

SUMMARY INDEX
 SANTA FE CITY COUNCIL MEETING
 Wednesday May 27, 2015

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		3-8
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 13, 2015	Approved	8
 <u>PRESENTATIONS</u>		
MAY EMPLOYEE OF THE MONTH – JASON MARTINEZ, AUTOMATED METER READER TECHNICIAN – PUBLIC UTILITIES, UTILITY BILLING		9
SANTA FE PREPARATORY BLUE GRIFFINS – NEW MEXICO HIGH SCHOOL BOYS LACROSSE STATE TOURNAMENT CHAMPIONS		9
PROCLAMATION – MIGUEL B. GABALDON, JR. DAY – MAY 28, 2015; RETIRING DISTRICT 5 ENGINEER, NEW MEXICO DEPARTMENT OF TRANSPORTATION		10
STATE AUDITOR	Information/discussion	10-16
 <u>CONSENT CALENDAR DISCUSSION</u>		
CONSIDERATION OF RESOLUTION NO. 2015-50. A RESOLUTION CALLING FOR A SPECIAL PUBLIC HEARING OF THE FINANCE COMMITTEE TO CONSIDER ALTERNATIVES FOR FURTHER INVESTIGATION OF THE DISBURSEMENT OF FUNDS FROM THE 2008 PARKS AND TRAILS BOND PROJECTS	Approved a/a	16-17

ITEM

ACTION

PAGE

CONSIDERATION OF RESOLUTION NO. 2015-51. A RESOLUTION DIRECTING THAT A FINANCIAL AUDIT OF THE 2008 PARK BOND PROJECT FUNDING, TO INCLUDE MODIFICATIONS, ALLOCATIONS AND REALLOCATIONS OF BOND FUNDS, BE CONDUCTED BY AN EXTERNAL, INDEPENDENT AND QUALIFIED PUBLIC ACCOUNTING FIRM APPROVED BY THE OFFICE OF THE STATE AUDITOR IN ACCORDANCE WITH ACCEPTED ACCOUNTING STANDARDS; AND INCORPORATE ADEQUATE FUNDING FOR THE AUDIT IN THE FY 2015/2016 BUDGET

Approved a/a

17-20

CONSIDERATION OF RESOLUTION NO. 2015-52. A RESOLUTION RELATING TO SANTA FE'S HISTORICAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR HISTORIAN SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR LOCAL RESIDENTS, INCLUDING YOUTH, TO BE EDUCATED ABOUT SANTA FE'S RICH HISTORIC HERITAGE

Approved

20-21

CONSIDERATION OF RESOLUTION NO. 2015-53. A RESOLUTION RELATING TO PAY FOR NON-UNION, FULL-TIME CLASSIFIED EMPLOYEES; DIRECTING THE CITY MANAGER TO IDENTIFY AND IMPLEMENT AN ADJUSTMENT IN SALARY COMMENSURATE TO THOSE RECEIVED BY UNIONIZED EMPLOYEES OVER THE LAST FIVE YEARS WITH RECOMMENDATION THAT A 3-5% ADJUSTMENT BE EVALUATED AND PRESENTED TO THE GOVERNING BODY FOR APPROVAL

Approved

22-24

REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SUMMER MUSIC FESTIVAL ON THE PLAZA (RFP #12/16/P); OUTSIDE IN

Approved

24

REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT SANTA FE WATERSHED AND BUCKMAN WELLS; CHAVEZ SECURITY, INC.

Approved

25

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF EXPANSION OF TABLE LAYOUT FOR "PEOPLE TO THE PLAZA" FOR SUMMER EVENTS – OPTION A	Approved	25-26
REQUEST FOR APPROVAL OF ANNUAL AUDIT PLAN	Postponed to 06/10/15	26
<u>END OF CONSENT CALENDAR DISCUSSION</u>		
REPORT RELATING TO REDISTRICTING PLAN "A" APPROVED BY THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION		
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE 24, 2015: BILL NO. 2015-21: AN ORDINANCE AMENDING SUBSECTION 9-1.3 SFCC 1987, TO REVISE THE DISTRICT PRECINCTS TO REFLECT REDISTRICTING PLAN "A," APPROVED BY THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION	Approved	27-28
CONSIDERATION OF RESOLUTION NO. 2015-54. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING CITY OF SANTA FE'S OPERATING BUDGET AND ORGANIZATIONAL CHART FOR FISCAL YEAR 2015/2016	Approved w/amendments	28-36
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	37
PETITIONS FROM THE FLOOR		37-42
<u>APPOINTMENTS</u>		
Community Hospital and Health Care Study Group	Approved	42
Veterans Advisory Board	Approved	43
Historic Districts Review Board	Approved	43-45
Planning Commission	Approved	45-46

ITEM

ACTION

PAGE

PUBLIC HEARINGS

REQUEST FROM ESTEVAN, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE, WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT ESTEVAN, 125 WASHINGTON AVENUE

Approved w/conditions 46

CONSIDERATION OF RESOLUTION NO. 2015-55. A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987

Approved [amended] 46-54

REQUEST FRM THE ELKS BPOE LODGE #460 FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT THE ELKS LODGE (OUTDOOR PATIO), 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF THE CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THE REQUEST IS FOR A BENEFIT CAR SHOW TO BE HELD ON SATURDAY, MAY 30, 2015, FROM 9:00 A.M. TO 4:00 P.M.

Approved w/conditions 54

MATTERS FROM THE CITY MANAGER

None 55

MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

Approved 55

MOTION TO COME OUT OF EXECUTIVE SESSION

Approved 56

ACTION REGARDING QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 14-2008, IN THE U.S. COURT OF APPEALS FOR THE 10TH CIRCUIT

Action approved as directed 56

REQUEST FOR APPROVAL TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE FOR THE SOLE PURPOSE OF INCORPORATING IN THE PUBLIC RECORD A CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED MEMORANDUM DATED JULY 21, 2011, PREPARED BY JUDITH AMER, FORMER ASSISTANT CITY ATTORNEY

Approved 56-57

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE FOR THE SOLE PURPOSE OF AFFIRMING THE AUTHORITY OF THE CITY'S [PUBLIC UTILITIES DIRECTOR] TO GIVE SANTA FE COUNTY NOTICE INVOKING THE ARBITRATION PROVISION OF THE CITY'S WATER RESOURCES AGREEMENT WITH THE COUNTY	Approved	57
MATTERS FROM THE CITY CLERK	None	58
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	58-60
ADJOURN		6

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
May 27, 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, May 27, 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 Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Peter N. Ives, Mayor Pro-Tem

Others Attending

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

6. APPROVAL OF AGENDA

Mr. Snyder said the only change is on Item 9(a) to correct the month and department.

Mayor Gonzales said members of the State Auditor's staff are here to answer questions, and asked to add them as a new Item 9(d) under Presentations.

Councilor Bushee said there are two Resolutions on consent regarding this matter, and asked if it would be possible for them to be here to hear that discussion.

Mayor Gonzales said he is fine with that, but he believes, regardless of the Resolutions coming forward, this is an opportunity for us to ask questions, not the State Auditor's Office telling us what they're going to do *per se*. He said we have a long agenda, and perhaps the best thing would be to give them an opportunity to speak before we move forward.

Councilor Rivera asked direction from Ms. Brennan on Item 10(r), which is a Resolution addressing raises for non-union employees. He said the City Manager has come up with a resolution to that issue that is part of the budget, so that Resolution may be moot after approval of the budget, but we will be hearing the Resolution first. He asked if he should pull it to the next meeting, or save it for after the budget is approved.

Ms. Brennan said, "We discussed this, this morning, and incorporated it in the budget resolution just to make sure that if it passed, it was incorporated. So I think you can vote on it, keep it on consent or take it off and it should be sufficient with the modified budget resolution to include it."

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve the agenda as amended, and to move items 10(t) and (u) as the first items for consideration on the Consent Agenda.

DISCUSSION: Mayor Gonzales said those items are on the Consent Calendar.

Councilor Dominguez said it is to recognize it when we get to the Consent Calendar.

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

A copy of an action sheet from the Public Works/CIP and Land Use Committee meeting of Tuesday, May 26, 2015, regarding item 10(s), is incorporated herewith to these minutes as Exhibit "1."

A copy of an action sheet from the Public Works/CIP and Land Use Committee meeting of Tuesday, May 26, 2015, regarding item 10(hh), is incorporated herewith to these minutes as Exhibit "2."

- a) **REQUEST FOR APPROVAL OF CONSTRUCTION SERVICES AGREEMENT – FT. MARCY RECREATION COMPLEX FRONT ENTRY REMODELING AND RELATED WORK; COOPERATIVE EDUCATIONAL SERVICES (CES)/ESA CONSTRUCTION, INC.; AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$60,000. (JASON KLUCK)**
- b) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$165,535 FROM PUBLIC SAFETY SPECIAL FUND 21224 FOR ALARM ENFORCEMENT EXPENDITURES TO COVER POSTING AND ACCOUNTING CORRECTIONS REALIZED FROM THE ALARM ENFORCEMENT PROGRAM AUDIT CONDUCTED BY THE CITY'S INTERNAL AUDITOR. (POLICE CHIEF ERIC GARCIA)**
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FALSE ALARM ENFORCEMENT PROGRAM (RFP #15/06/P) FOR POLICE DEPARTMENT; AOT PUBLIC SAFETY CORPORATION D/B/A PUBLIC SAFETY CORPORATION. (DEPUTY CHIEF MARIO SALBIDREZ)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – FOOD SERVICES AND SUPPLIES FOR DIVISION OF SENIOR SERVICES; FOUR (4) VENDORS. (THOMAS VIGIL)**
- e) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AWARD IN THE AMOUNT OF \$8,000 (FEDERAL) AND \$10,000 (CITY MATCH) – HISTORIC DOWNTOWN ARCHAEOLOGICAL REVIEW DISTRICT – CULTURAL RESOURCES DATABASE PHASE II; STATE OF NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS, HISTORIC PRESERVATION DIVISION; AND REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$10,000. (LISA ROACH)**
- f) **REQUEST FOR APPROVAL OF CHILDREN AND YOUTH COMMISSION FUNDING RECOMMENDATIONS FOR FISCAL YEAR 2015/2016; THIRTY-FIVE (35) ORGANIZATIONS. (CHRIS SANCHEZ)**
- g) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR WATER DIVISION – HOSPITAL TANK REPLACEMENT ENGINEERING SERVICES (RFP #15/32/P); SOUDER, MILLER AND ASSOCIATES, AND REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$483,517. (ERIK ULIBARRI)**

- h) **REQUEST FOR APPROVAL OF BUDGET INCREASE FOR NEW MEXICO FINANCE AUTHORITY CONVENTION CENTER LOAN REFUNDING, ACCOMPANIES A PREVIOUS COUNCIL ACTION ON FEBRUARY 25, 2015, TO APPROVE A REFUNDING LOAN WITH NMFA. (THIS BAR WAS NOT PRESENTED AT THE TIME BECAUSE FINAL DETAILS WERE NOT RECEIVED BY NMFA UNTIL MAY 12, 2015. (OSCAR RODRIGUEZ)**

- i) **REQUEST TOP PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE 24, 2015:**
 - 1) **BILL NO. 2015-19: AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 10987, AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE (FINANCE COMMITTEE). (TERESITA GARCIA)**
 - 2) **BILL NO. 2015-20: AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987; ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION (COUNCILOR BUSHEE). (LISA MARTINEZ)**

- j) **CONSIDERATION OF RESOLUTION NO. 2015-41 (COUNCILOR MAESTAS). A RESOLUTION RELATING TO THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX ORDINANCE, SECTION 18-18 SFCC 1987 AND MANAGEMENT OF THE CITY'S WATER UTILITY'S FINANCES; DIRECTING STAFF TO EVALUATE THE ALLOCATION AND EXPENDITURE OF THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX DEDICATED TO WATER SYSTEMS AND FACILITIES SO THAT THE GOVERNING BODY MAY DEVELOP A PLAN TO MAKE THE WATER UTILITY ENTERPRISE FINANCIALLY SELF-SUSTAINING AND DETERMINE WHETHER TO EVENTUALLY AMEND THE DEDICATION PROVISION OF SECTION 1818 SFCC 1987. (OSCAR RODRIGUEZ)**

- k) ***[Removed for discussion by Councilor Bushee]***

- l) **CONSIDERATION OF RESOLUTION NO. 2015-42 (MAYOR GONZALES). A RESOLUTION REPEALING RESOLUTION NO. 2007-22 REGARDING THE PARKS AND OPEN SPACE ADVISORY COMMISSION; REPEALING RESOLUTION NO. 1998-28 REGARDING THE GCCC ADVISORY COMMISSION; REPEALING RESOLUTION NO. 1999-88 REGARDING THE MARTY SANCHEZ GOLF COURSE ADVISORY COMMITTEE; REPEALING RESOLUTION NO. 2009-130 REGARDING THE MUNICIPAL TREE BOARD AND ESTABLISHING A NEW PARKS AND RECREATION ADVISORY COMMISSION. (ROBERT CARTER)**

- m) **CONSIDERATION OF RESOLUTION NO. 2015-43 (COUNCILOR DOMINGUEZ AND COUNCILOR MAESTAS). APPROVAL OF A RESOLUTION DIRECTING CITY STAFF TO WORK WITH A QUALIFIED CONSULTANT IN A TRANSPARENT, PARTICIPATORY PROCESS TO DEVELOP A PARKS AND RECREATION TEN-YEAR MASTER PLAN. (ROBERT CARTER)**
- n) **CONSIDERATION OF RESOLUTION NO. 2015-44 (COUNCILOR BUSHEE AND MAYOR GONZALES). A RESOLUTION ACCEPTING THE "MAYORS CHALLENGE FOR SAFER PEOPLE, SAFER STREETS," AND DIRECTING STAFF TO EXPLORE THE RESOURCES AND PROGRAMS TO PROMOTE SAFER STREETS FOR PEDESTRIANS AND BICYCLISTS. (MELISSA McDONALD)**
- o) **CONSIDERATION OF RESOLUTION NO. 2015-45 (COUNCILOR TRUJILLO). A RESOLUTION RECOGNIZING THE SECOND ANNUAL SANTA FE ADULT SOFTBALL LEAGUE *ZOZOBRA BURN-OUT TOURNAMENT* AND AUTHORIZING THAT THE TOURNAMENT BE HELD THIS YEAR AND EVERY YEAR THEREAFTER IN COORDINATION WITH THE KIWANIS CLUB; AND DIRECTING STAFF TO ASSIST IN FACILITATING THE EVENT. (JENNIFER ROMERO)**
- p) **CONSIDERATION OF RESOLUTION NO. 2015-46 (COUNCILOR IVES). A RESOLUTION DIRECTING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT (EMNRD), ENERGY CONSERVATION AND MANAGEMENT DIVISION AND THE CITY OF SANTA FE, WHOSE PURPOSE IS TO PROVIDE THE CITY ACCESS TO SERVICES AND SUPPORT PROVIDED UNDER EMNRD'S LOCAL ENERGY EFFICIENCY PERFORMANCE (LEEP) PROGRAM FOR DEVELOPMENT AND IMPLEMENTATION OF GUARANTEED ENERGY SERVICE PERFORMANCE CONTRACTS. (JOHN ALEJANDRO)**
- q) **CONSIDERATION OF RESOLUTION NO. 2015-47 (COUNCILOR BUSHEE, COUNCILOR LINDELL, COUNCILOR RIVERA AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO DEVELOP AND IMPLEMENT A SINGLE STREAM AUTOMATED RECYCLING COLLECTION PROGRAM AIMED AT MAKING THE RECYCLING SYSTEM USER FRIENDLY, INCREASING THE TYPE O MATERIALS ACCEPTED, INCREASING PARTICIPATION AND INCREASING THE OVERALL RATE OF DIVERSION. (CINDY PADILLA)**
- r) ***[Removed for discussion by Councilor Rivera]***

