agnostic. The affordable housing tax credits do depend on a substantial municipal donation. At this state, we've moved forward with the understanding that the easiest way to do that might be land rather than cold, hard cash. But this Resolution, with the evaluation and advice of senior staff, you may not, it no longer refer to Siler Road. It did, in the initial draft. This basically moves forward with the process for us to scope how a project like this would work, the process a municipal land donation and the analysis of the public property that might be considered for this. But this Resolution and the process outlined here is place agnostic, relating to the Siler Road site."

Ms. Noble continued, "We would plan on, and it's outlined here in the Resolution, to work closely with the office of asset development, the City Attorney's Office and others to do an assessment in order to bring forward some criteria to the Governing Body to consider in any donation of public property."

Councilor Dominguez said, "I imagine the potential for brownfield redevelopment is more specific to that location and that site. So let me ask Councilor Lindell if she has..."

Councilor Lindell said, "I just want to make the comment that Councilor Bushee made me aware earlier this week, in 2007-2008 there was a sizable study done on the Siler Road property, and it might be reasonable, at some point in time, for the Council, the Governing Body to take a look at that study. I spoke to Mr. Pino, and he did forward me that. It's a sizable document, and it would seem it's reasonable to take a look at the study we did, spent a fair amount of money on and see if we're staying within the recommendations of that land use."

**FRIENDLY AMENDMENT:** Councilor Dominguez said the language I would propose would be another Therefore be it Resolved where staff would be directed to consider the master plan that's been established for the Siler Road property for this specific piece of legislation or for other potential opportunities that may exist out there. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said the amendment is pretty broad and general, but just via the conversation, we kind of know what we're looking for. A real master plan for that whole area.

Mayor Gonzales said, "If the master plan does not allow or call for artist housing, which this is in line with a Resolution passed by Council, directing Creative Santa Fe and bring a project forward, would your motion prevent this project from being able to go forward on Siler."

Councilor Dominguez said, "No. It's just a little bit more specificity in naming the Siler Road area as a potential site, so it just brings a little bit more specificity."

Councilor Bushee said, "I was grateful to see the Siler Road location removed as a specific site. Does that mean you will entertain other sites. I was just interested in the College of Santa Fe area, given all the work that's been done on ReMike, and the creative nexus that is already there. I know you have certain points you have to aim for, but given that this is now place agnostic, a new term for me, would you suggest, and I looked it up and it doesn't exist, but would you suggest, do you need to mention any other places. How does that work. Does it harm you to not get specific. I want to see if there's potential to get over toward the Santa Fe University of Art and Design."

Ms. Noble said, "We have been working with the development team, Creative Santa Fe and Daniel's organization, Interfaith Housing Alliance, to do a scoring of different sites under the previous Resolution and existing contract. And the College of Santa Fe has been considered as a part of that. There are a number of factors including the brownfield issue Councilor Dominguez mentioned. And the specificity I think, our view from staff, would be to look at any possible City-owned site, the specificity to consider the

Master Plan, we have talked extensively about that and we're moving forward in that direction any way. As Councilor Dominguez said, that additional language would simply specify that we do that, but the approach and the work outlined by staff would be to look at any potential City sites, and certainly the College of Santa Fe property has been the second most discussed place."

Councilor Bushee said you will be coming back to the Council, once you've gone through your process, and if you are successful, it's not place dependent, the application, location dependent. If you are given the money, does it have to specify that it is at a particular site."

Ms. Noble said, "To get to the low income housing tax credit application, we will have to have specified a site. At this state, we have not. The process outlines in this Resolution going forward to a timeline, identify the mechanism by which a municipal land donation could occur and some other due diligence, will hone us in on a site, and we will then bring back to the Council the specific site recommended for approval through the public process. And basically what is on the site control, in order to apply for the low income housing tax credit, substantial site control. So the process would go roughly, that we identify a site, get the Council's provisional approval, put in the low income housing tax credit application. If that tax credit is granted, then the Council would need to act and make the land donation."

Councilor Bushee asked the reason for this interim step that doesn't specify where.

Ms. Noble said, "This interim step is to give the expression of the role of this Governing Body so the Board of Interfaith Housing, Creative Santa Fe are ready to go to the next step with the City, hand in hand, to move this partnership forward which would mean spending some money of site analysis, surveying and other technical things that would need to move the process forward to target a low income housing tax credit application early in 2016."

Councilor Bushee said this has no fiscal impact to it, so you'll be coming back to us for the money to go out and look at a specific site.

Ms. Noble said, "And for any action around the specific site with a value and appraisal of that property and what we would be moving forward. Yes. That's correct."

Councilor Bushee said, "And I want to reinforce what I think Councilor Dominguez was saying about all the moving parts. I've been very interested in having public safety members of our community living here. But I have to tell you we're done so much work, and so many of them do not want to live here. I like the old beehive concept and the emphasis on entrepreneurs and see it as a natural fit over in the Re-Mike area. I know you have to get a point system and these are competitive applications. I just hope there's some way to keep considering that along the way."

Councilor Ives said, "As I recall, the matrix provided at prior considerations by the Governing Body actually contained some of that ranking system. I believe the Siler site had additional points potentially available by virtue of the fact that it was a brownfield site. So I understand the attractiveness of that. And I think perhaps the point to emphasize is that these low income housing tax credits are incredibly competitive

across the country. I was involved for a year in meetings with Art Space, another group that had come into town that was considering taking on some of these efforts. They did describe that those tax credits, in order to qualify for them, you really need to bring forward proposals that rank very high in the scoring matrix.”

Councilor Ives continued, “So if we as a City, competing with all the other cities across the country for these limited tax credit dollars are to be successful, we really need to come up with sites that do rank high and that’s going to be a matter of consideration of all those different factors. So I appreciate that you’re looking at everything that is out there, and that is certainly appropriate at this step, but I would emphasize, I do understand you have to be tremendously competitive when you come back with a solid proposal. So I think it’s important for us to say here, yes, tonight that we support moving to that next level, given the assurances we need to the potential partners on this that we retain that significant interest in moving this process forward. So I certainly intend on voting in favor here, and I would also join as a cosponsor, which would make my support of it very evident. Thank you.”:

Councilor Maestas said, “We had considerable discussion about any proposed undeveloped City parcel. what I would like to see, going forward, is that as we inventory all of our assets that we apply the City’s criteria to these assets before any other entity expresses interest and applies their own criteria for their own purposes. So instead of us being reactive and wanting context, especially in the case of Silver Road, because I think the interest was 5 acres, but that was a 25 acre piece of property. And that was my concern, so we’re kind of backing off and really focusing more on the intent to donate land and take this in steps, and I can appreciate that. But going forward, I want to make sure that any asset of the City being considered has already been assessed by our own City staff and our own criteria. We may have a future purpose for certain parcels of undeveloped land. Maybe not. Maybe’s it designated for partnerships with nonprofit organizations. I just want us to be proactive going forward, rather than reactive, and truly take stock in all the assets throughout the City and then determine what we want to do with those assets.”

Mayor Gonzales said, “I would point out that the City Manager did appoint Matthew O’Reilly to the office of asset development, which I think this is the first time that we as a City have made a commitment to be proactive in defining and inventorying the land, and then figuring out the most appropriate and best purposes. I know Matt has the ability to do it, but I hope we will be able to do it in some kind of timeline where we can see some results fairly soon.”

Councilor Rivera said he would like to thank staff, Kate, Alexandra, Daniel and Cindy from Creative Santa fe, for coming up with a Resolution and language that took the next logical steps in this and not pinning down a certain location and coming up with a formula for how a land donation would work within City boundaries. He thinks all of that is important, and “I thank you guys for taking the next logical step. Again a Resolution supporting the next phase of the project plan for the Santa Fe Arts & Creativity Center was passed about two years ago. So just taking that next step. I would also like to than my colleagues for their well thought intentions as well and for making things a little bit clearer, so I’m sure we’ll get through this and I look forward to this coming through the Committee process.”