- s) **CONSIDERATION OF RESOLUTION NO. 2015-48 (COUNCILOR MAESTAS AND COUNCILOR TRUJILLO). A RESOLUTION DIRECTING STAFF TO OBTAIN SERVICES TO EXECUTE A PILOT PROJECT THAT WILL EXAMINE THE CAPITAL FUNDING NEEDS FOR THE CITY'S BUILDINGS OVER THE NEXT 30 YEARS AND IDENTIFY POTENTIAL FUNDING STRATEGIES TO MEET THOSE NEEDS, PREPARE THE CITY TO MEET THE GROWING FUNDING NEEDS OF ITS AGING INFRASTRUCTURE. (ISAAC PINO)**
- t) *[Removed for discussion by Councilor Dominguez]*
- u) *[Removed for discussion by Councilor Maestas]*
- v) **CONSIDERATION OF RESOLUTION NO. 2015-49 (MAYOR GONZALES, COUNCILOR BUSHEE, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR RIVERA, COUNCILOR LINDELL AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO WORK WITH COMMUNITY GROUPS TO DEVELOP A PLAN OF ACTION TO ENSURE THAT STUDENTS AND PARENTS ARE ABLE TO ACCESS THE DEFERRED ACTION FOR PARENTS OF AMERICANS AND LAWFUL PERMANENT RESIDENTS (DAPA) PROGRAM AND AN EXPANDED DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) PROGRAM; ASSESS THE FINANCIAL CAPABILITY FROM THE CITY TO SUPPORT A PRIVATE/PUBLIC INITIATIVE. (TERRIE RODRIGUEZ)**
- w) **REQUEST FOR APPROVAL OF BID NO. 15/21/B – PARKS & RECREATION PUBLIC RESTROOMS AND PROFESSIONAL SERVICES AGREEMENT; FRESH AND CLEAN PORTABLE RESTROOMS, INC. (RICHARD THOMPSON)**
- x) **REQUEST FOR APPROVAL OF BID NO. 12/23/B AND 12/24/B – POLYELECTROLYTE CHEMICALS (SLUDGE THICKENING AIDS) FOR WASTEWATER MANAGEMENT PLANT AND COMPOST DEWATERING FACILITY; POLYDYNE, INC. (LUIS OROZCO)**
- y) **REQUEST FOR APPROVAL OF BID NO. 15/23/B – PROFESSIONAL SERVICES AGREEMENT FOR ELECTRICIAN SERVICES FOR WATER FACILITIES, TRANSMISSION AND DISTRIBUTION FACILITIES AND WASTEWATER DIVISION FACILITIES; ALLIED ELECTRIC, INC. (LUIS OROZCO)**
- z) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – CITY-WIDE WHOLESALE GOODS AND SERVICES; SAM'S CLUB. (ROBERT RODARTE)**
- aa) *[Removed for discussion by Councilor Bushee]*

- bb) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – ONE (1) COMMERCIAL ROLL-OFF COLLECTION UNIT FOR ENVIRONMENTAL SERVICES DIVISION; BRUCKNER'S TRUCK SALES, INC./AMREP. (LAWRENCE GARCIA)
- cc) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – AFFORDABLE HOUSING SERVICES FOR FISCAL YEAR 2015/2016. (ALEXANDRA LADD)
 - 1) HOMEWISE (\$190,000)
 - 2) SANTA FE COMMUNITY HOUSING TRUST (\$110,000)
- dd) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT AGREEMENTS FOR SHELTER PLUS CARE RENTAL ASSISTANCE FOR FISCAL YEAR 2015/2016. (ALEXANDRA LADD)
- ee) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS IN THE AMOUNT OF \$517,125 – 1% LODGERS' TAX FUND ALLOCATIONS FOR COMMUNITY ARTS PROMOTION PROGRAM (RFP #14/19/P); THIRTEEN (13) VENDORS. (ANNA BLYTH)
- ff) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM SERVICES; THE LIFE LINK. (TERRIE RODRIGUEZ)
- gg) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – SERVICE, REPAIR AND EQUIPMENT FOR WASTEWATER MANAGEMENT DIVISION; JCH, INC. (LUIS OROZCO)
- hh) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY-WIDE MATERIALS FOR PAINT STRIPINGS, SIGNS, CROSSWALKS AND ARROWS FOR TRAFFIC OPERATIONS; 3M COMPANY. (RANDY BLAKE)
- ii) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WATER METER TESTING AND REPAIR SERVICES FOR WATER DIVISION; GREAT SOUTHWEST METER TESTING, LLC. (MICHAEL MOYA)
- jj) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT BETWEEN OWNER AND CONTRACTOR – CITY-WIDE WATER UTILITY PAVEMENT RESTORATIONS SERVICES FOR WATER DIVISION; TLC PLUMBING AND UTILITY, INC. (BILL HUEY)

- kk) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO AGREEMENT BETWEEN OWNER AND CONTRACTOR – CITY-WIDE WATER UTILITY AND CONSTRUCTION REPAIR PROJECTS FOR WATER DIVISION; SUB SURFACE CONTRACTING, INC. (BILL HUEY AND ALEX PUGLISI)
- ll) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – CITY-WIDE SOURCE OF SUPPLY EMERGENCY REPAIR SERVICES FOR WATER DIVISION; ALPHA SOUTHWEST, INC. (BILL HUEY)
- mm) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PROVIDE REGULATORY SUPPORT SERVICES FOR CANYON ROAD WATER TREATMENT PLANT; ENVIRONMENTAL ENGINEERING AND TECHNOLOGY. (ALEX PUGLISI)
- nn) *[Removed for discussion by Councilor Bushee]*
- oo) REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – PRINTING, MAILING AND POSTAGE FOR CUSTOMER UTILITY BILLING, INFOSEND, INC. (DIANA CATANACH)
- pp) REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 – EXPANSION COUPLINGS AND INSTALLATION UNDER EPA LEAD FREE REQUIREMENTS FOR UTILITY BILLING DIVISION; BADGER METER, INC.; AND REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$626,041 FROM WATER CASH RESERVES. (DIANA CATANACH)
- qq) *[Removed for discussion by Councilor Bushee]*
- rr) *[Removed for discussion by Councilor Bushee]*
- ss) REQUEST FOR APPROVAL FOR THE CITY OF SANTA FE TO BECOME A CHARTER5 MEMBER OF THE RIO GRANDE WILDFIRE AND WATER SOURCE PROTECTION COLLABORATIVE PROGRAM. (RICK CARPENTER)

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 13, 2015.

MOTION: Councilor Bushee moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of May 13, 2015, as amended.

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

9. PRESENTATIONS

a) MAY EMPLOYEE OF THE MONTH – JASON MARTINEZ, AUTOMATED METER READER TECHNICIAN – PUBLIC UTILITIES, UTILITY BILLING. (MAYOR GONZALES)

Mayor Gonzales read the letter of nomination into the record, and presented Mr. Martinez with a plaque and a check for \$100 from the Employee Benefit Committee.

b) SANTA FE PREPARATORY BLUE GRIFFINS – NEW MEXICO HIGH SCHOOL BOYS LACROSSE STATE TOURNAMENT CHAMPIONS. (COUNCILOR TRUJILLO)

Mayor Gonzales and Councilor Trujillo welcomed the Santa Fe Preparatory Blue Griffins, New Mexico High School Boys Lacrosse State Tournament Champions.

Councilor Trujillo said Lacrosse is an awesome sport, and it is wonderful for them to bring home the State Championship to the City of Santa Fe, and it will be something you will remember the rest of your life. Councilor Trujillo presented a Plaque to the Blue Griffins

Coach Sid Monroe said 8 players couldn't attend this evening. He said Lacrosse is the ultimate team sport. This is our second championship in a row back to back. There are 7 Seniors on the team, 6 of whom came up from the youth Lacrosse ranks. He said having the team here today helps to cement the growth of the Lacrosse program which is the leading program in New Mexico. He thanked Jim Leonard for providing the facilities for the team.

Councilor Dominguez said there are kids from all across the City on the team.

Coach Monroe said all the different High Schools are represented – Santa Fe Prep, Santa Fe High, St. Michael's. He said the kids compete in other sports, but they came together and formed a championship team.

Responding to Councilor Bushee, Coach Monroe said there are girls lacrosse teams, and they have won 4 state championships in a row, and on a youth level this year there was a record 85 boys and girls playing, grades 2 through 8.

Mayor Gonzales congratulated the Blue Griffins and thanked them for putting Santa Fe on the map. He thanked the parents who supported the team. He said it is very powerful that Santa Fe Prep developed a club that brings all of Santa Fe together in the form of Lacrosse, and winning State championship is even more powerful.

c) **PROCLAMATION – MIGUEL B. GABALDON, JR. DAY – MAY 28, 2015; RETIRING DISTRICT 5 ENGINEER, NEW MEXICO DEPARTMENT OF TRANSPORTATION**

Mayor Gonzales, assisted by Councilor Rivera, read a Proclamation into the record, declaring May 28, 2015 as Miguel B. Gabaldon, Jr. Day in Santa Fe and presented it to Miguel Gabaldon.

Councilor Rivera said he and Mr. Gabaldon have been friends since high school, and he knows him as a fine man and a good father and husband, and congratulated him on his retirement.

Miguel Gabaldon said it is overwhelming to have this honor, and he appreciates the efforts on it. He thanked his family and DOT employees in attendance for their support which resulted in his success.

Councilor Maestas said he worked for the Federal Highway Administration for 10 years in Santa Fe, and watched Mr. Gabaldon work his way up through the ranks to District Engineer. He said Mr. Gabaldon always conducted himself with composure, professionalism and fairness. He congratulated him on his retirement.

Councilor Trujillo said he and Councilor Dominguez are lifelong DOT employees, and he has had the pleasure of working with all of the District Engineers through the years, and Mr. Gabaldon is one of the best District Engineers and he has the respect of all the Districts. He congratulated him on his retirement.

Councilor Dominguez said he works with all of the Districts and because of Mr. Gabaldon, "District 5 is choice."

Mayor Gonzales wished a Happy Birthday to Councilor Carmichael Dominguez, and presented him with a birthday cake and candles.

Councilor Dominguez expressed thanks and appreciation.

d) **STATE AUDITOR**

Sunalei Stewart, Chief of Staff, State Auditor's Office, thanked the City for the opportunity to speak to the Council this evening. He said, "The Council received a letter from Auditor Keller earlier today outlining that he will be designating the City of Santa Fe for a special audit, and that will entail the Auditor's Office working constructively with the City to develop a scope to look at the Parks Bond issue. Ultimately, the scope will be developed by the Auditor's Office, but we really want to make this a constructive process and take the input of the Councilors and the Mayor so we are able to develop something that, when we move forward, there is an assurance that we are having an independent process, a quality process, but also one with which everybody feels that we are covering the bases that need to be covered. Mostly, I just wanted to be here and available to answer any questions the Council may have."

Mayor Gonzales said, "What I do appreciate, and for the Councilors benefit as we go forward, assuming there may be a draft scope that you will develop and allow the Council to review it. If there are parts that don't represent or don't identify areas that you would like to have viewed, I think the invitation is for those areas to be included in the scope. And then you guys will consider whether it's appropriate or not. But the way I understand the process will be that there will be the first draft of the scope of services, and if it doesn't cover all the areas we feel need to be covered, in the interest of transparency and accountability issues, then there can be a request to add additional services, or additional scope. Correct."

Mr. Stewart said, "Mr. Mayor that's correct. This body has shown leadership. I know Councilor Maestas has a resolution and Councilor Dominguez as well, and the City is compiling documents. But we do want this to be a constructive process and allow for input of the Council. And if we drafted the scope in a particular way that you feel we've missed something, or needs to be looked at, and additional testing in a particular area, we want to hear those concerns. Ultimately the final decision is that of the Auditor to finalize the scope. But moving forward, we want this to be a collaborative process. We all have an interest in trying to ensure that the public has confidence in terms of the funds that we expend. And we believe this special designation will help provide an appropriate and independent accounting of what has *occurred* and provide some of that confidence we hope."

The Governing Body commented and asked questions as follows:

- Councilor Maestas said he did read the State Auditor's letter. He said the statute giving the State Auditor the authority to intervene in this fashion can be done by the State Auditor's Office or contracted. He asked if the Santa Fe audit will be contracted.

Mr. Stewart said, "Yes, under the statute and the audit rule we have the authority to take on the audit and have staff perform the audit, or we can hire an independent public accountant. He said that contract would have to be approved by the State Auditor's Office, as well as approval of the scope. That provides the auditors oversight on how the audit is conducted, but ultimately that's the direction we decided to go."

- Councilor Maestas said then we will follow the City procurement process, but the State Auditor will oversee the procurement process and will have the final say in what firm is selected.

Mr. Stewart said they would need to approve any accounting firm, and will work with the City at the point of procuring to figure out the best way to accomplish that.

- Councilor Maestas asked if the City is require to pay for the special audit.

Mr. Stewart said yes, noting State Statute provides that when the State Auditor designates an entity for a special audit, that cost would be carried by the entity. He said that is an unknown until they pare the scope to the point where they can get quotes.

- Councilor Maestas said in preparation of his Resolution calling for a special audit, it was difficult to estimate a range prior to establishing a scope, noting many Governing Body members are concerned about the cost and the inability to provide a range. He thanked Mr. Stewart and staff for being here this evening. He said the State Auditor can take a more formal, unilateral role in the intervention to make the designation for a special audit, but he recognizes the need to involve appropriate City officials and City Committees which are advisory.

- Councilor Bushee thanked State Auditor Keller and staff for coming here to take an oversight role. She asked if anyone has had the opportunity to review the REDW report.

Mr. Stewart said they are in the process of reviewing the materials, noting they read the Executive Summary, and there are many documents to be examined which will inform the decision making in developing a scope moving forward. He said they really appreciate the work of the City on this, and the leadership of the Governing Body to compile these documents. It provides a clearer picture of what happened, which documents are available, which ones aren't available, and when they can move forward with a special audit, it provides a better mechanism to do test work and in a more cost effective manner.

- Councilor Bushee asked, regarding the REDW Report, if they would say that provided any kind of roadmap into the future of what needs to be done, or was it too cursory.

Mr. Stewart said, it provided insight and raised a variety of issues that need to be looked at, noting the documents assembled subsequently fill in some pieces of the gap, and highlighted the importance of strong internal controls moving forward. This is something "the Auditor's Office will be working with the City on, and as part of the normal annual process, making sure in future years we really are ensuring that internal controls are in place." He said the REDW Report is a starting place, commenting they aren't looking to redo work that already has been done, but they are trying to move forward with a process so people have confidence that it's an independent and quality review.

- Councilor Bushee said there also is a 2012 bond that may have similar issues, and asked if there would be an opportunity for them to "at least extrapolate from what the work's gonna be to try to put those internal controls in place."

Mr. Stewart said in terms of putting internal controls in place, he believes the City already is working on it, and that is something they will test in the future. He is unsure if she is suggesting that we expand the scope to include the 2012 bond.

- Councilor Bushee said, "I don't really know, because we've been so focused on 2008, but we had similar staff participating and similar issues may exist. I'm just putting that out there that it is a concern of mine.

- Councilor Bushee continued, "And finally, there's been a lot of bandying about of the term forensic audit. Would you consider what you're going to oversee a forensic audit. People want to know a and she's glad there's an external set of eyes overseeing this, but she doesn't know how that relate to the term forensic."

Mr. Stewart said this not a forensic audit, noting that is a particular subset of an audit that can be useful in particular instances, and asked Sanjay Bhakta, Deputy State Auditor to comment.

Sanjay Bhakta, Deputy State Auditor, said a forensic audit generally is conducted when we know we don't have documents. He said, "We understand that you have the documentation, it was just that the timing was not right and the auditors did not look into the documentation or they did not speak to the right people. So we think this is just an examination and it's not a forensic audit."

- Councilor Bushee asked if the City's Internal Audit Committee will be involved, noting they did a review of sorts.

Mr. Bhakta said perhaps, but they would designate someone to be the point of contact who would be responsible for gathering all of the documents, based on the audit programs. He said they saw there was a deficiency in the previous audit where the auditors were not too sure who to ask for the documents, "so we will make sure that doesn't happen."

Councilor Bushee asked Mr. Snyder where we will get the funds for this effort.

Mr. Snyder said he does not have a sense at this time, or a sense of the magnitude of the costs at this time. He said once the scope is defined, a budget can be established, and during that process we will be looking for the funds.

- Councilor Dominguez thanked Mr. Stewart and staff for spending time with us and for taking an interest in this. He likes that they want a collaboration with the City, because he believes we have information that possibly could be beneficial in doing the work that needs to be done.
- Councilor Dominguez said just the fact the State Auditor will be overseeing this, there will be a high level of integrity and professionalism in whichever auditor is chosen. He said you will be looking at the Management Report and using it to help to establish the scope for the audit.

Mr. Stewart said that would be one of the pieces of the puzzle.

- Councilor Dominguez asked if it would include all the documentation that is needed that may come with that.

Mr. Stewart said what has been provided as part of that report is something we're going to be looking at.

- Councilor Dominguez would like the City to make available everything we have including invoices. He asked, regarding the 2012 bond, if we can use the Auditor's Office to provide direction or suggestions on how we can take a closer look at the 2012 Bond in our annual audit, without doing a separate audit or expanding the scope, although that's a possibility if we go there. But just to have some assurance that you will be looking at our 2012 bond in our annual audit as maybe a special section.

Mr. Stewart said, "Normally the annual audit only covers one particular fiscal year, so that's why you're able to do the internal control testing moving forward. In terms of tacking-on the 2012 bond, I'm not sure whether or not that would be possible, because I just don't have an idea in terms of the magnitude and you can ask your annual auditor if that's something they would be able to tack on."

- Councilor Dominguez said if it is possible, he would like to work with them to make sure we have procedures in place and some accounting for that as well. He said he has learned more about audits that "I ever wanted to, so it's been very educational and very enlightening. So thank you for your work."
- Mayor Gonzales said, "A couple of quick points. The focus on internal controls is key, because I think as the auditors come in and examine internal controls in place, they can make a determination of whether the integrity of the system is at a level where there can be proper accountability. If there is a collapse of our internal controls, clearly I think that will raise a lot of red flags and the scope could change or be modified. So one would think, when they talk about internal controls, they're coming in and testing to make sure that we have the proper checks and balances, so that what we say we're doing is actually being done. And if those checks and balances don't exist, clearly, they will continue to go down a path that could lead to a forensic audit, because there aren't internal controls that are properly tracking the flow of an actual event."
- Mayor Gonzales continued, "So one, for those that have brought up the issue of forensic, I think the internal controls provide a good starting point, and if they test soundly, then obviously there can be some reliance based on the transactions that are going on that actually took place."
- Mayor Gonzales continued, "The second issue as it relates to the management report, I'm assuming it is just a piece of everything, but the audit is not going to be part of the management report. The audit is going to be of the actual park bonds, and the management report just provides a central place to look at the materials as the staff has put it together, but you're not coming in to audit the management report, you're coming in to audit the bonds. Second, as it relates to the 2012 bonds, if the internal controls are coming back weak within the City infrastructure, clearly it seems like it would make some sense to go down that path. We have an internal audit group and a Committee. It could be that there is direction or a request by the Council of the Internal Audit Committee to take on some examination of the 2012 bond or at least offer some input so we don't have to expand the scope and go for more funds. Make no mistake, this audit is going to be expensive, but it's important that we spend the money to assure that there is financial

accountability that's been in place. I think this audit will allow us to understand, at the least, if there are problems that may have continued in subsequent bonds, or we can go down a path of asking the Internal Audit Committee to do a review of the 2012 bonds and offer their own assessment."

- Mayor Gonzales continued, "So I just want to close it out in saying, while it's not starting as a forensic, nor is it anticipating, but you're going in and you're going to be testing controls to make sure they were properly in place, so there wasn't any type of fraud that could have occurred, or misappropriations of money. Am I correct in that statement."

Mr. Stewart said, "Yes. A couple of points. Yes, that's correct that we will be looking at those issues, both in terms of this context but also, as I mentioned, the internal controls in place currently, those are things we would look at as part of the annual audit process moving forward. You are absolutely right. We are not doing an audit on the management report *per se*, but that is one piece of the information that has been helpful in compiling some of the documentation that will help us develop this scope of the audit. So that's absolutely correct. And I know it's challenging in terms of the cost at this point, because we really don't have a good estimate to provide to the body about what it would be and I don't want to mislead in terms of providing ranges."

- Councilor Bushee said she doesn't want a full-blown audit for 2012, but just a sampling of the kinds of controls, similar to the limited scope of the REDW review, would be very helpful before you close out. She personally wants to continue with the external eyes on it, more than our internal audit, because they've already reviewed 2008 and it really didn't produce much for us to go on. She would hope that they keep in mind the same procedures that were done initially for the 2008 [bond].

Mr. Stewart said they will put that into the mix in terms of consideration. If the City does decide to have an auditor to look at the 2012 bond issue separately, there is a process under the audit rule by which those audits are supposed to come to us in terms of the contract of approvals. The hiccups that occurred in this instance where we're coming in after the fact with regard to the REDW Report, I think having our office involved throughout the process will help insure we're not going back and redoing things or anything of that sort.

- Mayor Gonzales said the internal controls start from today so that would have implications on the previous bonds as well. He said as we move forward we want to keep the Council apprised, but believes the Finance Committee is best poised to lead the collective dialogue, and asked that "you guys work through that effort and then we'll ask the Finance Committee to keep the rest of the Council informed as we move forward. He asked Mr. Stewart if he has an estimate of when he might have a draft scope ready to look at.

Mr. Stewart said, "Unfortunately, not at this moment. We're still trying to go through all the materials and try to make an informed decision. We don't want this to be dragged out for months, we want to act promptly, but we also want to get the scope correct, so we'll keep the body apprised and will work with the Finance Committee if that's the direction.

- Mayor Gonzales said the regular audit begins in the Fall, and Mr. Stewart said the annual audit process is starting now, and he believes we have selected an auditor, so they might start doing their test work, and it's due in December.
- Mayor Gonzales said then there could be an expansion of that audit in other areas, like the 2012 bond, a testing or special examination.

Mr. Stewart said Councilor Dominguez asked a similar question, and there are limits of how much we can expand the annual audit because it's for a particular fiscal year. But if there are issues that are carried on or a desire that those issues are not carried on that are problematic, we can look at those and say what may have occurred in the past – if issues pop up, that's one side of it. But also we could have confidence that the annual auditor is looking at the issues moving forward saying now there are internal controls in place that are perfect.

CONSENT CALENDAR DISCUSSION

- (t) **CONSIDERATION OF RESOLUTION NO. 2015-50 (COUNCILOR DOMINGUEZ AND COUNCILOR MAESTAS. A RESOLUTION CALLING FOR A SPECIAL PUBLIC HEARING OF THE FINANCE COMMITTEE TO CONSIDER ALTERNATIVES FOR FURTHER INVESTIGATION OF THE DISBURSEMENT OF FUNDS FROM THE 2008 PARKS AND TRAILS BOND PROJECTS. (OSCAR RODRIGUEZ)**

A copy of an action sheet from the Public Works/CIP and Land Use Committee meeting of Tuesday, May 26, 2015, regarding item 10(t), is incorporated herewith to these minutes as Exhibit "3"

Councilor Dominguez said he would like to make two minor amendments to the bill as follows:

1. Packet page 7, Page 5 of the Resolution, on line 5 add language to the effect: "If this work is not complete in 30 days staff shall presented work completed and continue with the Irrigation Audit."
2. Packet page 8, Page 6 of the Resolution, on line 8, "BE IT FURTHER RESOLVED that Members of the newly created Parks and Recreation Commission along with members of the previous POSAC Commission and members of the Bicycle and Trail Advisory Committee to work with City Staff to conduct field visits of all parks information from the management report in hand to observe what was actually done in relation to the history and purchases."

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to adopt Resolution No. 2015-50 with the proposed amendments.

DISCUSSION: Mr. Snyder asked if we are talking about Parks and Recreation Commission, POSAC members and BTAC members to look at all the parks that are identified in the Management Report, so we're talking about 15-20 people, or if we're talking about the Chairs. He wants clarification if that is the Chairs of each of those, or what, so he can be sure we meet the intent.

Mayor Gonzales said it would be any member that wants to participate, but not all members have to participate.

Councilor Dominguez said this is correct, noting he wants to make sure that there are members from each of those 3 committees that are involved in the review.

Councilor Bushee said she would designate a subcommittee.

Mayor Gonzales said it would up to each committee to do that. He said, "So both current and past POSAC members will have the opportunity to participate in the field review. If they choose not to participate in the field review that's all right, but the offer needs to be made and there needs to be a coordination in conjunction with that so they can be the citizens' review board of what's actually being seen in the field."

Mr. Snyder said then that has to be done within 30 days, and Mayor Gonzales said no, it is the irrigation audit that has to come back within 30 days.

Councilor Dominguez said then the last Be it Further Resolved would be extended to beyond the 30 days. The 30 days applies just to the items that are in there.

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

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

Against: None

- (u) **CONSIDERATION OF RESOLUTION NO. 2015-51 (COUNCILOR MAESTAS AND COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING THAT A FINANCIAL AUDIT OF THE 2008 PARK BOND PROJECT FUNDING, TO INCLUDE MODIFICATIONS, ALLOCATIONS AND REALLOCATIONS OF BOND FUNDS, BE CONDUCTED BY AN EXTERNAL, INDEPENDENT AND QUALIFIED PUBLIC ACCOUNTING FIRM APPROVED BY THE OFFICE OF THE STATE AUDITOR IN ACCORDANCE WITH ACCEPTED ACCOUNTING STANDARDS; AND INCORPORATE ADEQUATE FUNDING FOR THE AUDIT IN THE FY 2015/2016 BUDGET. (OSCAR RODRIGUEZ)**

A copy of an action sheet from the Public Works/CIP and Land Use Committee meeting of Tuesday, May 26, 2015, regarding item 10(u), is incorporated herewith to these minutes as Exhibit "4."

A Substitute Resolution dated 05/27/15, is incorporated herewith to these minutes as Exhibit "5."

Councilor Maestas said he pulled the Resolution to call attention to the Substitute Resolution which was on the Councilors desks [Exhibit "5"]. He said the reason for the Substitute Resolution was to incorporate the comments approved last night at Public Works, as well as some minor amendments made to ensure this legislation is consistent with the recent formal action by the Office of the State Auditor. He said there are minor changes to the caption to highlight the State Auditor's authority to select the independent auditor. There was some concern about the reference to an auditor and on page 2 he is clarifying when we use that terminology when talking about the history we are referring to REDW on lines 14 and 15.

Councilor Maestas continued, saying the most substantial changes are on page 3, lines 6 through 11, which mention the formal letter from the State Auditor concerning the Parks & Trails Bond and it also addresses their authority to oversee the audit and the development of the scope. He said on page 3, lines 20-23, they expanded the individuals that would be involved in an advisory capacity when the scope is developed, and instead of incorporating the entire committee, we agreed it would be the Chairs of POSAC, BTAC and the Audit Committee will work with the State Auditor and REDW to make recommendations regarding the scope of the audit, which is consistent with the discussion last night at Public Works. It clarifies that the firm will be approved by the Office of the State Auditor. He said the changes to the Resolution "are kind of minor in nature, and we want to make sure we don't pass legislation that conflicts with the State Auditor's action."

Mayor Gonzales asked, "Does the last change supercede what I had asked the Auditors to do in terms of the relationship between the City, that it would be between the Finance Committee and the Auditors. Are you stating now that with this they will be coordinating or getting some input or asking these Chairs to speak on behalf of the City."

Councilor Maestas said yes, noting if they read Page 3, line 22, it makes recommendations to the Governing Body regarding the scope, so that implies that the Governing Body will weigh-in on the development of the scope, so there is an indirect reference to the involvement of the Governing Body on line 22.

Mayor Gonzales asked with whom the direct relationship would be be.

Councilor Maestas asked if he is speaking of a liaison with the Governing Body, and Mayor Gonzales said no, with the State Auditor's Office in the scope and being able to have input.

Councilor Maestas said, "I think it's really their show, they're coordinating it and I think it's at their discretion in terms of who they want to involve. And I think they've voluntarily agreed to involve all these other organizations in an advisory capacity to develop the scope, so they're really charged with developing the scope and they're going to oversee the development of the scope."

Mayor Gonzales said, "I just wonder what the expectations of the advisory committee is going to be if the Auditors decide to do something different."

Ms. Brennan said, "I think, Mayor, they are advisory only and can be advisory only, and the Governing Body is the decision-making body, so if it delegates its authority for carrying this out to the Finance Committee, I think probably the Governing Body would vote finally on the contract for instance."

Councilor Dominguez said, "I'm okay with that, but I think maybe if we could just include the Finance Committee as part of the group that's going to help with the scope and make the recommendation to the Governing Body."

Ms. Brennan said, "Perhaps the Finance Committee could receive the recommendations and then recommend to the Governing Body."

Councilor Maestas suggested on page 3 of the Resolution, line 22, say "... make recommendations to the Governing Body through the Finance Committee regarding the scope."

Mayor Gonzales said he would prefer that we limit the points of contact with the State Auditor's Office so they're not getting flooded with draft scopes of audit and they are having to deal with it. He said if there could be a pathway for the advisory groups to offer input through the Finance Committee, that seems more appropriate.

Councilor Bushee would like to put some language that says, "or their designees," just in case because you don't want anybody holding up anything.

Councilor Maestas said, "I just want to thank the community for being so patient. I think the way the Council expresses itself on an urgent issue like this is that we're bound by the legislative process, and it's like making sausage. This is the culmination of our sausage making and hopefully this is ready for the frying pan. But I do think this represents really bold action by the City Council, I want to thank my cosponsors that signed onto this Resolution. I think this definitely is a positive step forward, and sends a strong message from the Governing Body that we want to get to the bottom of the truth in terms of the 2008 bond funding."

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to adopt Substitute Resolution No. 2015-51, as amended.

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

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

Against: None.

Explaining his vote: Councilor Dominguez said, "Add my name as a cosponsor. Yes."

10(k) CONSIDERATION OF RESOLUTION NO. 2015-52 (MAYOR GONZALES). A RESOLUTION RELATING TO SANTA FE'S HISTORICAL HERITAGE; AUTHORIZING STAFF TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR HISTORIAN SERVICES THAT WOULD PROVIDE OPPORTUNITIES FOR LOCAL RESIDENTS, INCLUDING YOUTH, TO BE EDUCATED ABOUT SANTA FE'S RICH HISTORIC HERITAGE. (MATT ROSS)

Councilor Bushee asked what fund this is coming out of because it is recurring, and does this replace the Historian position that was voluntary.

Mayor Gonzales said, "I sponsored this, and yes, this would be for the Historian who would replace the previous Historian or named one due to the passing of the previous Historian. But there was no budget provided by the Council for that service. It's difficult to have someone to serve as a volunteer and to have to put up the money for whatever scope might be developed."

Councilor Bushee said she wants to see where the money is coming from because it's recurring, and it sounds as "if you want them going into the schools and all that."