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

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

**Against:** None.

10(h)(1) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR APRIL 8, 2015:**

- 1) **BILL NO. 2015-9: AN ORDINANCE CREATING A NEW SECTION 10-11 SFCC 1987, TO PROHIBIT THE SALE OF SINGLE SERVING CONTAINERS OF ALCOHOLIC BEVERAGES, IN SIZES OF EIGHT OUNCES OR LESS, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE (COUNCILORS LINDELL, DIMAS, DOMINGUEZ, IVES AND BUSHEE). (ALFRED WALKER)**

Councilor Maestas said, *"I would like to read a statement into the record. I have disclosed that I have an interest in a family business that owns an inter-local dispenser liquor license in Espanola that is currently for sale and I have recused myself from voting on inter-local license transfer requests and for any discussion relating to inter-local transfer licenses generally. At the March 2<sup>nd</sup> Finance Committee meeting, I participated in the Committee's consideration of the bill that is the subject of Item 10(h)(1) on tonight's agenda. I did so in believe that there was no conflict in part because the City Attorney had not advised me that there was one. Nevertheless, I did disclose the interest to assure transparency during that discussion. A motion on the item subsequently failed, so my participation did not influence the outcome. Subsequently, I spoke to the City Attorney who advised me that she believes there is a conflict requiring recusal. As a result, I recuse myself from participating in the matter at the March 4, 2015, Public Utilities Committee meeting, and will not vote on Item 10(h)(1) tonight or when it comes before this body in the future. If there's any discussion, I'll step out, but if there's a quick vote, I'll stay."*

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

**DISCUSSION:** Mayor Gonzales said, "Okay quickly, under discussion. I would just add to all Councilors that I think the City Attorney only knows so much about what our business dealings are, so if we have any questions, because I appreciate you stating for the record, Councilor Maestas, kind of where you are, but if any of us having any questions on procedure or potential conflicts, it's probably easier that we approach the City Attorney, rather than expect that she might reach out to us and tell us that she thinks there's a conflict. But sometimes, that gets lost in the discussion. Tonight I'll have to be recusing myself from a vote and it's through a lot of conversations that I reached out to the City Attorney on to provide guidance and counsel as to the best course of action."

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

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

**Against:** None.

**Recused:** Councilor Maestas.

#### **END OF CONSENT CALENDAR DISCUSSION**

11. **CONSIDERATION OF RESOLUTION NO. 2015-25 (MAYOR GONZALES AND COUNCILOR IVES, COUNCILOR BUSHEE, COUNCILOR DOMINGUEZ, AND COUNCILOR MAESTAS). A RESOLUTION RELATING TO EARLY CHILDHOOD CARE AND EDUCATION; PROCLAIMING SUPPORT FOR COMMUNITY EFFORTS TO PROVIDE UNIVERSAL, HIGH-QUALITY EARLY CHILDHOOD CARE AND EDUCATION AND SERVICES FOR CHILDREN AGES PRENATAL THROUGH FIVE AND THEIR FAMILIES. (CHRIS SANCHEZ)**

A copy of a poster, *Fiesta Para Bebe's*, is incorporated herewith to these minutes as Exhibit "3."

Mayor Gonzales said through the Children, Youth and Family Community Cabinet, we have identified early childhood investment, and introduced individuals who lead efforts to bring high quality development for pre-natal through kindergarten – Kim from the Brindle Foundation, Catherine from United Way, Jo Heath from Santa Fe Community Foundation and Kate Dry from the Children and Youth Commission who helped organize tonight's event. Mayor Gonzales expressed "our collective thanks to the community providers who are constantly working to improve the quality of life of our children." He said the data is very clear that if we invest in early childhood development, we give a child a true chance at an incredible life, and when talk about breaking the cycle of poverty, it begins with what happens from the time our children born in our community and what we do help cultivate their development. He also noted that on November 5-6, 2015, there will be a conference at the Eldorado Hotel, *The Psychology of Boys at Risk indicated from 0 to 5*. So there are organizations that are moving their way through this from the Santa Fe Boys Foundation, United Way, Brindle and others also provide conferences in which the public can participate and get the true data.

Chris Sanchez said they are asking that the Governing Body proclaim support for community efforts to provide universal, high-quality early childhood care and education and services for children ages prenatal through five and their families.

Councilor Bushee said she is in support, but she is struck by the generic nature of the Resolution, noting it has no specific programs for support, it has no fiscal impact, and it says if this Resolution isn't enacted the City won't support community efforts. She asked what exactly are we hoping to achieve with this Resolution, commenting we already support any community efforts to help children.

Mr. Sanchez said, the fiscal impact is zero because they currently are working on aligning all of their programs, so it's not going to cost any money for us to convene all the non-profits and those working around early childhood.. He said they have been working through the Mayor's Children and Youth Cabinet, noting there is a subcommittee that currently is convening among the stakeholders and policymakers and looking at the non-profit organizations. He said the Children & Youth Commission currently funds a multitude of agencies already working in early childhood. So because we fund them, we have asked them to come to the table with no additional financial obligations. The Financial Impact Report is incorrect, we do continue to support all the local non-profit organizations, in particular early childhood.

Councilor Bushee reiterated her question – what does this Resolution do.

Mr. Sanchez said, "This will kick off the Year of the Child. Really what this Resolution is going to do, and I have Katie Dry who will talk a little more about the actual activity that is going to come and the things that are going to happen throughout the year. This is really the kick-off and saying we want to acknowledge, through the Governing Body, that kids mean something to us, that this is incredibly important to the work we're doing. And as we continue to formalize and come together as a team, we will come with a more defined Resolution in the particular areas we're looking at. So, if I may, if I can have Katie talk just a little more about that."

**Katy Dry, Santa Fe Baby Fund, Santa Fe Community Foundation and member, Children & Youth Commission**, said to speak to Councilor Bushee's question, this is about raising awareness, absolutely it is apple pie and you would have to be crazy not to support it. She said there are people that don't recognize that there are overwhelming economic benefits, and this isn't a women's issue as President Obama recently said, this is an economic issue for our whole community. She said overwhelming scientific research points to how important it is to supporting young minds. She thinks it also is a social justice issue and that awareness isn't in the community. She said there is no fiscal impact at this point. She doesn't think there is awareness that allowing every baby born here to have access to a great start is a social justice issue. She said, "Overwhelmingly in this country now, the zip code you're born into determines your fate. And I think this Resolution is a first step for changing that."

Councilor Bushee said we don't have a lot of money, but it's about setting priorities and maybe the percentage to Children & Youth needs to be 3%.

Ms. Dry said she is in favor of that. She said the Year of the Baby will be a calendar of events throughout the year in Santa Fe celebrating families with young children, community providers. She said the Fiesta of the Bebe's [Exhibit "3"], coming up on May 2, 2015, and hopes everyone will attend.

Councilor Bushee asked Mr. Sanchez to remind the Committee of that date via email.

Mayor Coss thanked the Council for its wisdom to allocate funds to the Youth Commission. He said the idea of the Cabinet, chaired by Councilor Dominguez, is to create alignment so we don't have to grow it to 3%, although that would be good, but to be smarter and more strategic in how we can all work together to properly invest. He said this statement by this Governing Body of early childhood being a

priority, allows the City to position itself for new sources of revenue we haven't pursued in terms of national foundations that can see what we do to address an inequality in income gap and how early childhood can play that role. He said the statement, while broad and generic is powerful to people outside of this Governing Body because we've made this commitment and sends a message to the State and federal governments that we're serious about early childhood development, if only through Resolution, that's good. However, thanks to yours and the Council's action through true monetary investment, year after year to the Youth Commission, that does a good in delivering that message.