Mayor Gonzales said there are opportunities for them to go into the schools. He said, "The source of the funds, I think is going to come out of Convention or the Arts Commission."

Matt Ross said, "A big part of this is the timing of when this came up in the budget hearings, and there's not, right now, a clearly identified source, but we see this as a collaborative position that works across several areas. There's a tourism component, there's an education component, there's a civic pride component, there's a public access component, a public information component. So I think once the scope of services become more defined as this moves forward, and again because of when it came up in the budget cycle, there is no currently defined source for it. But we would work with the City Manager and administratively across the different departments that would be impacted by the position to find the funding."

Councilor Bushee said she can't vote on anything without knowing where the money came from, and asked Mr. Snyder if there is a potential funding source.

Mr. Snyder said a source has not been identified, noting there are areas such as the Quality of Life Fund which bridges some of those areas as well that he would think of, but he has no source identified for the \$5,000.

MOTION: Councilor Maestas moved for purposes of discussion, seconded by Councilor Dominguez, to adopt Resolution No. 2015-52.

DISCUSSION: Councilor Maestas said he thinks this is important to dedicate nominal funding to someone who can really impart our wonderful history which really adds to our community. He supports the intent, and he doesn't want to be too informal when it comes to budget, noting it is \$5,000, but he thinks we can come up with \$5,000. He said his approval would be conditioned on identifying the funding before we hire anyone or perform any kind of services. He said his motion would be subject to availability of funds.

Mayor Gonzales said the direction makes sense that before there is a procurement of services, the Finance Committee should be notified, because a source of funds was not identified, the source of funds before it's actually executed.

Councilor Maestas said typically with Professional Services Agreements, we have a proviso that the work can't be done unless funding is available. And we've run into that problem where we have a current PSA and there's no funding available, but they keep providing services and we find ourselves in a situation where we don't have funding. He hopes that does happen.

Councilor Bushee said she has no problem with the concept of paying someone to do this, it's just that we have an ordinance that requires FIRs and also requires that the source of funding is identified. She has noticed over time that's gotten looser, and she objects to that procedurally.

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

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

Against: None.

Abstain: Councilor Bushee.

Explaining her vote: Councilor Bushee said, "I'm going to abstain until we know the source of funding, thank you."

10(r) CONSIDERATION OF RESOLUTION NO. 2015-53 (COUNCILOR RIVERA, MAYOR GONZALES, COUNCILOR TRUJILLO, COUNCILOR LINDELL, COUNCILOR DOMINGUEZ AND COUNCILOR MAESTAS). A RESOLUTION RELATING TO PAY FOR NON-UNION, FULL-TIME CLASSIFIED EMPLOYEES; DIRECTING THE CITY MANAGER TO IDENTIFY AND IMPLEMENT AN ADJUSTMENT IN SALARY COMMENSURATE TO THOSE RECEIVED BY UNIONIZED EMPLOYEES OVER THE LAST FIVE YEARS WITH RECOMMENDATION THAT A 3-5% ADJUSTMENT BE EVALUATED AND PRESENTED TO THE GOVERNING BODY FOR APPROVAL. (LYNETTE TRUJILLO)

An Amended Proposed Amendment page to Resolution No. 2015-53, Item 10(r) submitted by Councilor Rivera is incorporated herewith to these minutes as Exhibit "6."

Councilor Rivera said he pulled this so everyone would have time to look at the Amendment sheet which has been passed out. This gives 278 classified non-union employees a 2% increase as part of the next fiscal year. He said this doesn't make up for the 7% that they are behind union employees, but it's a good start and something we need to do. He thanked the City Manager and staff of the Finance Department in identifying funding sources to make this happen. It identifies employees that are classified, but because they are, for example in the H.R. Department, non-union employees who will not be making the highest wages. In order to be fair, it does include many of the people here in this room that spend just as many hours here at this Council meeting as we do, answering our questions and being available for whatever we need after-hours who are salaried employees. He thanked the Governing Body for their support to make this happen and seeing there was a true inequity.

MOTION: Councilor Rivera moved, seconded by Councilor Dimas and Councilor Trujillo, to adopt Resolution No. 2015-53, with the amendment.

DISCUSSION: Mayor Gonzales thanked Councilor Rivera for taking this on and not letting go until it was done. He appreciates the recognition that there are many people outside of the collective bargaining unit who have been left behind when it comes to being able to see a raise in pay. He said it would be nice to consider, as there are negotiated benefits with the collective bargaining units, if the benefits don't extend to the non-union individuals or managers, that consideration being considered to grant those benefits. He believes this pool of employees lost a personal day that the collective bargaining units currently have. He would love to work on the second round of, if we can't go the 7%, can we find more parity and equity in other benefits that are enjoyed by individuals in the collective bargaining units that those outside don't get.

Mayor Gonzales would like to direct staff to come up with some recommendations in this motion, or does it need to be done through a separate Resolution.

Councilor Rivera said his guess is that it would be a separate resolution, noting he is unsure what benefits they lost. He said it will take some work to figure that out and determine a cost. He will work with staff on that Resolution.

Responding to Councilor Bushee, Councilor Rivera said the Resolution calls for a 2% salary increase, which are part of the recommendations presented to him as the Resolution sponsor for consideration. He said after sitting with the Finance Director and the City Manager, fiscally, we are able to do a 2% salary increase for those employees.

Councilor Bushee said they didn't adjust the memorandum, but her bottom line is where are the funds coming from, and what is the total dollar impact.

Mr. Snyder said the total is \$436,139.97, noting that is on the summary table. He said the funding for that is broken out. Of the approximately \$436,000, about \$170,000 is General Fund and \$266,000 is non-General Fund. One of the funding sources identified by the Finance Department was the Risk Insurance Premium which was reduced for the coming year by \$289,000 which will cover the entire General Fund amount as well as a portion of the non-General Fund amount.

Councilor Bushee said, "That's a one-time thing, right."

Mr. Snyder said no, "It's recurring. And the General Fund currently, as we discussed during the budget hearings, the General Fund overhead is not currently being charged to some non-General funds, so we are identifying those areas for the remainder of \$147,000. So all \$436,000 of this impact for the 2% salary increase for non-union without a salary cap is covered."

Councilor Bushee said, "So \$170,000 is coming out of the General Fund, and I'm trying to understand how there was actually money left in the General Fund, that's what you started saying,"

Mr. Snyder said, "No. The impact to the General Fund of a 2% raise is \$170,000. And to the non-General Fund it is \$266,000, so the Risk Insurance Premiums.... it's broken up between General Fund and non-General Fund. The Risk Insurance premiums have been reduced for the upcoming fiscal year to \$289,000, and of that, approximately \$170,000 is for the General Fund and \$119,000 is for non-General Fund. And the remaining non-General Fund amount is \$147,000, and that will be made up through General Fund overhead being charged to the non-General Funds."

Councilor Bushee asked what departments haven't been charged.

Mr. Snyder said it is across the board, noting there are 3-4 different departments that had not been charged based on the formula.

Councilor Bushee asked for an example.

Mr. Snyder said, "All departments had been charged, but the amount they were charged, for example Arts & Culture has been charged in the past, but not the right amount. The CVB and Roadways and Trails are another example."

Councilor Maestas said he wanted to make a general statement about parity between union and non-union employees. He said it seems we created this disparity on the union negotiation side, and then we have to correct it on the non-union side, so maybe we should rethink our negotiation strategy on salaries, and be sure we don't create these constant imbalances between union and non-union personnel. He thinks this hurts morale and we're taking a small step forward in addressing morale problems among non-union employees. He said it's great to have Councilor Rivera on the Governing Body as a long time employee of the City and who finished his career in management. He said he is amazed at his genuine concern for the rank and file, and echoes the Mayor's comments and thanked him.

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

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

Against: None.

**10(aa) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT –
SUMMER MUSIC FESTIVAL ON THE PLAZA (RFP #12/16/P); OUTSIDE IN. (DEBRA
GARCIA Y GRIEGO)**

Councilor Bushee said she would like to recognize Michael Delheim who is here from *Outside In*, noting she has had conversations with Ms. Garcia y Griego, and she read correspondence from Michael. She thanked Mr. Delheim for his previous efforts of expanding the *Outside In Plaza Bandstand* to the south side. She was disappointed that isn't feasible for this year, and would like to ensure that the next time we put this out for contract that we make sure we continue some of the efforts on the south side of town. She understands private entities are going to do their concerts in the Zafarano Plaza, but she would like to look at the Tierra Contenta stage, although she doesn't know what is missing for infrastructure. She wants that pursued for the south side of town in the future.

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

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

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

Against: None.

10(nn) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT SANTA FE WATERSHED AND BUCKMAN WELLS; CHAVEZ SECURITY, INC. (ALEX PUGLISI)

Councilor Bushee said there was a lot of discussion at Public Utilities about having so many long term 3 and 4 year contracts, so somebody else needs to make the motion on this request.

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

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

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

Against: Councilor Bushee.

10(qq) REQUEST FOR APPROVAL OF EXPANSION OF TABLE LAYOUT FOR “PEOPLE TO THE PLAZA” FOR SUMMER EVENTS – OPTION A. (RICHARD THOMPSON)

Councilor Bushee said when this left Public Works a hybrid was recommended and asked Mr. Thompson how he got to Option A, because she has a constituent concern about it changing, commenting she doesn't believe that is what they voted on in Committee.

Ms. Thompson said he was directed to check with staff concerning the suggested modification and dealing with special events, park operations and the front line public safety individuals on the Plaza. He said they found the modification would interrupt loading and load-out of special events. It is also separated by another set of pots and bollards which changed at the corner of Old Santa Fe Trail and Palace. And there is the fact they did move the pots to close the left turn lane on San Francisco, and they felt this would more adequately address the parking needs for the motorcyclists.

Councilor Bushee asked how many spaces we are talking about between the Plaza and Old Santa Fe Trail and Lincoln, and for what times.

Mr. Thompson said he believes it is 6:00 p.m. to 10:00 p.m., or extended hours for some special events, but he doesn't have a count on the number of motorcycles, but it is at least as large as the area that was blocked off on Old Santa Fe Trail.

Councilor Bushee said, so this is free parking and asked if this is the same arrangement, and Mr. Thompson said yes, there are no parking meters on that side of the street.

Councilor Bushee said she just wanted to note it was different from what she thought we had done in Committee.

Mr. Thompson said, "We were directed to check with staff and see what were the impediments to the compromise plan, and we felt we made the best decision. We hope you can support it."

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

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

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

Against: Councilor Bushee.

Absent for the vote: Councilor Dominguez.

Explaining her vote: Councilor Bushee said, "You know, I'm not sure about this, so I'm going to just say no for now. Thank you."

10 (rr) REQUEST FOR APPROVAL OF ANNUAL AUDIT PLAN. (LIZA KERR)

Councilor Bushee said the Auditor is not here and she had a lot of questions. She had a concern that in the next fiscal year, only 2 audits are being conducted, and she wanted to have a conversation with the Internal Auditor.

Mr. Snyder said, "Mayor and Councilor Bushee, just for the record, Liza Kerr, the City's Auditor is out sick today."

Mayor Gonzales suggested postponing the item if Councilor Bushee wants to have a conversation with her.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to postpone this item to the next meeting of the City Council on June 10, 2015.

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

Mayor Gonzales said the Internal Audit Committee has been very receptive to meeting with him, and he would encourage her to meet with them before the next Council meeting, if she has the time to do so.

END OF CONSENT CALENDAR DISCUSSION

11. REPORT RELATING TO REDISTRICTING PLAN "A" APPROVED BY THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION. (ZACHARY SHANDLER)

- a) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE 24, 2015: BILL NO. 2015-21: AN ORDINANCE AMENDING SUBSECTION 9-1.3 SFCC 1987, TO REVISE THE DISTRICT PRECINCTS TO REFLECT REDISTRICTING PLAN "A," APPROVED BY THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION (MAYOR GONZALES AND COUNCILOR DOMINGUEZ). (ZACHARY SHANDLER)**

Zachary Shandler read his letter of May 21, 2015, to the City Clerk, regarding the *Santa Fe Independent Citizens' Redistricting Commission*, which is in the Council packet. Please see this letter for specifics of this presentation.

Mr. Shandler said, "Commission Chairperson Karen Heldmeyer has informed me that only 6 precincts have been moved to different Districts, Precincts 31 and 34 go from District 3 to District 1, Precincts 51 and 77 go from District 4 to District 2, Precincts 66 and 67 go from District 3 to District 4. City Clerk Yolanda Vigil has informed me that the City Clerk's Office will send a postcard to notify voters of the change. I would like to yield the floor to Chairperson Heldmeyer for a brief comment. After she is done, I would advise you an abundance of caution in this extremely litigious area of law to withhold any remarks, because the Commission's decision could still be appealed to Court, and even innocent remarks from incumbents like, this process worked out great, I'm very pleased with how my District looks, could be misconstrued to create the perception that the Commission was not truly independent. With that said, Commissioner Heldmeyer."

Former Councilor Heldmeyer, Chair, Independent Citizens' Redistricting Commission, said, "Zach was a great legal resource. He also did a great job of schlepping all of these maps all over the City. So I think he has another career maybe, after he finishes law. I just wanted to thank the members of the Commission, let me name them, Lillian Montoya was Vice-Chair, William Beardsley who represented the newly-annexed area, Stephen Bassett who was our cartographer, Aaron McSherry, Rod Thompson and Elizabeth West who represented districts. And also the alternates. We not only had very good attendance from all the members, but also from all of the alternates and Suzanne, Neva van Peski, Jody Larson and Peggy Vasquez representing the 4 Districts."

Former Councilor Heldmeyer continued, "We had excellent help from Brian Sanderhoff and Michael Sharp from Research and Polling. Anything the Committee asked, we got, and we got in a very timely way. And all in all it went very well. We had very good attendance at all of the Districts, except District 2, I'm sorry to say, but especially District 3 which was the one most affected. We had very good attendance at that meeting, and most of the Councilors attended at least one of the meetings. Councilor Ives and Councilor Lindell win the prize for coming to the most meeting. It was a very enrichingly interesting and mathematically challenging and a very good process. And we want to thank Councilor Dominguez for his Ordinance which set up the way this was done. Everybody on the Commission was chosen by lot, with the exception of the spots that only one person applied for, but the four Districts were represented by people who were just chosen by random, so it was like the ancient Greeks. It worked out

very well and they were all attentive and they all had great things to say. So I want to thank the Council for approving the Ordinance, and I will turn it back to Zach."

Mayor Gonzales said, "I don't think we have any further discussion. We know exactly what we need to do."

Mr. Shandler said the City Clerk does need a vote.

Mayor Gonzales asked if a super majority is needed, and Mr. Shandler said it looks like there are enough people here.

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

DISCUSSION: Ms. Byers said this is a request to publish the bill to change the precincts.

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

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

Against: None.

12. CONSIDERATION OF RESOLUTION NO. 2015-54 (FINANCE COMMITTEE). REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING CITY OF SANTA FE'S OPERATING BUDGET AND ORGANIZATIONAL CHART FOR FISCAL YEAR 2015/2016. (OSCAR RODRIGUEZ)

An Amendment Sheet containing proposed amendments to Resolution No. 2015-54, proposed by Councilor Chris Rivera, is incorporated herewith to these minutes as Exhibit "7."

Councilor Dominguez said, "Thank you Mayor, before I get into the motion, I just want to extend a thank you to Brian, Oscar and his staff, for all the work they did in the course of the budget hearings. I also want to thank the members of the Finance Committee for participating and also members from the Governing Body who were able to participate as well. I think there was some interesting dialogue that happened throughout the course of the budget hearings. The process was different. It was a little frustrating at times, but I think for the most part it was a pretty good process. It's been more transparent than I've seen it in the past, but I think there is still some work that can be done to make that transparency even better."

Councilor Dominguez continued, "I think the thing that I wanted to comment on was that this year, compared to last year and maybe some of the years before, is that it was much better organized and so I certainly just wanted to just recognize that. Just real quickly I want to thank everyone else that participated in the creation of the operating budget, thanks to the two members from the public who came out to speak

regarding the budget. And lastly, just to thank the City employees for all their work in making sure that we have a functioning City of Santa Fe. And the budget process and the budget is one of the, if not the, most important policy that we approve. And what I have here is, if you don't mind passing this down, is the motion written down for everyone to consider."

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to adopt Resolution No. 2015-54 and to approve the City of Santa Fe Operational Budget for the Fiscal Year 15/16 as recommended by the Finance Committee at their May 18, 2015 Meeting, with the following clarifications:

1. A note shall be placed on page 17 at the top of the page indicating that these policies are to be evaluated each Fiscal Year;
2. (Budget Book – Financial Policies) Page 17, Number 6 – Organizational Charts shall be included into the Final Approved Budget Book;
3. (Budget Book – Financial Policies) Page 17, Number 7 – Any changes to the established and approved Department/Division Organizational Charts be brought forward to the Finance Committee on a Quarterly basis. These changes shall include:
 - a. Transfers In/Out of any Department or Division,
 - b. Any management reclassifications for vacant positions;
4. (Budget Book – Financial Policies – Capital Improvement Plan) Page 21; "In July of 2015, the Finance Committee shall begin the process of establishing a 5-year Capital Improvement Plan;"
5. (Budget Book – Financial Policies – Utility Enterprise Transfer) page 27; at the end of the policy it should read "This policy shall expire upon approval of the FY16/17 Operating Budget. However, the Governing Body shall within 6 months debate the existence of such a policy;"
6. As the budget pertains to the "Deputy City Manager" – the position shall be created and funded, however not filled until a job description has been approved by the Governing Body. Furthermore the position is not to be filled until after the City Manager Evaluation has taken place; and
7. Councilor Rivera's legislation, including amendments providing non-union employees with a 2% cost of living increase.

DISCUSSION: Councilor Bushee said, "I cannot support this budget, in particular because of the way that the Enterprise Fund, really the water company is being mined as a bank essentially, from my perspective, to balance the budget. And I have concerns. I see that Councilor Ives has introduced an Ordinance

change and I know we had an amendment to our Code. But when we first put in the Code provision in 1997, the intent was clear and I don't think should be altered. It's prohibiting the expenditure of revenues from the Enterprise Funds for any purpose other than those for which Enterprise funds have been designated on a long term or short term basis."

Councilor Bushee continued, "Just for starters Kelley, my understanding is that right now the amendment to the Code provision allows for \$1.7 million to be transferred from Enterprise Funds. What I would have considered.... a one-time incident back when we had unexpected wastewater funds that were unexpended. So it's odd to see an actual Code provision say that you can transfer \$1.7 million, that was done in 2011 for that one time purpose. So is the plan, after the fact, after approving this budget, to go ahead and amend the Code so that it's a legal vote."

Ms. Brennan said, "Councilor Ives is introducing an Ordinance this evening to do exactly that."

Councilor Bushee said, "I know, I just referenced that. So how does that work. An Ordinance takes *[inaudible]* to get passed."

Ms. Brennan said, "I believed it's projected to be passed in mid-July, and as the current Code allows the transfer of \$1.7 million, amounts up to that amount can be transferred."

Councilor Bushee said, "So the remainder of the four point of your whatever million that you're going to call a fee, or whatever we're calling it, on an annual basis, I believe is what the fee has been designated as. So I'd have to ask the Chair another question. So the remainder of those funds will come from where."

Ms. Brennan said, "When the Ordinance passes, it will permit the percentage that is consistent with the budget, which would be funded from the Enterprise Fund."

Councilor Bushee said, "You will have submitted the budget. The fiscal year starts July 1. You can't amend the Code until mid-July, so in the meantime."

Ms. Brennan said, "In the meantime, that money will not be transferred, only up to \$1.7 million. I spoke to Oscar about this and he assured me that was sufficient for the end of July."

Councilor Bushee said, "Okay. So back to my point. Carmichael, you say we're going to review these policies, these bridging strategies, whatever we're calling this, I don't know, I don't see it as a realignment. But the plan is to review those policies every year, rather than counting on this transfer of, what's the total again."

Ms. Brennan, "Councilor I believe it's \$3 million."

Mr. Snyder said it is \$3.7 million.

Councilor Bushee said and right now that's supposed to be on an annual basis, correct.

Councilor Dominguez said, "The intent is to have all of the policies in the Budget Book to be renewed on an annual basis, and particularly this one. Yes. And actually, let me back up, it is intended to go away at the adoption of the next fiscal year budget, but in 6 months we have to have the debate about whether or not we want to continue to have that kind of policy. And I'll get to my comments later on as to why we're doing what we're doing."

Councilor Bushee said, "Okay, so again, I guess I'll just make my comments as to why I can't support this budget as it stands. I don't understand how this conceptually is any different than the concerns the entire Governing Body has over the 2008 Parks Bond, that we are subverting funds, we're changing what we told the voters when we raised rates, the ratepayers, when we told them that and when we raised the gross receipts tax back in whatever it was, 2006 I guess, or 2004. We have... I believe we should follow what we said. We have a 10-year water plan that we've approved. We have resolutions and ordinances we've approved in order to collect those funds. It's not as if these funds are just extra and there to be raided to balance an unsustainable General Fund. And I see some attempts at saying well, we're going to go ahead and correct that. And that doesn't even really take into account the almost \$2 million of positions that are being paid for out of this supposed enterprise fund. So I have a real concern that we didn't really entertain many other discussions in this budget process other than we are going to get that money out of the Water Fund."

Councilor Bushee continued, "And I think the Ordinance was put in back when Councilor Sanchez was on the Council, this was introduced to make sure that we would not do this, that we would not treat the enterprise fund.... and the other part that's more egregious for me is that we don't have an oversight board. We seriously have this utility... at least PNM has to go to the PRC to try to get a rate increase. We need some parameters, oversight, and we need to not rob Peter to pay Paul, and use the enterprise funds to balance our budget. And I feel we have failed the ratepayers and we have failed the community by not having that discussion. It was just seen as this cash cow, and I'm concerned that we really didn't do the kind of work we needed to do to realign various departments, but I absolutely don't think it should be done on the backs of the ratepayers."

Councilor Bushee continued, "I have had many a discussion with staff that it would be easy to lower the rates by 10%. Folks are struggling out there. There's nothing from my policy perspective that says we should go and look at the Water Fund to solve all our problems in the budget cycle and that's what we've done. So I'm disappointed and concerned for the future of how we proceed with a budget."

Councilor Maestas said, "I appreciate the motion with the amendments. I would like to offer a friendly amendment to Item #6, and I want to preface my Friendly Amendment by saying I did not vote to approve the inclusion of a Deputy City Manager. I stated for the record that there's no doubt that I think the work load would certainly justify a Deputy City Manager. But when we were briefed at the Finance Committee about the different initiatives the Deputy would be doing, I think that's where I felt like the Governing Body and the administration needs much better alignment and agree what the new direction should be for the City through these initiatives, some of which would be overseen by a Deputy. But I'm willing to support this motion with an amendment."

FRIENDLY AMENDMENT: Councilor Maestas said, "My amendment is after, 'however not filled until the job description' add 'and annual work plan.' Because the job description will have a job description of recurring duties, but it's what he's charged with doing, what his work plan is, and I'd like to see that and have some input, and if that's our way of trying to align ourselves in what direction we want the City to go through some of these Deputy City Manager duties, then I think that's a good start."

DISCUSSION ON THE FRIENDLY AMENDMENT: Mayor Gonzales said the work plan, which he thinks is critical, couldn't it be that part of the duties of the Deputy City Manager, much the way the Internal Auditors file an audit plan annually, that they would have to deliver an annual work plan with outcomes and metrics to make sure it's in play. If we insert that now, the work plan has to be driven by the Council and the alignment that goes in. It seems it might be hard to do without a member, or person actually working through between the Council and CM, is the only issue. If there's a way to make sure the requirement is annually they provide a work plan.

Councilor Maestas said let's ensure that is in the job description, but job descriptions aren't dated and you put in an initiative that will be done in the next year, and the next year after it's done, it's obsolete in that regard. He still would like to see how this position begins and there's no reason to revisit that, but he wants to see what we're going to set this person loose doing. Brian do you mind summarizing what you would like this Deputy to do.

Ms. Brennan said, "I feel this intrudes into the authority granted to the City Manager, and from which the Governing Body is excluded by Charter and by Ordinance."

Mayor Gonzales asked what specific part.

Ms. Brennan said, "I don't have it with me. But personnel, the jurisdiction over personnel, the direction of personnel and the everyday tasks. I think approving a job description is probably okay, but I do feel this is moving into an area of actually managing the work of the position."

Mayor Gonzales said then the approval of the work plan by the Governing Body, you're basically construing that as being management by the Governing Body over a member of the personnel.

Ms. Brennan said that is correct.

Councilor Dominguez said he is willing to accept something like that, but in terms of wordsmithing it would be that the work plan be presented to the Governing Body and not necessarily approved by the Governing Body, but it be presented to the Governing Body.

Ms. Brennan said, "The Governing Body approves the Manager's work plan essentially, and it can be part of that, but in terms of managing below that, I think it does intrude on that particular Ordinance and Charter provision.

FRIENDLY AMENDMENT WITHDRAWN. Councilor Maestas withdrew his Friendly Amendment.

FRIENDLY AMENDMENT. Councilor Maestas would like to amend the motion to add at the end of #6, "...until after the City Manager evaluation has taken place and the annual work plan for the City Manager has been approved. **THE AMENDMENT WAS FRIENDLY TO MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Maestas said, "I want to make some general concluding remarks. I want to thank Councilor Dominguez. I think he was a very effective Chair in navigating through some very difficult issues on the Finance Committee. Is Oscar here."

Mayor Gonzales said he is at his daughter's graduation.

Councilor Maestas said, "While I do agree I think Oscar really presented more of an executive level format, and I think it was helpful for us to stay focused on the larger issues, but I think this budget did fall short. I really feel there are still some significant structural deficiencies in that we have enterprises that have recurring negative cash balances that carry over. We really haven't answered the questions in terms of are we really prepared to meet at the very least the public safety demands in the newly annexed areas. I think we're trying to get by in that regard. We did engage in a very successful exercise in that we calculated a cumulative, General Fund deficit and the total, and I think my colleagues on the Finance Committee remember this, it reached a total of \$13.9 million in terms of a deficit. We're at the front end of the Hold Harmless. We took a \$600,000 reduction in our gross receipts taxes and it's not going to get easier. And so I see this as more of a stop-gap budget than setting the City on a path to stability and financial sustainability."

Councilor Maestas continued, "I was on the Finance Committee, and I guess I take partial responsibility, but I really do think there are much more major decisions that need to be made that are structural in nature. Because I think we kind of kicked the can down the road again, and I guess I'm going to have to be more vocal if I'm to remain on the Finance Committee, but again a lot of work went into this and I want to thank Oscar and his team and all the department heads for working very hard. And we didn't have an opportunity to see your unfunded requests, we did in the last budget hearings, and that was helpful to him to understand your needs. We didn't do that this year, but I hope we can do that next year. That's all I had."

Councilor Lindell said, "I would like to make a few comments. First, I'd like to thank staff for the work they did on this, and the Finance Committee. A lot of work did go into this, and I don't think that anybody feels completely satisfied with this, or that this is the kind of budget that is really sustainable. I think that we have in front of us some very very hard tasks and that will be determining the direction we want to go and making some really hard decisions. I think we have kicked the can down the road this year. We're going to identify our core services, what aren't core services, and if we are willing to adjust the level of services, or if we're willing to increase revenues, and that means tax increases. It's not possible to continue as we are now. And I think that's extremely hard work and it's in front of us."

Councilor Lindell said, "I too, am extremely concerned with the idea of this utility enterprise transfer. I'm not at all comfortable with it. I appreciate that Councilor Dominguez has put in that it does have an expiration next year, with the provision that this Governing Body will, within 6 months, have a complete debate on the existence of such a policy. Not just getting a budget passed and putting it behind us, but that this is a discussion we absolutely have to have. Those are my comments. I do want to thank Chairman Dominguez. I know he put a tremendous amount of work into this, and I thought he led us through this process.... did an exceptionally good job on it. But I think that the work of the Governing Body is in front of us in knowing we can't continue to pass budgets like this. It's really not sustainable, and we all know it. So those are my comments, thank you Mayor."

Mayor Gonzales said, I want to thank Councilor Dominguez and the Finance Committee, saying this budget shed more light on our budgeting process than previous ones. He gives them credit for putting forth budget practices that clearly need to be fixed and they have started that process, but it's not concluded. He has confidence that the Finance Committee along with the administration can develop a budget based on performance that clearly defines the outcomes we want out departments to achieve and making sure there is proper alignment in revenues that are being collected and services delivered for those revenues. And that alignment can be done through policy developed through the public process.

Mayor Gonzales said we need to develop a multi-year budgeting process so we can track the City as we begin to grow our economy and right size government with less personnel at the City. He said despite that there are issues regarding the allocation of funds, this Committee did a very good job of bringing to light, along with the administration, a number of previous practices that we need to turn the corner on and no longer use as we build our budget. He called on Councilor Dominguez to close debate.

Councilor Dominguez said, "In defense of the Finance Committee, Councilor Bushee, I have to tell you that there was a lot of discussion during the Finance Committee hearings, which I sat through every single hour of, along with other members of the Governing Body – more than 20 hours. So I take a little bit of offense to the fact that you have said there was not a lot of discussion in the budget when in fact, and indeed, there were. This was a particularly painful process, not necessarily the process itself, but the reality. The realities are much more clear than they have been in the past. In the past, we've always hoped the economy would get better, things were going to change, and we were going to see things like we used to see them. But instead, our economy has recovered, but not at the levels we need them to recover to maintain the level of service that we have."

Councilor Dominguez continued, "The General Fund continues to be an issue. The General Fund has libraries and senior centers and recreation centers. The reality is we're going to have to make tough decisions about whether or not we want to raise taxes or revenue enhancements as Councilor Maestas likes to put it. Or if we want to cut the services many of our local constituents deserve, need, experience and enjoy on a daily basis, year-round. These are the tough discussions we need to have."

Councilor Dominguez continued, "The utilities transfer definitely has been a point of contention. We have in the past, whether \$1 million or in this case \$3 point whatever million dollars, have taken money from that fund in the past and Councilor Bushee has been in support of that, regardless of the amount, it's the

ratepayers that pay that. It's a practice we have had in the past, not that I condone that we need to continue that practice, but certainly has been a practice that has been endorsed by various members of the Governing Body as a stop-gap measure in the past. The reality is it's not sustainable, that is the bottom line. We cannot continue, as some people put it, to raid that fund to balance our budget."

Councilor Dominguez continued, saying he is torn in many ways, because he made statements about his position on the 2008 rate increase. However, he realized many of the services that would have to be cut to balance the budget are services that much of the most vulnerable parts of our community need, enjoy and deserve. The bottom line is at the eleventh hour, the Governing Body is not ready to have a discussion on cuts, noting he hasn't seen or heard any cuts recommended, and in fact tonight, this Governing Body unanimously endorsed an expansion with the pay increase proposed by Councilor Rivera. A lot of dialogue has happened, and a lot needs to happen. The bottom line is the Governing Body needs to prepare the public for the potential impact that potential cuts might have and/or an increase in taxes.