Mr. Sanchez said this also brings the organizations together to work and "play in the same sandbox," which is incredibly important. It is important to break down the silos and having everybody working holistically together, and this Resolution helps bring everybody together.

Councilor Ives said he has attended a number of events around town in the last several years have served to sharpen the focus on age 0-5 and the significance of giving everybody an equal opportunity enter school at a level that allows them to participate fully and not be behind in school on day one. He has attended United Way functions where speakers talked about the benefits of dollars spent on that early age group, returning a social pay-off of factor between 10 and 20, and many studies suggesting \$16 saved for every dollar spent in this age group. Statistics relating to attendance, drop out, delinquency this effort significantly targeted toward finding a cure to these problems. So many time we address the effects as opposed to the cause. And all of these efforts are working to focus and eliminate the cause of so many later bad behaviors by giving the early and best opportunity become fully functional, and productive members of society. This is great.

Councilor Ives continued, noting Mayor Gonzales mentioned the conference in November, and Paul Golding, Executive Director, Santa Fe Boys Educational Foundation, is in the audience, and thanked him for bringing the conference to Santa Fe. He applauds the Resolution and the many efforts to focus on the early age level and within 10 years. He said he believes those efforts will bear fruit across the community in significant ways we can appreciate.

Councilor Rivera said most of the discussion has been about young children, but this refers to pre-natal, and he asked what kinds of programs those will be.

Ms. Dry said the County and the hospital recently issued a community health plan, and as the result, the Hospital identified a lower percentage than we would like who are getting early prenatal care. There is tremendous research to show that if you get early prenatal care, the outcomes of the babies are better. So, increasing access to prenatal care in particular, Hispanic populations in the community and other at-risk pregnant populations. There was an alarming uptick of births of babies born exposed to opioids in Santa Fe County that outstripped other counties in the State, so helping those women get the appropriate pre-natal care. So those are two.

Councilor Maestas said this is fantastic and much needed. He said he previously chaired New Mexico Voices for Children, and one of the programs that was champion was similar to this, birth to five. The other program with which he is familiar was based as a pilot in Silver City, called First Born, and has since grown and been implemented in Rio Arriba and other counties. He likes First Born, because it helps first time mothers. And he doesn't see anything in here in terms of Incorporating a focus to assist first time mothers. He said the concept was that it takes a village to help the first time mother and the child, and asked if that will be included under this umbrella.

Mr. Sanchez said, "The Children's Cabinet has a subcommittee that is currently working on uniting all of the non-profit organizations working in and around early childhood. The goal with that is to really listen to the community and find out exactly what is working and what is not working. So all the areas you currently asking about, are going to be researched, and we're going to develop a plan and be able to bring that back to the [inaudible] and then we're bringing it back to the Governing Body for suggestions, and approvals, and so forth. So there will be an evaluation of all the programs and services we're currently doing here in Santa Fe, and in essence conducting a SWAT analysis of early childhood programs."

Councilor Maestas said the Kids Count Report is a statewide assessment of the state of children, and they use these common metrics, noting he realizes the focus is birth to 5. He asked if there is a way we can get City statistics in those same metrics to see how we're moving the needle in the City, commenting that would be exciting.

Ms. Dry said, "Not only is it possible, but it's currently under through a number of collaborative groups, noting as the Director of the Santa Fe Baby fund, she hopes to a report of just that – the key indicators of early childhood health and well being for the County. And they would include things such as low birth weight..... also things very particular to our community such as the number of babies born exposed to opioids. I'm working on that. The Early Childhood Steering Committee, which is part of the birth to career collaborative is also working on that. I don't know if the Mayor's Cabinet is as well. So there's just that effort underway right now, in identifying agreement around what those key indicators are for our community so we can change them.'

Mr. Sanchez said, "The way we have aligned our key indicators at the Children & Youth Commission, is alignment with the folks that have been working from birth to career in terms of their indicators, but they also line up with the Voices for Children indicators. So we are able to measure not just locally, but also to measure ourselves statewide where we stand. And those are also equal to the national centers being used as well. So we'll be able to tell exactly where we stand as we evaluate locally, state-wide and nationally."

Mayor Gonzales said, "I would just say, before we call for the vote, to your point Councilor, data is absolutely key. That is the only way for us to create a system of measurement so we know we're making progress in the right direction. And everyone is looking at how we do it, and to the Council's credit, you actually funded an effort last year to allocate funds to support the development of data. And so those are being done collectively, not individually. So I just want to assure the Council that there's not 3 or 4 different entities trying to develop their own data set, but it is a collaborative that is taking place around the groups

that are, and it's hard to get. But hopefully, we'll be able to figure how we can pull past HIPAA and some of the others to give us some information we need."

Mayor Gonzales said, "That's one, and then the final is just.... I think it's important and I know we all get it, but we want to state this over and over, and Catherine Freeman, when I first met her and she spoke to me about the importance of investment in early childhood development, what I remember about that meeting and I take with me every day is that it's a generational commitment. We're not going to solve all the issues this year, next year, over the next 4 or 10 years. This community, this State needs to build it into the normal process of funding these investments year over year and not have providers have to figure out how you pull together funds to take care of our kids. I think to the degree we can all lend voices to the efforts to open the permanent fund at the State level that truly is going to make a year over year investment and make that generational commitment, and said expectations realistically that we're investing today for kids that are being born, but we may not see the results until maybe fourth grade reading levels, or until graduation rates, and certainly on into a productive living environment for many people in our community. So hopefully, what we take away from this is it's a start, but it doesn't stop at the resolution and we have to stay pushing until we truly commit the resources needed to do what this Resolution calls for, which is the delivery of high quality, early childhood development. And then our kids are going to shoot to the moon. There's no question about what we're going to see changed in our community. So let's go for a vote and move on."

**MOTION:** Councilor Rivera moved, seconded by Councilor Bushee, to adopt Resolution No. 2015-25.

**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. Please add my name to the Resolution. And there's no more important initiative for our community than this effort."

**Explaining his vote:** Councilor Dominguez said, "Yes. Please add my name as a cosponsor. Thank you for your work. I'm hoping we get as much enthusiasm as we've had for other initiatives. We need to have that same enthusiasm for kids."

Councilor Maestas asked to be added as a cosponsor as well.

Mayor Gonzales, on behalf of the Governing Body, thanked all of the early childhood advocates and providers in our community, and said, "keep up the good work."

Councilor Dominguez said, "I know Joohee [Rand] was here earlier. I was speaking of data and the Birth to Career Initiative. I think that's exactly what we're trying to do. She's not here any more, so I just wanted to call her out."

**12. CONSIDERATION OF RESOLUTION NO. 2015-26 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 665 ("SB 665") RELATING TO WATER WELLS, LEASES, HEARINGS AND ABANDONMENT. (RICK CARPENTER)**

Councilor Maestas said, "Consistent with my past comments, I think this legislation is very consistent with addressing issues that are directly germane to a lot of the City's issues. In fact, the City did have a handle in the development of this Legislation."

Councilor Bushee noted we are almost at the end of the Legislative Session, and asked where this is going.

Nick Schiavo said he would defer to the City Attorney, saying he doesn't know.

Mr. Snyder said he read an update a day or two ago, but is unsure of the current status, noting it is moving forward, but he can't speak to whether or not it will get passed this session.