Councilor Dominguez continued, saying we're not going to solve the issues over two days or a number of budget hearings, but needs to be a year-long process. He isn't going to support cuts that impact the young, the old and the most vulnerable populations in our community.

Councilor Dominguez continued, "I guess to end Mayor, I stand in support of this budget, however reluctant I may be. I'm not overly reluctant, but I am somewhat reluctant because it is a stop-gap measure. It is a band-aid in many ways, because the Governing Body needs to make the tough decisions about whether or not we want to cut services, or enhance revenues. And I think without any thoughtful, deliberate or lengthy consideration, our most vulnerable populations may be the ones that suffer the most, which concerns him. I would just end with this. Please consider this fact, Councilor Rivera and myself represent a constituency that in many ways needs more and not less services. And so when we have that discussion about cuts to balance the budget, it's going to be a very interesting conversation. I respect the positions taken by my colleagues, and thank you all again for the work you've done to present a balanced budget and a budget to get us through the next fiscal year."

Councilor Bushee asked to make a brief remark.

Mayor Gonzales said it will be okay as long as it is something new and different from what you have already said.

Councilor Bushee said, "Councilor Dominguez you know I attended as many budget hearings as I could, and I'm not on your Committee, and I didn't mean you didn't have discussions, we just didn't have the tough discussions we need to have in this budget cycle. We amended the Ordinance in 2011 and it was a one-time deal and it really needs to be repealed, and I'll bring that forward so we aren't going to continue to violate the intent of the ordinance which is to not raid the enterprise funds. You have to be clear that the discussions were not had that needed to happen. That's all I'm saying, is we kicked the can down the road but we're now raiding a fund that shouldn't be raided and we need to put some parameters and restrictions around it so we don't do this again."

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

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

Against: Councilor Bushee

Explaining his vote: Councilor Dominguez said, "Again thank you to everyone for your work on this. Councilor Bushee we did have a lot of tough discussions, and I haven't seen anybody on the Governing Body propose any impacts that would get, it's more than \$3.8 million, because you're talking about the CIP amount that's taken out for General Fund operations, and you're talking about General Fund Operations that are not being paid to the enterprise. And so that \$3.8 million, if you look at it is much much more. I'm excited to hear your ideas for the next year. Yes."

Explaining his vote: Councilor Maestas said, "Yes. And I just want to state that I will be bringing some ideas that hopefully will represent some significant efficiencies and financial savings to the City. Yes."

Explaining her vote: Councilor Bushee said, "No, for all of the reasons I stated previously. And I will be bringing forth lots of things."

Explaining his vote: Councilor Dimas said, "Yes, and I want to thank the Finance Committee for doing an outstanding job. Having been on the Finance Committee for some years and going through this process, I can appreciate all the work, time and energy that you spent doing this. And thank you for being willing to do that, and I appreciate it and I know all the citizens also appreciate all of the hard work that you did. Thank you."

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to reconsider the approval of the previous agenda, to postpone Items #13 through #19 to the end of the Evening Session, to move directly into the Evening Agenda at this time, and to approve the Amended Agenda as amended.

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

END OF AFTERNOON SESSION AT APPROXIMATELY 7:20 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:20 p.m. There was the presence of a quorum as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Member Excused

Councilor Peter N. Ives, Mayor Pro-Tem

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

A copy of petition signatures gathered in support of the Community Protection Initiative by Santa Fe Forward, presented to the Governing Body on May 26, 2015, is incorporated herewith to these minutes as Exhibit "8."

Mayor Gonzales gave each person 2 minutes to petition the Governing Body

David McQuarie, 2997 Calle Serrada, said we are finally going to get the 2008 Park Bond changed. He was concerned when they did the trails at Los Pueblos, and asked why they did the *[inaudible]* work instead of the curb cuts which are mandatory and was told we don't have a concrete contract. And they have an earth moving contract with Advantage Asphalt and they made the money or illegal fees. Previously at the Mayor's Committee on Disability, the Traffic Engineer didn't show up to explain. He asked the Federal ADA Coordinator to meet with the Traffic Engineer and he didn't show up to that meeting. He said the ADA Coordinator finally called him and had a conference call with him, and was very disappointed in what he said. That brings up a point, the intersections he's doing. He's made

remarks about as not even being close to being accessible for the disabled, plus the [inaudible]. Why is that. On that a point, about 10 years ago, the City was advised to set a policy for key intersections, as of that they have not done that. [Inaudible]. They it's according to the Traffic Engineer. It was never the Traffic Engineer that has a curb cut at the corner of [inaudible] and Palace and we questioned that, because it goes back to the old thing of throwing people under the bus. While that's a frivolous statement, it was literal in the response from the Engineer that it was what was ordered by the Quality of Life not about disability. Tonight he was reminded that once again, that disability would not be involved in the audit. It's limited to the Finance. BTAC. We're out in the cold again. Thank you.

Sara Agard, 1420 Cerrillos, Executive Director, Santa Fe Forward, said it is a non-profit, non-partisan community organization dedicated to increasing civic engagement in the community. Since January they have been working on organizing around the Community Protection Initiative proposed by the Firefighters and just passed by the Governing Body as part of the budget. They are grateful to everyone who passed it, volunteered and canvassers who worked very hard to have meaningful conversations with Santa Feans. In all, we visited 6,768 homes and got 2,110 signatures. She said, "All of you should have one of 'these' by now, but I'll submit one for the record if that's possible [Exhibit "8"]. She thanked them for passing this important program.

Carolyn Siegstidt, 708 Alton Street, said today we're all going to Abilene. This expression stems from a tale of people jumping in a car to go to Abilene because the head of the household suggested it and everybody went along without question. They went to Abilene, had a horrible time, and realized it would have been better if they stayed home. She said today the City approved a budget proposing to move \$4.8 million surplus profits from the Water Company to the City's General Fund for operating expenses. The City is running at a deficit since the recession, and behind closed doors are using other departments' dedicated funds for day to day City operating expenses. In an article in *The Santa Fe New Mexican*, regarding Councilor Questions Use of Fees for Salaries, Councilor Maestas was quoted as saying, 'Somebody needs to say the revenues really aren't bouncing back to the peer recession levels, so we should assess our organizational structure and sizeable government services we provide and end this shell game.'

Ms. Siegstidt continued, "In the same article, City Finance Director Oscar Rodriguez voiced similar concerns, 'This is one of the bridging strategies I pointed out to the Council, referring to the City's efforts to avoid layoffs with a decision to put a damper on tax references. The article ended by Finance Director Rodriguez concluding that the use of dedicated funding sources for transfer, or these bridging strategies, must end. This is not wrong necessarily, it's just not sustainable fiscally. So now, fast forward a week, and we're on our way to Abilene. Let's take a bad practice and legitimize it. This may be legal, but hardly best practice. Mayor, City Council and Finance Director want to put the bridging strategy into written legal practice, supposedly legitimizing these financial transfers by calling them franchise fees. A franchise fee is a fee that a utility pays to operate within the City limits, giving them the right to use City streets and

services. A member of the City Finance Committee states in response to more information, recommended a policy of a transfer of 12%, \$4.8 million of gross receipts from the utility fund, our Water Company, to the General Fund in lieu of taxes. The City is stating the level of services demanded by the Water Company is much more than the average business. The Buckman Diversion operating agreement pays a fiscal agency 1%. Cable and television utilities have a similar situation and charge 2% for the right to operate within City limits. So why should we allow a fee of 12% charged to our Water Company for the same privilege.

Mayor Gonzales asked Ms. Siegstidt to wind up her remarks as she has exceeded the two minutes, and she said she was winding up.

Ms. Siegstidt said "Fair is fair. As a citizen, I'm opposed to these disproportionate franchise fees. Citizens of our community are not all of the same financial means. The City's high water costs are a hardship. We desert dwellers understand the importance of conserving water and are even willing to pay for it. As elected officials during hard times, we have to have the courage to make hard decisions to live within our means or raise gross receipts. People have a choice as to whether they buy a TV or not, but not whether they pay their water costs.

Mayor Gonzales again asked Ms. Siegstidt to wind up her remarks.

Ms. Siegstidt continued, "Lay off employees who reach retirement and are double dipping. In a democracy, people are supposed to know what their taxes are paying for. This tax basically is a stealth tax. Are we having fun in Abilene."

Frank Montano, 1655 Calle Sotero, thanked the Mayor for his hard work. He said he is disappointed as a ratepayer of utilities that the funds aren't being used as intended, and they are being used for other purposes. He said this is a feeling many of the citizens of this community have. His said his experience as a City Councilor and as a School Board member is that as a School Board member we had a certain amount of dollars per unit from the State. It was a set amount, and for the 4 years he sat on the Board, they had to make millions of dollars of cuts, and the people most affected were definitely those that were most vulnerable. He said as a ratepayer and taxpayer, "I think that you need to start making the tough decisions and you need to let the community know – this what we have to work with and one of two things happens, we either cut back or we think of ways of increasing City revenues, and not by raising taxes. He said he means through economic development. He said, "You have a cash cow and you people have ignored it for a long time. I call some of you guys on a regular basis, and I keep telling you about that tourism cash cow and nobody listens. You have to promote the town like it used to be promoted. Fill up the hotels that used to be filled so you can make the revenues to do the things you want to do, and provide the services that you want to provide. He said, "It's time for you guys to step up to the plate and live within your means, if nothing else. At some point we're going to have to cut back somewhere, some place."

Bruce Weatherbee, 329 Rosario Hill. He said he wants to say something different about using the water fund, commenting he understands the dilemma we're all in, and it's time people stopped saying we can do things without raising taxes, without raising revenues. Somebody has to step up and decide to do something. He said you can still take action on Hold Harmless. You can decide as an injured party as a body of the City to challenge in court, and if anybody tells you it's too late, it's not too late. There is a legal challenge there, but nobody wants to rock the boat – you can still do it. He said they are having to change the law because they've been interpreting the law on a tax issue already, so the books aren't closed on that. He asked the Council to take a good hard look at it to see if you can recoup some of the money instead of going to corporations that unfairly took advantage of that in the 2013 Legislative Session. It hurt the City and County and all across the State, and as a result working people are being hurt. He thanked the Governing Body for its hard work in putting together the budget, commenting it's not easy and nobody wants to cut services."

Mr. Weatherbee continued, saying he said he thinks the Governing Body will come to the conclusion you are going to have to do something to find revenues, because the reduced or eliminated services won't be acceptable to people and they won't be fair. He understands you may be proposing amendments in the near future to the Health Advisory Group, and hopefully you will support the Mayor's suggestion to appoint Former Mayor Coss as Chair. He hopes the sponsors will sit and talk to those of us who started this in the first place if you want to amend it and let dialogue occur. He said we believe Mayor Coss is a good person to Chair this group because he was the person to help broker the compromise that put it together in the first place.

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
May 27, 2015**

STEFANIE BENINATO: Good evening Councilors and Mayor, Stefanie Beninato. I'm here to talk about a few things. First of all the budget. I've heard for years now about kicking the can down the road, and gee it's so hard to make these decisions. That discussion has been going on for at least 3 years, if not longer. So, it's great to bring it up. I do thank you Councilor Maestas for revealing what I think of as malfeasance in the use of fees. When you use a fee like the Stormwater Fee and only 10% is going toward the projects, and 90% is going toward wages, to me that's malfeasance. I'm sorry. And especially when I'm in Court and I hear the head of Streets and Drains say over and over again, yes, we know that intersection is a problem but we don't have money. Yes, we know the intersection is a problem but we don't have money. Yes, we know the intersection is a problem but we don't have the money. Well I got blamed for being... living in a historic home and trying to renovate it. I got blamed for 360,000 gallons of water coming through the

intersection. And what I see is I'm a real example of what happens when storm drain funds are being diverted into salaries rather than into storm drain projects. And so I really think and I really thank you Councilor Maestas for bringing that to the public, and the other funds that are also being misused. But it's time to actually do something. It's not time to say this going to take a year, gee it's a long process, or gee we're now at the end of the budget cycle, we've got to pass something. I really hope this year you'll make a difference in that you actually do something different in this budget cycle in making whatever hard decisions or coming up with new revenue sources, not raising taxes. We have \$90 million sitting in the Water Fund. And the other thing I'd like to say, since everybody has gone over time, is that I believe that the \$30 million Park Bond issue was just the tip of the iceberg which I think again, Councilor Maestas you've made very clear. And for me on telling you that the foxes are guarding the henhouse have now found all the hens despite we see the feathers flying on the wall and the bloody chicken parts. How do you believe that all the hens are really there are flying, especially when you have your Finance person telling us that there aren't any records. So how did you come up with all the records that weren't there a few weeks ago. So I would say that for citizens that are saying this is an honest process and one with transparency that we actually agree to have an independent audit. Thank you.

MAYOR GONZALES: Thank you.

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, May 27, 2015.


Melessia Helberg, Council Stenographer

Michael Shafer said he thinks they are going in the right direction and will cost a lot less and it will provide services and it will bring a *[inaudible]*. He said, "I think the elephant in the room is the hospitals, because you walk in there, an indigent with a cut finger, you manage to get a bill of \$2,000. And you don't want to give that up. All over the country they complain about the services to the indigent. They're making money on it. They're collecting Federal funds for it. So that's what happened to medicare, the cuts to medicare were in home health services. This move is in the right direction, localism. And I support it wholeheartedly. Thank you."

John Dressman, representing the Santa Fe Downtown Merchants Association, 58 Lincoln Avenue. Mr. Dressman said he is a little miffed because he's a day late and a dollar short, saying he thought he was ahead of the game on this, and it's the motorcycle parking on the Plaza. He read the agenda and it said we were talking about tables tonight and not motorcycles. He said he still wanted to express himself. He said 2-3 years ago, Officer Chavarria was fired because he went to a motorcycle funeral. The Fiesta date was changed, because motorcyclists came to town and broke a lot of windows. The biggest complaints he hears from members of the Association is the noise and the disregard for traffic signals, etc., by motorcyclists. And yet we're offering them a free place to park, what Matthew O'Reilly two weeks ago called the most valuable piece of property in Santa Fe. It doesn't make any sense to him. He said former Councilor Montano talked about the idea of what we're doing to bring people to Santa Fe. We're not, we're going to chase them away with the noise of motorcycles. He said, "It's something you need to consider before you put a bunch of motorcycles downtown. Thank you."

G. APPOINTMENTS

A Memorandum dated May 22, 2015, to the City Council, from Mayor Javier Gonzales regarding *Appointments*, is incorporated herewith to these minutes as Exhibit "9."

Community Hospital and Health Care Study Group

Mayor Gonzales made the following appointments to the Community Hospital and Health Care Study Group:

Ronald David Coss, Chair;
Charlotte Roybal (Knowledgeable Consumer Representative); and
Lynore M. Martinez, M.C. (Santa Fe Medical Director)

Mayor Gonzales asked if a vote is need for David Coss as chair.

Ms. Byers said the Resolution provides that the Mayor appoints the Chair and the Governing Body approves the appointment.

Responding to Councilor Bushee, Mayor Gonzales said, "We're at the quorum status now."

Councilor Bushee said so we can meet with the Chair, and Mayor Gonzales said yes.

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

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

Veterans Advisory Board

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

Henry B.F. (Hank) Hughes (Homeless Service – term ending 05/2017).

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

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

Historic Districts Review Board

Mayor Gonzales made the following appointments to the Historic Districts Review Board:

Cervantes "Buddy" Roybal (Construction Industry) to fill unexpired term ending 01/2017;

Edmund Arthur Boniface II, AIA (Architect) – Reappointment – term ending 01/2017;

Frank D. Katz (Old Santa Fe Association) – Reappointment – term ending 01/2017;

Meghan Bayer (Historian) – to fill unexpired term ending 01/2016;

William Powell (Member At-Large) – position change only;

Jennifer A. Biedscheid (Member At-Large) – to fill unexpired term ending 01/2016; and

Cecilia Rios (Historic District Business) – Reappointment – term ending 01/2017.