Councilor Bushee said, "I would like a report on that, as soon as you can get one. I'm just going to make my comments now. I can't support this. I have always voted against..... The Northwest Well is set up as a temporary well for drought purposes, and it has taken on a life of it's own. We are always constantly in litigation with the well owners in that area. And I'm not even sure of the outcome of the Office of the State Engineer ultimately. But I will say is I understand we run a utility, we're a municipality, but I have my concerns about the language of this bill in particular in the context of the Northwest Well. So I'm not going to support that. I don't agree, even if it is our utility, that that well should be operated as a permanent well."

**MOTION:** Councilor Maestas moved, seconded by Councilor Ives, to adopt Resolution No. 2015-26.

**DISCUSSION:** Responding to a request from a member of the public to comment on the Resolution, "Mayor Gonzales said we don't have comments under this section. Matters from the public will come up during the public hearing. Thank you sir."

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

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

**Against:** Councilor Bushee

**Abstain:** Councilor Lindell.

**Explaining her vote:** Councilor Lindell said, "I'm going to abstain on this because I don't really feel I have enough information to support it."

**Explaining his vote:** Councilor Dominguez said, "A long range water plan. I think about that all of the time when this issue comes up. I vote yes."

13. **CASE NO. 2013-116 & 2014-82: REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND FIFTY-ONE CITIZENS, FROM THE OCTOBER 30, 2013 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #13-2097 AND THE APPEAL BY THE CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND TWENTY-ONE CITIZENS FROM THE JULY 15, 2014 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #14-813 TO JOHN MALONE AND VERIZON WIRELESS REGARDING REPLACEMENT OF TELECOMMUNICATIONS ANTENNAS AT 1402 AGUA FRIA. (ZACHARY SHANDLER) (Postponed at February 25, 2015 City Council Meeting)**

A Memorandum dated January 30, 2015, for the February 11, 2015 Meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, in this matter, is incorporated herewith to these minutes as Exhibit "4."

**Disclosure:** *Mayor Gonzales said, "I'm going to transfer the mantle to Councilor Ives. For the record, I want to disclose that some of my family members own a business that owns and operates one telecommunications tower and one radio tower in the City. And, while I do not have any ownership interest in that business, some requests relating to telecommunications or radio facilities that come before this body may create a conflict of interest requiring me to recuse myself. Although the family businesses leases space on the telecommunications tower to Verizon, my vote on Item 13 will not result in any pecuniary gain or loss to my family members. However, while I don't perceive there to be a conflict, I don't want even the possibility of a conflict to be in place, so I am going to recuse myself from participating on the discussion relating to Item 13, and remove myself from the chambers. Councilor Ives."*

Mayor Pro-Tem Ives said, "I am advised that the Council may be ready to move forward on this matter, Zach. I don't mean to put you off because I do enjoy your presentations to us very very much always. But let me just ask, what is the pleasure of the Council first. Councilor Bushee."

Councilor Bushee asked the proper wording for the motion.

Mr. Shandler said it is the bottom sentence on page 8 of his Memorandum of January 30, 2015.

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, that the Governing Body not accept the recommendation of the City Attorney to dismiss the appeals in Case No. 2013-116 and Case No. 2014-82, and that the appeals be consolidated for hearing by the Board of Adjustment.

**DISCUSSION:** Councilor Maestas said at the previous Councilor meeting, we had considerable discussion about this issue, but there was nothing in the minutes, and the minutes just said that we decided to postpone this. He asked if that is typically what we do, saying, "Because as I recall, we had a lengthy, lengthy discussion and there were absolutely no minutes on that. It's not that I forgot what I said, but it's always good to go back and look at the record instead of reinventing the wheel. Was there a reason why there were no minutes. It just says Motion to Postpone. That was a general question."

Councilor Ives said, "I was just hoping that we could clarify, among these options, the law in regard to this type of appeal before the Governing Body. I was just going to ask for a brief statement clarifying generally on a case like this, again just the appeals process for this type of matter coming out of the Planning Commission."

Ms. Brennan said, "Is this a question about where this appeal will go."

Councilor Ives said, "My recollection is that at a prior meeting, we spent some time talking about the appeals process, and it sounds like that is a part of the record that did not make it into the minutes, so I was just hoping for a very brief restatement before we move to a vote on this matter."

Ms. Brennan said, "Based on this motion, it would be heard by the Board of Appeals [Adjustment] because there would still be a pending appeal. In other words, it would not have been dismissed. So without a vote on the other side, it will be heard by the Board of Adjustment, excuse me, and any appeal from a Board of Adjustment decision would be to the Court. There was an amendment to the Appeals Ordinance a couple of years ago that provided everyone would have one appeal, not multiple appeals on the same matter."

Councilor Bushee said, "I'm going to briefly speak to my motion. I tried to make this effort this last meeting and we may not have the appropriate amount of votes here tonight and we may end up in a tie. But what I will say is this is a unique situation as far as these telecommunication appeals in my mind. This utility moved forward without a building permit and there were no public hearings on this issue, and I think it's time that we air this very clearly with the public. And it's important that we, in this instance, send this back to the Board of Adjustment. And I hope that enough of you will consider doing that. There are lots of folks in the area that would love a chance to justify. I would love to give them that opportunity."

Councilor Dominguez asked, if this goes to the Board of Adjustment, is it heard *de novo*.

Ms. Brennan said, "Essentially yes. It would be an appeal. It would be its first and only hearing before the City, and if this motion fails, it will go to the Board of Adjustment. If there was an opposite motion, it wouldn't. If the Motion succeeds, it goes to the Board of Adjustment. If the motion fails it goes to the Board of Adjustment."

Councilor Bushee said that was not explained the last meeting.

Councilor Dominguez asked Ms. Brennan to explain it a little bit more.

Ms. Brennan said, "If the motion fails, in other words, if you do not accept the recommendation of the City Attorney and it is a 4-4 vote, which I believe is what happened the last time, the motion will fail, but there will still be an appeal, and thus the appeal will be heard."

Councilor Maestas said, "I'm not going to regurgitate what I said at the last meeting, but one thing I do see, I see a disconnect here and it's probably out of our realm of influence, but it seems the FCC approved the installation of these towers, and I can't understand why there isn't some kind of local government notification or some similar permitting process to let us know that these telecommunication towers are going to be installed, because I think that is kind of one of the major issues in this case, but yet, we don't have any kind of authority when it comes to telecommunications towers. Kelly can you just comment. Isn't there any kind of public involvement process by the federal government when they do approve the installation of these antennas and towers."

Ms. Brennan said, "Basically the FCC sets standards and if they fall within those standards, they can be approved and they operate under those standards. Our local process does provide for notice via permitting and depending on what type of application it is, sometimes public hearings. This was an unusual case where that simply didn't happen and was done, one, after the fact."

Councilor Maestas said we all know about the Federal Register. It is the federal government's mechanism to inform the public about federal decisions and consequential actions, so I'm still dumbfounded why there is no kind of federal register notification that these telecommunications antennas will be installed at this location. Is there any way we can communicate with our federal delegation, because we have a lot of folks just concerned about living in close proximity to these types of facilities. At the very least, I think our federal delegation should perhaps weigh-in with the FCC if that's possible and try and implement some kind of public notification requirements whenever they do take actions in cities such as ours. Is that possible Kelley."

Ms. Brennan said, "You could certainly start a resolution that would ask the federal delegation to do that. I think it would be mostly a notice requirement. I think the issues that the federal government has preempted on are highly unlikely to be modified generally."

Councilor Maestas would like to explore that later down the line.

Yolanda Vigil, City Clerk, said, "Mayor Pro-Tem my response to Councilor Maestas's request. The minutes that you are referring to that you remember the long discussion, that was at the February 11<sup>th</sup> meeting. And then we postponed at the last meeting to this meeting, so those minutes were in the February 11<sup>th</sup> meeting."

Mayor Pro-Tem Ives asked, "The original construction of these towers without an appropriate building permit occurred when."

Mr. Shandler said this is the 2005 time period.

Councilor Ives asked, "Was there any action by anybody in opposition to those before this present matter."

Mr. Shandler said, "This was brought to the attention or the City in 2013."

Councilor Ives said, "So a period of roughly 8 years, no action being taken. And the action arose because in 2013 there is a filing to modify. Is that stating it correctly."

Mr. Shandler said, Mr. Mayor Pro-Tem, "It was a replacement."

Councilor Ives said, "And as I understand it, once the prior failure was discovered, a penalty was imposed under our existing Ordinances, against Verizon which was charging half the new permitting fee. Is that correct."

Mr. Shandler said, "Mr. Mayor Pro-Tem, we had that exchange where you calculated almost to the correct dollar. Yes."

Mayor Pro-Tem said, "If I had to summarize this. We had a violation that occurred in 2005, which existed without complaint through 2013. Then there was a request by the companies to replace the towers which resulted in the discovery of the previous failure and appropriate penalty was imposed, and then pursuant to law, they did those replacements. Or is that still a pending matter."

Mr. Shandler said, "Mr. Mayor Pro-Tem, the summary is correct. There was a red tag initially put on it, but it's been a series of years now. It is my understanding the replacements are up there."

Mayor Pro-Tem said, "Thank you, those are all of my questions."

Councilor Maestas said, "I had one question on the Land Use Department's policy of rendering sanctions. If someone does something without getting a permit, is it an established policy, or is it an established practice where we make them go back through the whole permitting process, but you pay a double fine. Is that policy or practice."

Mr. Shandler said, "As part of the record, we do provide it on the matrix of options. It is written in there, but I think that's the most common administration of the matrix."

Councilor Maestas said, "In the past, we have heard similar matters where somebody did not get a permit when they should have, and I think I embraced the philosophy of not being so punitive, but making it a learning experience. But I want to make this comment that not all permit violations are the same. And that's why I would like for us to revisit that policy. I realize Land Use has a wide latitude and discretion to render sanctions or double fines or whatever, but I think here's a clear case where all permit violations are not equal. And I think we really need to be careful and maybe look at that policy. And maybe differentiate consequences of certain permit violations and other factors. That's all I had."

**VOTE:** The resulting roll call vote was a tie vote, and the motion was defeated for lack of attaining a majority vote, as follows:

**For:** Councilor Bushee, Councilor Lindell, Councilor Maestas and Councilor Dominguez.

**Against:** Councilor Rivera, Councilor Trujillo, Councilor Dimas and Councilor Ives.

**Recused:** Mayor Gonzales.

Mayor Pro-Tem Ives said, "There is certainly the question if there are any other motions to be made in connection with this matter, but that probably would have very little other consequence."

Mr. Shandler said, "So, for the record, in the absence of the City Attorney's Office being able to persuade five Councilors to dismiss it, then the case will be remanded to the Board of Adjustment and we'll set that up as soon as we can."

**14. REQUEST FOR APPROVAL OF CITY OF SANTA FE CONTRIBUTION TOWARD NCRTD'S "MOUNTAIN ROUTE" PILOT PROJECT. (JON BULTHUIS)**

An email memorandum to Jon R. Bulthuis, from Benny Abruzzo, regarding Ski Santa Fe, is incorporated herewith to these minutes as Exhibit "5."

Mr. Bulthuis presented information from his Memorandum of March 5, 2015, with attachments, to Mayor Gonzales and City Councilors, regarding NCRTD "Mountain Trail" Route Pilot Project, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Mr. Bulthuis introduced George Brooks, Ski New Mexico, who is in attendance to speak in favor of the proposal as necessary. He said Anthony Mortillaro, Executive Director, NCRTD and his staff Stacy McGuire also are present. He said, "Randy Randall, Tourism Santa Fe's Executive Director was unable to be here this evening due to a prior a commitment, but wanted to voice his strong support for the proposal."

Councilor Bushee thanked everyone who came down from the north and are sticking around for this. She said, "What I wanted to add is I'm trying to get what Randy Randall sent me, so it's appropriate we're discussing this tonight after we heard from the Climate Change Task Force, the first benefits, you'll see on page 2, that were the result of the elimination of single or multi-person vehicles on the roadway, as many as 25-35 vehicles per day, during peak usage. And it talks about hydrocarbons and all that, but what important new news that we have, is that we have heard from the Ski Basin folks and they are now also willing to commit not only a reduction of \$5 on their ski pass, but the actual cash that was asked of them of \$15,000. So this would mean that..... and I have to tell you this is a bargain. The NCRTD has come up with the vehicle, the majority of the funding and has just asked for buy-in from the County, the City and the Ski Basin. And this could move onto the County, let's hope with everybody as partners contributing, sealing this deal."

Councilor Bushee continued, "But what I can tell you is this will be an 8-month pilot project, then there's potential after this project is put forward, to receive outside funding, whether it be State or federal governments after we've had a successful pilot project. This to me, is for a variety of reasons.... but my emphasis has been around safety. Safety in the environment. But also my hope is that we will get kids back up to the Ski Basin learning how to ski which is something we haven't had since that horrible accident. So I'm hopeful that you will also support this."

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

**DISCUSSION:** Councilor Rivera thanked Jon for really looking at this, commenting our intention was to get people to the ski basin to ski. He is glad he was able to extend the months they would provide ridership to the Ski Basin, and thanked him for talking to the people at the Ski Basin and getting them to participate in this. He said it will be a direct benefit to them as well as to the community.

Councilor Lindell added her thanks to Mr. Bulthuis for the work he put in on this, as well as to the other gentlemen here tonight. She said this is really important. We live in a town that has a ski area, and having our own children in this town not have the opportunity participate in a ski program "boggles her." She said this is such a wonderful opportunity for our children, and hopes we will support this. She said Mr. Bulthuis has put a lot of work on it, and it's gone back and forth and had its ups and downs – critical moments, but she thinks his efforts will really bear fruit with this.

Councilor Trujillo said he is now for this and is glad Mr. Bulthuis had the conversation with the Santa Fe Ski Basin and they're putting up some money, because that is the reason he voted against it the last time. He asked has there been discussion with the schools about starting a school ski program.

Councilor Bushee said, "There are folks and we will continue to talk to them, but transportation was always the issue."

Councilor Trujillo said when were in school 40 years ago, we had that, and it was a great program and a lot of kids used it in school, and he hopes that conversations continues with the schools, because they will partner eventually. He said he stands in support of the motion.

Councilor Dominguez asked, with regard to the \$15,000, if that needs RTD Board approval.

Mr. Bulthuis said on April 3, 2015, the NCRTD Board will consider approval of the project in its entirety, but the pieces of the puzzle, one of which we're acting on tonight, need to be in place before they can do that.

Councilor Dominguez asked Councilor Bushee if she would like to make her motion contingent on NCRTD Board approval.

Councilor Bushee said it's going to go by the wayside if we don't get everybody on board anyway.

Councilor Dominguez said, "Let's make sure that Board follows through."

Councilor Bushee said, "I will be there pushing, pushing. I just wanted to thank Randy Randall who couldn't be here this evening and the OTAB Board for coming up with some of the money, and also the staff that's out there in Ski Santa Fe."

**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.

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**MOTION:** Councilor Dominguez moved, seconded by Councilor Maestas, to reconsider the previous approval of the agenda, to move Items #15 through #20 to the evening Agenda and to move into the Evening Agenda, and hear Petitions from the Floor next, and then Item H(2), and to approve the Agenda as amended..