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

DISCUSSION: Councilor Bushee said it is the Mayor's prerogative and this motion will pass, but it won't pass with her vote. She said she is grateful to see Cecilia Rios remain on the Board. She said the Mayor mistakenly called it the Historic District Business Owner position, which she thinks is a downtown business owner position. Her biggest disappointment is the folks she thinks have the most knowledge and continuity to see the Board through, no longer will be serving. Christine Mather, Sharon Woods and a newer appointee Bonifacio Armijo – it is a disappointment not to see them come back. It is also a little confusing to see that one of the members at large, noting the Ordinance requires, not a professional requirement, but a least a deep background in historic issues, so she won't be voting for these members.

Councilor Lindell said she would like to comment on the Historic District Review Board. She said, "This is a board... I know we have many many boards and commissions that are important in the City, but this particular Board has very very little leeway to make mistakes. Once a mistake is made by this type of Board, we can't go back and correct it. And I ask the members of this Board to be absolutely committed to the task. The Historic District of this town is the heart and soul, and it's a huge amount of work. I tend to agree with Councilor Bushee on this. I am going to support the appointments, because I do think it is your

prerogative to appoint who you would like on this Board. I asked the members of this Board to know that they are being asked to hold up the Code that is in existence in this City and it is an extremely important task that we are charging them with by sitting on this Board. So those are my comments. And I ask the members of this Board to be sure that they have that absolute commitment in taking this appointment.”

Councilor Maestas said he will support the appointments, and commended him for keeping Frank Katz on the Board, because he represents the continuity on this Board. He has read many transcripts of this Board when we hear appeals and Frank Katz has demonstrated an uncanny ability to summarize the debate and crystalize it into a motion that withstands appeals. He is very impressed with Frank Katz.

Mayor Gonzales said the continuance of Ed Boniface, William Powell and Cecilia Rios will help in terms of the presence of established members that know the districts very well. He said the process of choosing the members for the Historic Districts Review Board took longer, because we asked that all individuals be first interviewed by David Rash, and then by David Rasch, Lisa Roach and himself. He said the appointments came after all the interviews and the dialogue with David and Lisa, making sure there was a level of comfort with the commitment the members were willing to offer that are appointed here. He wants to assure Councilor Lindell and Councilor Bushee that these weren't just appointments that came about because of a resume that he called up, but appointments where they took the course of time to interview people for a period of time, asking about their focus and commitment, and if they understood the time commitment needed. He is excited about the people that will be joining the Board because he believes they come with a top commitment for preservation and protecting the District, as well as allow for more participation by Santa Feans who care about the District as well. This was a collective decision made by the Historic staff as well as the Land Use administrative staff. They provided names of all who had requested appoints to the Old Santa Fe Association so they would know who was looking to be appointed.

Councilor Trujillo said he understands bringing other people on this Board, commenting he relies a lot on the Board, although he may not agree with them all the time. He asked if there is anybody among the appointees who is a contractor or builder.

Mayor Gonzales said no. He said Ed Boniface and William Powell are architects, but there is no builder. He has heard the concern about the lack of contractors, noting Buddy Roybal does supply the construction industry area. He said there is thought of allowing all participants in the construction industry to be eligible for appointment.

Councilor Trujillo said it is his prerogative as Mayor to make these appointments, but he wants to ensure we have a cross section of everybody in the City. He agrees with allowing other people on these boards because it makes it more diverse.

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales, Councilor Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion, and Councilor Bushee voting against.

Planning Commission

Mayor Gonzales made the following appointments to the Planning Commission:

Michael A. Harris – Reappointment – term ending 06/2017;
Justin Greene – term ending 06/2017;
Sarah Cottrell Probst – term ending 06/2017;
Vacancy – term ending 06/2017; and
Vacancy – term ending 06/2017.

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to approve these appointments.

DISCUSSION: Councilor Bushee supports the appointments, but said she thought the Mayor had said he would hold off until the Resolution was passed so we had geographic equity.

Mayor Gonzales said we needed to move because we were beyond expiration and there was a sense on the Planning Commission that the uncertainty was creating some challenges for people to stay and be committed. There are two vacancies, and he will look at the Districts and try and use those vacancies to shore up Districts without representations.

Councilor Bushee said Michael Harris's resume isn't in the packet, and Justin Green is a constituent in District One, and Sarah Cottrell is in District 2. She thinks "we're still heavily loaded in that direction, District 1."

Mayor Gonzales said we need to get a sense of permanence in there sooner, rather than later, because big issues are moving forward. He thinks the two vacancies can balance out Districts, particularly #4 and #3 that need more participation on the Planning Commission.

Councilor Bushee said she wanted to point out that she doesn't know how that's going to work out. She asked Mayor Gonzales if he will try to follow the Resolution if it passes.

Mayor Gonzales said if the Resolution passes, every appointment will follow it, but there needs to be a sense of permanence right now on the Board.

Councilor Bushee said, "I'm just reminding you that you had said you would hold off, and I don't know why its taking so long."

Mayor Gonzales said he agrees, it has taken a while.

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM ESTEVAN, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE, WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT ESTEVAN, 125 WASHINGTON AVENUE. (MELISSA BYERS)**

The Staff Report was presented by Melissa Byers.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve the request for a Restaurant Liquor License (Beer and Wine, with on-premise consumption only) to be located at Estevan, 125 Washington Avenue, with all conditions of approval as recommended by staff.

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

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

Against: None.

- 2) **CONSIDERATION OF RESOLUTION NO. 2015-55 (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987. (MATTHEW O'REILLY). (Postponed at May 13, 2015 City Council meeting)**

Matthew O'Reilly said two weeks ago the Council heard this item and postponed it, and two additional amendments have been proposed since that time, one by Councilor Lindell and one by

Councilor Maestas. Mr. O'Reilly said some of the original provisions in Councilor Lindell's first Resolution are incorporated to make the Resolution more clear, and those are in the packet. He said #8 of Councilor Maestas's amendment references a map which should be the same one as proposed as an amendment by Councilor Lindell.

Councilor Lindell asked Mr. O'Reilly to clarify the last point, the truck locations in the amendment.

Mr. O'Reilly said to make it clear, Councilor Lindell's original amendment contained a map that assigned 3 locations for the mobile vehicle vendors and the amendment in the packet proposed by Councilor Maestas also references the same map, intending for the locations to be exactly the same as those in Councilor Lindell's amendment. However, the map didn't make it into this packet.

Councilor Lindell said, "I'm going to clarify. Councilor Maestas is suggesting the same locations that I had suggested in the original amendment. So there's two spaces that sit on Palace and one space that sits on Lincoln."

Mr. O'Reilly said that is correct, noting there are slight differences between Councilor Maestas's proposal and Councilor Lindell's proposal. "Councilor Lindell's amendment sets the time for the mobile vehicle vendors to be present, from 6:00 p.m. to 2:30 a.m. Councilor Maestas has proposed that the time be 6:00 p.m. to 1:00 a.m., so slightly less time. Councilor Maestas's amendment proposes that the Resolution be in place from June 8th to October 12th, essentially as a pilot period, and then the Resolution expires. So it would not continue unless the Governing Body reviewed it afterward and decided to continue it the following year.

Mr. O'Reilly continued saying, "Another change proposed by Councilor Maestas is that any licensed mobile vehicle vendor that wants to park at one of these 3 spaces would pay an additional supplemental Plaza Periphery Fee of \$150, in addition to the normal fee they charge to license the vehicle vendor. That was in response to some of the discussion at the last Council meeting about the perceived disparity between what the Plaza Pushcart Vendors are charge in relation to what the mobile vehicle vendors parked at these 3 locations are charged. Those are the differences between what Councilor Maestas has proposed and what Councilor Lindell has proposed as amendments."

Mayor Gonzales asked if that is \$150 per day.

Mr. O'Reilly said no, it is a one time, one year fee of \$150.

Councilor Lindell said she would insert that she also had one other amendment.

Mr. O'Reilly said, "Councilor Lindell also suggests an amendment on packet page 6, that states, 'Be It Further Resolved that the Governing Body shall review this Resolution in October 2015, after the Albuquerque International Balloon Fiesta (October 12, 2015).'

Councilor Rivera said he has two maps in his packet, one of which has all 3 vendors on Palace Avenue, and the other has 2 on Palace Avenue across from the bank and one further down on Lincoln.

Mr. O'Reilly said the second map is the one that is proposed, noting the first was the originally proposed map which Councilor Lindell proposes to amend.

Councilor Rivera said the third location will be behind the Tour services that are provided now.

Mr. O'Reilly said that is correct, and this would be the metered parking directly behind the two spaces for tour services.

Public Hearing

Robert Andriatti, Director, Santa Fe Downtown Merchants Association, said he is speaking on behalf of that organization. He said the Association believes there are issues in the vendor ordinance that have been insufficiently vetted. First, they believe the incremental cost of additional food vendors in the Plaza at this time of the evening is greater than zero, and believe there will be additional trash cost, security cost, and the unresolved issue of restrooms. He said two weeks ago when the Council heard the previous ordinance, several representatives of First National Bank told the Council that their parking lot is the Plaza restroom at this time. He doesn't think there's any real argument to that. Second, they believe the food vendor trucks at these locations will interfere with other existing businesses. They understand that the Museum of Fine Arts wasn't consulted for its input regarding the impact of the trucks on their business, and they believe it would be an interference and would also interfere with the Chamber Music Festival. They are unaware of any give and take with regard to that. Third, they believe that the food vendor trucks will be unfair to the existing restaurants in the Plaza and surrounding area. He said competition is okay, but competition for its own sake is not. Competition is a means not an end.

Mr. Andriatti continued, saying each of the restaurants and each of the businesses set up shop where they are, and had a certain outlook over the surrounding area already. And now the City is unilaterally changing that and that's not fair to the restaurants.

Daniel Werwath, 1726 Agua Fria Street, said he is here to speak in favor of Councilor Lindell's amendments to the mobile vehicle vendor ordinance to allow for vendors in the Plaza periphery. He thinks it's important that they are at the least, a key part of this. They aren't interfering with any existing business by being open late. And in fact, it provides more safety for people on the street exiting bars and other things that close at 2:00 a.m., and also a key source of revenue. In a lot of places, the food trucks just set up when the bars empty. He thinks it is very critical and thinks "it's a poison pill" if you don't include the later time deadline. He thinks it's good to try new things, and this is a new thing, and you want to look back on it and judge how it's worked. He believes we need to create more opportunities to bring new businesses onto the Plaza at a lower cost. He said we've seen great examples of businesses using pop-ups to turn into very viable restaurants, Dr. Field Goods is a great example. He said he thinks *[inaudible]*

the winner last year. Good people are going to start these businesses and turn into bigger businesses as they grow and this gives them a foothold to do that. Lastly, he thinks we need to bring new people and locals to the Plaza and this is a good way to do this. He said if you're walking down the Street thinking you're going to dinner at *[inaudible]*, you're not going to peel off and get a taco in front of the Museum. It's not a competition thing. We need to stop protecting things like this. He would love for the City to close off the entire Plaza to rent to existing restaurants for table seating in the lanes. There is tons of wasted space there, and you could create revenue and create more things to bring locals downtown which he believes is really key.

Shannon Murphy, 106 Mesa Vista, representing the Nighttime Economy Task Force, which has been organized by the BQL. She is here to express the Task Force's and her personal support for this Resolution. She said lots of people think nightlife is about young people, but through the 6 months they've been meeting, the Task Force is aligned around the belief it is perhaps even more about tourism and presenting a vibrant and exciting experience to visitors to Santa Fe. Food trucks are burgeoning national and international trends. Anyone that has been downtown at night has run into tourists stumbling around looking for something to eat and to do, especially after the restaurants are closed when people are getting out of the bars and they are hungry. She sees this about providing tourists and locals with an excellent experience of downtown and bringing the vibrancy into the streets so people can experience Santa Fe as a historic destination as well as a 21st Century destination for tourism. The task force learned a lot of people work downtown that can't afford to eat at restaurants for the nighttime meal, and they either pack lunches or just don't eat. She thinks there is the potential to generate more gross receipts from locals working downtown who spend money at a food truck to get something cheaper for their dinner break or after their shift is over.

Stefanie Beninato said she works downtown and feels empathy for the downtown restaurant owners. She understands food trucks provide something different, but sees the restaurants as supporting the City with actual gross receipts which might be a little harder to track in a food truck, and they pay utilities which contributes to infrastructure development, so they contribute more in a sense. She has seen vacancies downtown with alarming frequency. She is happy this is proposed but has a review period. Her suggestion is to start the food trucks later. She said having the food trucks later tonight is a great opportunity and they don't compete directly with the restaurants. She said if they started at 8:00 p.m., they would still get traffic and the restaurants will close at 9:00 to 10:00 p.m. She appreciates that you thought through this and that there is a review period on it and hopes there is a way to track sales in these trucks so everybody can benefit from it.

Former Councilor Frank Montano said he has nothing against the trucks *per se*, but has observations. He said last week we had the Food Channel competitors for the Truck Reality Show coming to Santa Fe. He said his observation was that the food trucks were busier during the day, from lunch until about 4:00 to 5:00 p.m. He said those that were there after 6:00 p.m. didn't make any money. He said

perhaps it will work at 10:00 p.m. to 1:30 a.m. He said we have nice restaurants downtown and people want to go to the nice restaurants we have. He said the other thing he hopes for the artisans on the Plaza and other food vendors on the Plaza and for those that provide tourist services on the Plaza through out tour companies is that you lower our fees to \$125 a year.

The Public Hearing was closed

Councilor Lindell thanked staff for the work they have done on this. She said we are trying something new and she has included language in the Resolution that we will review this at the end of October which will give time to see how it works. She said, regarding Councilor Montano's comments, if no one comes late at night, she is sure the food trucks won't be there late at night. She is asking that we try something new.

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to approve Resolution 2015-55, with the two amendments she has put into the packet.

DISCUSSION: Responding to the Mayor, Councilor Lindell said the amendments are on pages 4 and 6 of the packet. She understands that staff spoke with the Museum and asked Mr. O'Reilly to report on that.

Mr. O'Reilly said he spoke with the Museum of Art Director last week, and once he explained the proposal, she was entirely in favor of this. She appreciated that the mobile vendors weren't going to be in front of the Museum until it closes. She acknowledged that on Friday, the Museum stays open until 8:00 p.m. for various reasons.

MOTION TO AMEND: Councilor Maestas moved, seconded by Councilor Bushee for purposes of discussion, to add his proposed amendments on packet page 7.

DISCUSSION ON THE MOTION TO AMEND. Mayor Gonzales said the amendment would replace Councilor Lindell's amendments and asked if this is correct.

Councilor Maestas said there are some changes, but in general, "I do want to state that these amendments are consistent with the discussion we had in Finance in response to a lot of the feedback we got from representatives of the bank. There was some concern by a lot of the Plaza vendors that we weren't upholding the exclusivity of the Plaza and the Plaza periphery and the reason he is proposing adding the supplemental Plaza Periphery fee. There was some concern about jumping all the way to 2:30 a.m. He thinks taking it back to the original ending time of 1:00 a.m., would satisfy some of the concerns of some of the downtown merchants and give opportunity during the pilot to see how it works. And at the end of the pilot period we can extend it to 2:30 a.m. He noted the downtown merchants who were at the Finance Committee meeting were very concerned about the very late hour of the vendor trucks.

Councilor Bushee she has been trying to get Councilor Maestas to go back to 2:30 a.m. She asked if there is compromise in terms of what would be friendly. The fee is minimal and she asked, "Could we just start there and then stick with your hours. I want to give this a shot. If it's not going to have business, the truck is not going to stay, so I don't have a problem with the hours.