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

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**END OF AFTERNOON SESSION AT APPROXIMATELY 7:10 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:10 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 A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

*Mayor Gonzales gave everyone 3 minutes to address the Council*

**Anna Hansen, 2008 Kiva Road**, said she is here to ask for a Santa Fe River Corridor Study and Plan. She said, "The new west side, the area that has just recently been annexed into the City, a number of developments have started to appear in this recently annexed property, the River Corridors. And we need a plan. We don't want piecemeal and I'm here representing an *ad hoc* group of citizens who want a plan. We don't want piecemeal development along the new River Corridor. And I'm talking about basically from Camino Alire to the Village of Agua Fria, West Alameda, Agua Fria to Cerrillos. It's a fact that we have very few north/south arterials. We have lots of east/west arterials. And that area, the Corridor, needs a study plan. There have been numerous rezoning requests to come forward and we don't want it happening piecemeal. We want a plan."

Ms. Hansen continued, "And since this is a very historic area, Agua Fria is the El Camino Real, we need to protect our historic neighborhood, the Village of Agua Fria, for which we have a buffer zone. We're talking about an area that is rural, commercial, light industrial and single family. And the citizens of that area are concerned about not being represented and not having a plan. And so I am requesting from the

Council that we work with Long Range Planning and Land Use, to come up with some plans that we want to see so that we do not have piecemeal development along the Santa Fe Rivera Corridor. Also, one of the most endangered rivers in the country, and we need to protect our River. We also have FEMA regulations that have not been enacted so we need to start paying attention to the FEMA regulations along the River Corridor. We don't have a lot of infrastructure in the Santa Fe River Corridor, this west side, and we need to start taking that into consideration before we start having development there, so I'm requesting a committee or something so we can start working this area of the City that is newly-annexed, thank you."

Ms. Hansen continued, "One final note, I would like to sincerely thank Councilor Maestas for mentioning my mother's passing. She lived a century. It meant a tremendous amount to me that she was mentioned here. She was a good, kind, decent, giving, loving woman and I am here because of her support and love to me. I just want to thank you all for recognizing her."

#### H. PUBLIC HEARINGS

- 2) **CONSIDERATION OF RESOLUTION NO. 2015-27 (COUNCILOR TRUJILLO, COUNCILOR BUSHEE AND COUNCILOR DIMAS). 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 DEVARGAS PARK, TO BE REALLOCATED FOR A SKATE FEATURE AT GENOVEVA CHAVEZ COMMUNITY CENTER. (RICHARD THOMPSON)**

Councilor Trujillo said in 2008, when we did the Parks Bond, he wanted to put a water feature at Franklin Miles, like Ragle. He said as time has passed, we hadn't gotten out of the drought and we had to look at better ways to utilize these funds. He said he wanted to give a shout out to POSAC because they did your job and found a new place for the skate feature, noting the original thought was to put it by the handball court, and with the work of POSAC they did a lot of work and saw it probably would be better utilized if we put at the GCCC. So a lot of work went into this and thanked POSAC for all the work they did, and hopes this is the best and we have a brand new skate park, one like we've never seen before in Santa Fe.

Councilor Bushee asked Isaac Pino if this skate feature is going to be lit at night.

Mr. Pino said he doesn't know.

Councilor Bushee said she is asking if we can use the new solar car port and come up with some cool lighting for this.

Richard Thompson said we have an Ordinance to keep parks open until 10:00 p.m., so they would have to light the expanded parking and the skate park unless they came to Council for a variance of that curfew. He said using the solar for lighting is a great idea..

Councilor Dominguez said he is in support of the Resolution, but he wants to make sure that we are not leaving anything out from the other skate parks we have. He said DeVargas has been completed. He said improvements have been needed at Franklin Miles. He asked if all of these improvements, all the safety issues that were there, been resolved and addressed, and if there is funding for them – at Franklin Miles have the improvements been addressed and funded..

Mr. Thompson said, "Yes. We did consider this. We allocated the money for the improvements to the surrounding apron. We moved the shelter, the water fountain and we're doing some repairs to the steel components, the rails, grind rails, and then there is some spalling of concrete that we will treat when the weather warms up a little bit."

Councilor Dominguez asked the source of the funds to do this.

Ms. Thompson said, "From the Martha Ramirez Skate Park at Franklin Miles, G.O. Bond 2012, first set. So we did allocate funds for the requested repairs, but there was substantial overage, approximately \$113,000 above what we needed for the requested repairs. And we're removing the area that contributed to flotsam and jetsam."

Councilor Dominguez said then the improvements that need to be made to Franklin Miles, that money is being funded out of the 2012 Bond.

Mr. Thompson said, "I believe so, maybe it is 2008. No, it's 2012, the first sale."

Councilor Dominguez said, "Once those improvements are made, there is nothing else that Franklin Miles will need."

Mr. Thompson said, "That's correct. We're completing the improvements at Franklin Miles and realizing a savings of \$113,000."

Councilor Dominguez said then DeVargas Skate Park has been released and accepted by the City.

Mr. Thompson said, "Yes. Actually the locals out of Facility Development, installed the brick pavers which replaced the gravel that was getting to the skate bowl. And that has been completed. We don't have a closeout procedure for bond projects, but that one is complete 100%"

Councilor Dominguez asked what he means when he says they don't have a close out procedure.

Mr. Thompson said, "In my experience, at the end of a bond, you call a halt to the scope of work and the project itself is closed out. So we have a procedure for signing off on it, reporting that all of the scope of work has been completed, but we really don't have a financial measure for closing out the fund. We then ask you to allow us to move the excess allocation into a BAR to other projects."

Councilor Dominguez said one of the things he likes about skate parks is they're relatively maintenance free, where you don't have to go mow the concrete. He asked if we have considered the maintenance that is needed for a skate park and using some of this money for that.

Mr. Thompson said, "We have an expansion budget line item for the bond projects and for the annexation as well. So yes, we have anticipated minor additional costs, but it actually would no more than what we anticipate for Ragle. So it's net zero increase in maintenance."

Councilor Dominguez asked what kind of maintenance he's talking about.

Mr. Thompson said, "Occasionally, we do wash the concrete, we remove vulgar graffiti, we move flotsam and jetsam from the bottom of the bowl and then maintain the area surrounding it."

Councilor Dominguez said, "Just for the record, Mayor, if I'm understanding you correctly, because as time goes by we'll see whether or not your statements are, I don't want to say true, but whether or not they are as true as they can be for as long as they can be. With this re-obligation, we should not anticipate any more needs at either Franklin Miles or DeVargas Park."

Mr. Thompson said, "That's correct. That's our position now and our understanding, and that's why we asked for the budget adjustments."

Councilor Dominguez said, "The one thing I don't want to do is I don't want to shortchange the other parks by reallocating. And then the second thing I'm hearing, in terms of future maintenance, you have enough money to continue that maintenance that needs to happen."

Mr. Thompson said, "By hook or by crook, we will maintain these areas to the quality standard that we're seeing in the capital improvement."

### **Public Hearing**

*Mayor Gonzales said he wants the kids to be able to speak first, and to the adults, if something has already been said or expressed, don't feel the need to come back and repeat it.*

**Theo Horning, 399 Calle Colina**, said, "I think it would be good if we got a new park, because it would help us.... we would like to be able to go over there and skate instead of being in one place all the time, and it's like further away from downtown, so we go away from all like the City buildings and stuff. It brings us closer to the Chavez Center and that's nice. And it would be nice to have a park with lights and stuff and was different than the other ones."