Mayor Gonzales asked if we could go to the Motion which was made and then we can start working on friendly amendments.

FRIENDLY AMENDMENT: Councilor Bushee said she seconded the motion, but she thinks it should just be the 2:30 a.m. time, so we have the opportunity to see if it will work or not, and it's a short pilot project. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Mayor Gonzales said so the difference between the two now would be the fee.

Mr. O'Reilly said, "Today is May 27 , 2015, and the original Resolution was to go into effect on May 28, 2015. The reason we inserted into Councilor Maestas's amendment that this not start until June 8, 2015, is we had been told by our Traffic Engineering Division that has to manufacture the signs for these space that they would like to have until June 8, 2015 to have signs made up so they can be properly installed at these locations. So one of the amendments that Councilor Maestas has proposed with regard to when this commences, I think it's important to include that in the Resolution that this begin on June 8, 2015. So staff would ask that this become effective June 8, 2015, regardless of whether it is decided that the Council wants it to end in October or whether it simply wants it to continue in October and there will be a review after it continues."

Mayor Gonzales said, "Regardless of what is approved tonight, we need a start date of June 8, 2015."

Mr. O'Reilly said that is correct.

Responding to the Mayor, Councilor Maestas said he didn't withdraw his amendment, he accepted the proposal to change it back to 2:30 a.m. as friendly. So it is a motion to amend with an amendment to extend it back to 2:30 a.m.

Councilor Maestas said his amendment designated the pilot period as well in his amendment.

Mr. O'Reilly said yes, his amendment makes it clear that this Resolution is only in effect for a limited period of time, from June 8, 2015 to October 12, 2015. After that point, the Council could decide to start it up again or change it for the next year. "But your amendment, Councilor, essentially makes this a pilot program, whereas Councilor Lindell's amendment and Resolution has the staff to study the effect of the Resolution after Balloon Fiesta, but doesn't stop the parking of the vehicles in these locations."

Councilor Maestas said Matt didn't explain the basis for the supplemental fee. He said Mr. O'Reilly took the Plaza Vendor Fee and pro-rated the fee to apply to the mobile trucks and then factored in the odds of getting a space.

Mayor Gonzales asked if there are barriers that prevents it. He hopes through the review period we could determine and spend more time seeing what an appropriate fee would be. This is brand new. It's costly to get a food truck up and moving, noting most of them are entrepreneurs who are putting in an enormous amount of their own personal wealth at risk to do this. If we're limiting the hours or creating more costs at a time when we want to see an industry grow that sends a very mixed message to the food truck industry. His hope is to make the barriers as low as possible, but build in a review period to address how it worked. He's concerned about including a hard sunset date, noting it will be hard to get someone to invest in a truck knowing this ends in the Fall, and not knowing if it is going to continue or not. The goal is to get more culinary experiences on the Plaza in addition to the food carts that are there. I'm not trying to create such a difficult Resolution that we don't ultimately achieve our objective, because we tried to address everyone's concern.

Councilor Maestas said there is still a designated time frame and it's not wide open.

Mr. Reilly said, "To be clear, the Ordinance the Council passed two weeks ago was the Vehicle Vendor Ordinance, which opened it City-wide to have an unlimited number of vehicle vendors and a much greater range of places where they could park. This Resolution doesn't impact someone's ability to buy a food truck or a mobile vending vehicle and use it anywhere else in the City. This Resolution is just about the 3 spaces downtown. So the time limits in terms of times of day are called out in the Resolution."

Councilor Maestas said the limitation is 6:00 p.m. to 2:30 a.m.

Mr. Reilly said that is correct or 1:00 a.m., depending on the Council's pleasure tonight, reiterating Councilor Maestas's amendment is the only one that imposes a calendar limitation on the effective date of the Ordinance and when it ends.

Councilor Maestas said on that point a review is called for in Councilor Lindell's amendment on page 6, and Councilor Bushee said that is in October after the Balloon Fiesta.

Mr. O'Reilly said that is correct. The difference is that Councilor Maestas's amendment requires that the allowance ceases in October and Councilor Lindell's Resolution and amendments allow it to continue through October and until and unless the Council, after it's review, decides to change it.

Councilor Maestas said his amendment cites the authorization of the City Manager to adopt administrative rules as well. So, would the continuation be addressed in the administrative procedures. He said in crafting the amendment it was under the guise of having a pilot evaluation and making a determination at that point if we should continue. So without his amendment, we will have a pilot period, but there is no hard and fast date to stop this. He doesn't see the difference.

Mr. O'Reilly said, "Without your amendment Councilor Maestas, if we were to adopt Councilor Lindell's two amendments, the Governing Body would review how this went from its inception until October. While the Governing Body was reviewing that, the practice would still be allowed. Your amendment would cease the practice on October 12, 2015, and at that point the Governing Body could call for staff to present a report on how it went. So there's a fine difference there, but it is an actual difference. With regard to the City Manager, both amendments proposed are exactly the same in that regard. It allows the City Manager to adopt administrative procedures for the management and enforcement of the use of the locations should the need arise. And the reason for that particular provision is there was some discussion about what happens if 10 mobile vehicle vendors all show up at once wanting to park in these 3 spaces. If that causes problems, this provision will allow the City Manager to develop some rules for how to handle that. We don't know that's going to happen, but it give us flexibility to deal with that at the City Manager level while this is being tested out."

WITHDRAWAL OF SECOND TO MOTION TO AMEND. Councilor Bushee withdrew her second to the Motion to Amend, noting she appreciates the work everyone has put into this, in particular Councilor Lindell who's really given it a shot. She said, "I raised concerns at the last meeting that I think you tried to address. I would like to ask that there are friendly amendments on part of your work, which would be the \$150, but if it was a non-profit, I wouldn't have a fee at all, but that's up to the main sponsor to accept."

THE MOTION TO AMEND FAILED FOR LACK OF A SECOND.

FRIENDLY AMENDMENT: Councilor Bushee would like to offer a friendly amendment for an effective date of June 8, 2015, **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

FRIENDLY AMENDMENT: Councilor Bushee would like to offer a friendly amendment make the fee \$150 **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Rivera believes we can implement the fee at the review point, but to move it along, he is okay with it as well.

Mr. O'Reilly said the only other significant difference between the two sets of amendments is one calls for the time of day, that they can be there from 6:00 p.m. until 2:30 a.m., and the other is 6:00 p.m., to 1:00 a.m.

Mayor Gonzales said Councilor Lindell's original motion included the hours to 2:30 a.m.

VOTE ON THE MOTION AS AMENDED. The motion was approved on the following Roll Call vote:

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

Against: None.

- 3) **REQUEST FRM THE ELKS BPOE LODGE #460 FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT THE ELKS LODGE (OUTDOOR PATIO), 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF THE CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THE REQUEST IS FOR A BENEFIT CAR SHOW TO BE HELD ON SATURDAY, MAY 30, 2015, FROM 9:00 A.M. TO 4:00 P.M. (MELISSA D. BYERS)**

A copy of a letter from the Elks BPOE Lodge #460, to Mayor Javier Gonzales, with attached letter from Sally Ritch, Council President, Christ Lutheran Church, in support of the requested waiver, is incorporated herewith to these minutes as Exhibit "10."

The Staff Report was presented by Melissa Byers.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at the Elks Lodge (outdoor patio) for a Benefit Car Show to be held on Saturday, May 30, 2015 from 9:00 a.m. to 4:00 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 Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

The Governing Body then resumed consideration of Afternoon Agenda Items #13 through #19

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE OPEN MEETINGS ACT NMSA 1978, SEC. 10-15-1(H)(7), DISCUSSION REGARDING PENDING OR THREATENED LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT, INCLUDING WITHOUT LIMITATION *QWEST CORPORATION V. CITY OF SANTA FE*, CASE NO. 14-2008, IN THE U.S. COURT OF APPEALS FOR THE 10TH CIRCUIT; CHALLENGE TO ORDINANCE NO. 2015-11, 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; AND DEMANDS FOR ARBITRATION PURSUANT TO THE WATER RESOURCES AGREEMENT WITH SANTA FE COUNTY.

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, in accordance with the Open Meetings Act, NMSA 1978, §10-15-1(H)(7), to go into Executive Session for the purpose of discussing pending or threatened litigation in which the City of Santa Fe is or may become a participant, including without limitation: *Qwest Corporation v. City of Santa Fe*, Case No. 14-2008, in the U.S. Court of Appeals for the 10th Circuit; challenge to Ordinance No. 2015-11, 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; and demands for arbitration pursuant to the Water Resources Agreement with Santa Fe County.

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

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

Against: None.

The Council went into Executive Session at 8:30 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At approximately 9:05 p.m., Councilor Rivera moved, seconded by Councilor Lindell, 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 Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

15. ACTION REGARDING QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 14-2008, IN THE U.S. COURT OF APPEALS FOR THE 10TH CIRCUIT. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, with respect to *Qwest Corporation v. City of Santa Fe*, Case No. 14-2008 in the U.S. Court of Appeals, to instruct the City Attorney to take final action in settlement of all claims of both parties in accordance 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 Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

16. REQUEST FOR APPROVAL TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE FOR THE SOLE PURPOSE OF INCORPORATING IN THE PUBLIC RECORD A CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED MEMORANDUM DATED JULY 21, 2011, PREPARED BY JUDITH AMER, FORMER ASSISTANT CITY ATTORNEY. (KELLEY BRENNAN)

A copy of a *Confidential – Attorney Client Privileged Memorandum*, to Ike Pino, Public Works Division Director and Kathryn Raveling, Finance Director, dated July 21, 2011, from Judith Amer, Assistant City Attorney, regarding *City of Santa Fe (“City”) General Obligation Bond (“GO”) Series 2008*, is incorporated herewith to these minutes as Exhibit “11.”

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to waive the attorney-client privilege with respect to that part of the discussion during the executive session at the Governing Body's December 10, 2014 meeting relating to pending and threatened litigation, for the sole purpose of affirming the authority of the City's Public Utilities Director to give Santa Fe County notice invoking the arbitration provision of the City's Water Resources Agreement with the County.

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

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

Against: None

17. REQUEST FOR APPROVAL TO WAIVE THE ATTORNEY-CLIENT PRIVILEGE FOR THE SOLE PURPOSE OF AFFIRMING THE AUTHORITY OF THE CITY'S [PUBLIC UTILITIES DIRECTOR] TO GIVE SANTA FE COUNTY NOTICE INVOKING THE ARBITRATION PROVISION OF THE CITY'S WATER RESOURCES AGREEMENT WITH THE COUNTY. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to waive the attorney-client privilege for the sole purpose of incorporating in the public record a confidential attorney-client privileged memorandum dated July 21, 2011, prepared by Judith Amer, Assistant City Attorney, to Ike Pino and Kathryn Raveling re City of Santa Fe General Obligation Bond Series 2008.

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

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

Against: None

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, with respect to other pending and threatened litigation matters, to instruct the City Attorney to take action with the guidance provided by the Governing Body in executive session.

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

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

Against: None

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of May 27, 2015, is incorporated herewith to these minutes as Exhibit "12."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Maestas

Councilor Maestas gave a shout out to his Godson Estevan who had his 5th birthday this weekend.

Councilor Bushee

Councilor Bushee introduced the following:

1. An Ordinance amending subsection 12-6-6.1 of the City of Santa Fe Uniform Traffic Ordinance to prohibit the parking of a motor vehicle in a marked bicycle lane; making minor grammatical changes. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."
2. A Resolution endorsing the North Central Regional Transit District's FY 2016 budget proposal, approving the FY 2016 City of Santa Fe Regional Transit Plan, and directing staff to submit the City of Santa Fe Regional Transit Plan for FY 2016 to the North Central Regional Transit District Board of Directors for consideration and approval. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

Councilor Bushee would like Muchas Gracias for the next meeting for the 3 members that left the H-Board, and Mayor Gonzales said, "Absolutely."

Councilor Dominguez

Councilor Dominguez had no communications.

Councilor Lindell

Councilor Lindell introduced the following on behalf of Councilor Ives:

1. An Ordinance amending Section 11-12.1 SFCC 1987 to modify the formula by which the Governing Body may authorize funds for transfer from an enterprise fund to the General Fund. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "15."
2. A Resolution amending Resolution No. 2014-19 that authorized the establishment of a Community Hospital and Health Care Study Group to examine the effects of the Affordable Health Care Act and other changing conditions on the effective and efficient delivery of health care services to the indigent; and called on Santa Fe County, other health care providers and stakeholders in the Northern New Mexico Region to join the City of Santa Fe in such efforts. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

Councilor Trujillo

Councilor Trujillo asked the City Manager to convey thanks to everyone who helped with the Fishing Derby, saying it was a great event. Unfortunately they got a lot of water, and staff had to go out Friday and add extra netting because we started losing fish down the river. He said they had snow this year which was a first for the Fishing Derby, noting Councilor Lindell came out. He would like to get Muchas Gracias for those who assisted.

Councilor Rivera

Councilor Rivera congratulated all the graduates from Santa Fe High Schools.

Councilor River said his daughter had her graduation party at Genoveva Chavez Community Center in a room there, and the staff was amazing from Bernie to Peggy who kept coming in to make sure we were okay. He said when it was time to clean up, they were outpacing us quickly, so we had to really move it. He said they did a wonderful job and he received compliments from many many people that were there, and asked Mr. Snyder to pass that along to the staff.

Mayor Gonzales

Mayor Gonzales said our maintenance personnel, especially the lady, are here many times until 10:00 p.m. by themselves. He said without trying to push direction or management, we need to make sure that there is safety for our maintenance personnel when they are here at City Hall late at night. Which means she has to have someone join her, or they need to figure out to make sure she is not by herself, because he thinks that's very dangerous.

The Governing Body then resumed consideration of Evening Agenda Item #1

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 9:15 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
May 27, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on May 27, 2015 beginning at 8:30 p.m.

The following items were discussed:

- 1) In Accordance with the Open Meetings Act NMSA 1978, §10-15-1(H)(7), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; including, Waiver of Attorney-Client Privilege for the Sole Purpose of Incorporating into the Public Record, a Confidential Attorney-Client Memorandum Dated July 21, 2011, Regarding the 2008 General Obligation Bond.

PRESENT

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

ABSENT

Councilor Ives

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Melissa D. Byers, Assistant City Clerk
Marcos D. Martinez, Assistant City Attorney

- 2) In Accordance with the Open Meetings Act NMSA 1978, §10-15-1(H)(7), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; *Qwest Corporation v City of Santa Fe*, Case No. 14-2008, in the U.S. Court of Appeals for the 10th Circuit.

PRESENT

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

ABSENT

Councilor Ives

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Melissa D. Byers, Assistant City Clerk
Marcos D. Martinez, Assistant City Attorney

- 3) In Accordance with the Open Meetings Act NMSA 1978, §10-15-1(H)(7), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Challenge to Ordinance No. 2015-11, 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.

PRESENT

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

ABSENT

Councilor Ives

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Melissa D. Byers, Assistant City Clerk
Marcos D. Martinez, Assistant City Attorney

- 4) In Accordance with the New Mexico Open Meetings Act NMSA 1978, §10-15-1(H)(7), Discussion Regarding Threatened or Pending Litigation in Which the City of Santa Fe Is or May Become a Participant; Demands for Arbitration Pursuant to the Water Resources Agreement with Santa Fe County.

PRESENT

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

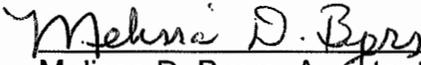
ABSENT

Councilor Ives

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Melissa D. Byers, Assistant City Clerk
Marcos D. Martinez, Assistant City Attorney

There being no further business to discuss, the executive session adjourned at 9:00 p.m.



Melissa D. Byers, Assistant City Clerk