**O'Ryan Curtis, 1212 N. Summit Drive**, said, "And I think the new skate park would be a good idea because the old one down at Franklin Miles, there's a lot of bowls and stuff, but it's also full of cracks and spray paint and the concrete is getting like old and stuff. And the park, it's really good and I love it, but it's also old. A park that had bowls and stuff and more transitional features would be nice that's newer and stuff. And I think it would be good to have one down there as well."

**Matthew and son Zadok Miller, 5 Camino de Vecinos**. Zadok Miller said, "And we're happy to get a new park and for more people to go big at a big transition. Thanks."

Mayor Gonzales asked what is a transition, and if it is like part of how it's designed.

Zadok said, "It's like bowls."

Mayor Gonzales thanked the youth for using their voices to advocate for something you think is important, "And you guys really did a good job."

**Zadok Miller** said being raised a skater and having sons that skateboard literally around the world, he fully supports this, but he supports a more progressive design that is more geared toward transition and a skater design company such as Dreamland or Grindline that really has an eye for a good flow and design. Just a couple of weeks ago, we traveled to California to see the opening of a skate park in a small town half the size of Santa Fe, and they put in a \$1.2 million skate park. And thousands of people showed up for the opening, and the design was beautiful. It was even esthetically pleasing to people that don't skateboard. I wish in the near future we could see something like that, that is deserving of the State Capitol and our beautiful City. Thank you."

**Joe Lehm, skateboarder and member of POSAC** representing skateboarders. He thanked Councilor Trujillo for his efforts to help put this together, the idea that we would cobble together the money from the different parks to get one really great park, and he strongly supports it being at the Chavez Center. He said it's going to be so great for that end of town, and all the people won't have to travel very far to get to enjoy a skate park. As you heard, the idea of having a park that has a little of everything, the new downtown park at DeVargas is very street oriented and very much what the community wanted at the time it

was built and they're enjoying the heck out of it, as you can see they're over there in force. He said it would be great if the next park had a lot of community park, that we could get a little bit of everything in there, the transition, the ledges and street features as well to make the most skaters happy with the new park, and thank you very much."

**Peter Gardini, 1394 Santa Rosa Drive**, thanked Councilor Trujillo. He said he is really psyched about the skate park being on that side of town, which he thinks is cool. He said, "I would like to push for more of versatile space. Everybody keeps saying transition. There are transitional skaters and street skaters and I would like to see a bit of both worlds and a lot of space for both worlds to meet. Thank you."

**Philip Ging, 1056 Village Way**, which is the River Corridor in Agua Fria, and he supports this location. He said downtown is a 15-20 minute trip, and something that is closer for people in that neighborhood would get a lot of use. He said, "I would also like to point out that you can't have too many skate parks, and each skate park can have its unique characteristics. If you have a car or you're taking a bus it is almost like a field trip to get to explore those feature. So I don't think we really need to worry about redundancy. We can definitely have something that's just a little bit different there, and then all of the other parks will still have their unique qualities that we'll all continue to enjoy. So thanks."

**Damon Archuleta, 23 Questa Road, Eldorado**, said he owns a skateboarding business in the Design Center. He said, "I grew up at 2355 Vereda Encantada which is kind of near that area, when I was a kid. And I would have loved to have something like this near me, because when I was growing, me and my brother, we basically annoyed the hell out of everyone at Rodeo Plaza, because that's what was close to us. So I'm excited it's going in that side of town. It means a lot to me. My parents still live over there, and I have kids and am sure we'll be there a lot as well. I'm sure it's going to be an amazing park if the community has its input and we can come up with a good balance. Thank you."

**Anna Hansen, member of POSAC**, said, "I highly support this transfer of money to the Genoveva Chavez. I also hope that, because we moving it to the Genoveva Chavez that it will encourage more girls to participate in the skate park. I know there are girls in this town who skate and have skateboards because I've seen them. And so I think that being in a recreational facility where their parents can drop them off, provides a safer environment for all of the children. And to answer Councilor Bushee's question about the park, most likely it will stay open until 10:00 p.m., because all parks stay open until 10:00 p.m. And we talked about making sure that the Night Sky Ordinance was followed, because we have neighbors we don't want to be affected by the bright lights. And of course, I support and love the idea of using solar to light this. Solar needs to be everywhere. I have solar on my house. I hope everyone else here does, and I wholeheartedly support this. And thank you Councilor Trujillo for taking the time to work with us to make this happen."

**Bette Booth, 1317 Ferguson Lane, Chair of POSAC**, said, "And on behalf of POSAC, I want to thank Councilor Trujillo for working with us and the skaters to make this change. I knew you really first wanted it at Ragle, and we really appreciate that you really listened to us. Thank you. I also want to thank Richard Thompson and Lida Suzanne. Poor Richard, I think it was his first meeting and we threw him in the deep end, and both of them have been very supportive of the idea, this decision-making process should be led by the constituents. That leads me to thanking the skaters. We started working together for the 2008 Bond and we got DeVargas. I just think you guys rock, and I'm really proud of you for showing up. You know, democracy's messy and you don't always win, but you can't win if you don't show up. And I look forward to day when one of you guys are sitting up there and you're going to remembering the first time you came to a City Council meeting was to stand up and ask for what you wanted for your sport. So you guys rock."

Ms. Booth continued, "I ask, on behalf of POSAC, for your vote. These monies were always dedicated to skate parks. The DeVargas and the Miles money was to do some little things make sure they were safe. That has been done, so all of the money was always to go to a skate feature. The big changes is moving it from Ragle to GCCC. As you can see, that was done at the request of the skaters. So I urge your vote yes, and I thank you very much."

**Clint Soliz, 121 Moore Street**, said, "I support the reallocation of these funds and I just wanted to touch on a couple of other reasons why this location is such a good choice. I've been searching recently to buy my first home, and I'm well above the median income in Santa Fe, and pretty much the only thing I can afford is that area of town. The Arroyo Chamiso Trail is a perfect route to South Capitol for work, so I plan to move over there soon, and I know of a lot of others that the place they can afford is that area of town. I had a couple of experiences at DeVargas where I've actually given younger kids a lift home who got stranded, who missed the last bus, are in the cold and didn't have a way to get home. If there was something on our end of town, we'd probably see a lot less of that. Thank you."

**R.A. Gordon, 5 Dimas Road**, said, "The point I wanted to make is that I've raised two children of my own, they're no longer teenagers. Of course I've been skating there since they were young children. And the thing I want you all to take away from this. Being a teenager in Santa Fe, I grew up here myself, it's hard. There's just no place for teenagers. And this really gives another place for kids to go to get out all their aggressive energy in a more productive manner. When you're out there huffing and puffing you have less tendency to want to go out and drink and do all the things teenagers do. So I just want to say that I think this is a really productive thing for our teenage community."

### **The Public Hearing was closed**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Bushee, to adopt Resolution 2015-27.

**DISCUSSION:** Councilor Bushee asked if we have enough money to do what everybody wants. Not \$1.2 million.

Mr. Thompson said, "The money will drive the design/build and we have produced a letter of determination that we satisfy the State Statute, to combine the design/build firm, and that will cut costs. Of course the monies allocated will determine the level of construction, but \$533,000 is quite a bit of money for a skate park. It's obviously not \$1.5 million, but I believe we will get our money's worth out of this project and it will be a benefit to the community."

Mayor Gonzales said, "I'm assuming there will be a process where you invite people to sit with ultimately whomever is selected on design/build to offer their points of view on what should be taken into account, a lot of public input."

Mr. Thompson said, "Yes, POSAC of course and the motivated skaters will be potential stakeholders at the meetings. There will be a series of neighborhood meetings as well to make sure everybody is at 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.

**Against:** None

**Explaining her vote:** Councilor Bushee said, "Yes. Add my name to the Resolution, please."

**Explaining his vote:** Councilor Dimas said, "Yes, and would you please add me as a cosponsor as well."

\*\*\*\*\*  
*The Governing Body then resumed consideration of afternoon Agenda Items 15 through 18*  
\*\*\*\*\*

**15. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

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

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7) NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT: HIGH SUMMIT CORP: SUMMIT SOUTH CO. AND RALPH BRUTSCHE V. CITY OF SANTA FE, CASE NO. D-101-CV-2009-0394, IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEW MEXICO; QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 14-2008, IN THE U.S. COURT OF APPEALS FOR THE TENTH DISTRICT; AND 14-00332-UT, IN THE MATTER OF THE APPLICATION OF THE PUBLIC SERVICE COMPANY OF NEW MEXICO FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NO. 507. (KELLEY BRENNAN)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Maestas, that the Council go into Executive Session in accordance with §10-15-1(H)(7) NMSA 1978, for discussion regarding pending litigation in which the City of Santa Fe is a participant: *Summit South Co. And Ralph Brutsche v. City of Santa Fe*, Case No. D-101-CV-2009-03914 in the First Judicial District Court for the State of New Mexico; *Qwest Corporation v. City of Santa Fe*, Case No. 14-2008, in the U.S. Court of Appeals for the Tenth District; and 14-00332-UT, *In the matter of the application of the Public Service Company of New Mexico for revision of its Retail Electric Rates*, pursuant to Advice Notice No. 507.

**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.

The Council went into Executive Session at approximately 7:45 p.m.

Mayor Gonzales said we should return into regular session at about 8:10 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At approximately 8:40 p.m., Councilor Rivera moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

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

**Against:** None.

**Absent for the vote:** Councilor Bushee and Councilor Dominguez.

**17. ACTION REGARDING HIGH SUMMIT CORP; SUMMIT SOUTH CO., AND RALPH BRUTSCHE V. CITY OF SANTA FE, CASE NO. D-101-CV-2009-03914, IN THE FIRST JUDICIAL DISTRICT COURT FOR THE STATE OF NEW MEXICO. (KELLEY BRENNAN)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, with respect to Items #17 and #18, to instruct the City Attorney to take action consistent with the discussion held during the Executive Session.

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

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

**Against:** None.

**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. KELLEY BRENNAN.**

Please see action under Item #17 above.

\*\*\*\*\*  
*The Governing Body then resumed consideration of Evening Agenda Items G, G(1) and G(3)*  
\*\*\*\*\*

**G. APPOINTMENT**

**Arts Commission**

Mayor Gonzales made the following appointment to the Arts Commission:

Bernadette Ortiz Pena – to fill unexpired term ending 0/2015.

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

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

#### H. PUBLIC HEARINGS

- 1) **REQUEST FROM THE NATIONAL DANCE INSTITUTE OF NEW MEXICO (NDI NEW MEXICO) FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE NDI DANCE BARN, 1140 ALTO STREET, WHICH IS WITHIN 300 FEET OF ASPEN COMMUNITY MAGNET SCHOOL, 450 LA MADERA. THIS REQUEST IS FOR NDI'S ANNUAL GALA TO BE HELD ON SATURDAY, MAY 16, 2015, FROM 4:30 P.M. TO 11:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of March 2, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said there are letters in the packet from Principal Gerard M. Flores, Aspen Community Magnet School and Carl Gruenier, Santa Fe Public Schools, stating that they will refrain from issuing a decision regarding opposition or non-opposition to this report.

#### Public Hearing

**Felicia Poncda was sworn.** Ms. Poncda said she is the event coordinator and she is here to answer any questions.

#### The Public Hearing was closed

**MOTION:** Councilor Rivera moved, seconded by Councilor Ives, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of alcoholic beverages at the NDI Dance Barns for the NDI's Annual Gala to be held on Saturday, May 16, 2015, from 4:30 p.m. to 11:00 p.m., 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) **CONSIDERATION OF BILL NO. 2015-5: ADOPTION OF ORDINANCE NO. 2015-24 (COUNCILOR DOMINGUEZ AND COUNCILOR DIMAS). AN ORDINANCE RELATING TO YOUTH LEAGUE FEES FOR USE OF CITY SPORTS FIELDS; AMENDING SUBSECTION 23-4.13 AND 23-7.5 SFCC 1987, 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.**

Councilor Dominguez gave a brief overview.

**Public Hearing**

There was no one speaking to this request.

**The Public Hearing was closed**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-24 (the Substitute Bill with the amendments incorporated).

**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.

\*\*\*\*\*  
*The Governing Body then resumed consideration of Afternoon Agenda Items #19 and #20*  
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**19. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**20. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 11, 2015, is incorporated herewith to these minutes as Exhibit "6."

**Councilor Dimas**

Councilor Dimas had no communications.

**Councilor Maestas**

*[Councilor Maestas's remarks here are inaudible because of noise overlay on the tape and on the official recording of the meeting]*

**Councilor Bushee**

Councilor Bushee had no communications.

**Councilor Ives**

Councilor Ives introduced a Resolution directing staff to solicit alternative ways to permanently dispose of solid waste generated within the Santa Fe City limits. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

**Mayor Gonzales**

Mayor Gonzales introduced a Resolution establishing a Green Community Program for the benefit of the residents of Santa Fe; directing staff to develop and draft a comprehensive 25-year Sustainability Plan to annually reduce Santa Fe's carbon emissions and energy consumption, and achieve the City's goal of becoming carbon neutral by 2040.

**Councilor Dominguez**

*[Councilor Dominguez's remarks here are inaudible because of noise overlay on the tape and on the official recording of the meeting]*

Councilor Dominguez said he won't be in attendance at the March 25, 2015 meeting of the Governing Body.

**Councilor Lindell**

Councilor Lindell had no communications.

**Councilor Trujillo**

Councilor Trujillo had no communications.

**Councilor Rivera**

*[Councilor Rivera's remarks here are inaudible because of noise overlay on the tape and on the official recording of the meeting]*

**I. ADJOURN**

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

**Approved by:**

\_\_\_\_\_  
**Mayor Javier M. Gonzales**

**ATTESTED TO:**

\_\_\_\_\_  
**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
\_\_\_\_\_  
**Melessia Helberg, Council Stenographer**

CITY COUNCIL MEETING  
EXECUTIVE SESSION  
March 11, 2015

The governing body of the City of Santa Fe met in an executive session duly called on March 11, 2015 beginning at 7:49 p.m.

**The following was discussed:**

- 1) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, In the Matter of the Application of the Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 507.

PRESENT

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

STAFF PRESENT

Brian K. Snyder, City Manager  
Kelley A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Marcos Martinez, Assistant City Attorney  
Nick Schiavo, Public Utilities Department Director  
John Alejandro, Renewable Energy Planner  
Bruce Throne, Attorney At Law

- 2) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, High Summit Corp.; Summit South Co; and Ralph Brutsche v. City of Santa Fe, Case No. D-101-CV-2009-03914 in the First Judicial District Court for the State New Mexico.

PRESENT

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

STAFF PRESENT

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

- 3) In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7) NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Case No. 14-2008 in the U.S. Court of Appeals for the Tenth District; and 14-00332-UT.

PRESENT

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

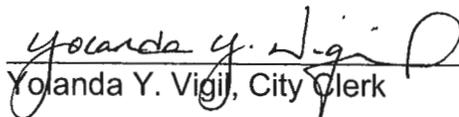
ABSENT

Councilor Ives (Recused)

STAFF PRESENT

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

There being no further business to discuss, the executive session adjourned at 8:32 p.m.

  
Yolanda Y. Vigil, City Clerk