

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
Wednesday, June 10, 2015**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-3
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 27, 2015	Approved	3-4
 <u>PRESENTATIONS</u>		
JUNE EMPLOYEES OF THE MONTH – JEFFREY MALDANADO, FIREFIGHTER AND JENNIFER DICKEY, ENGINEER – FIRE DEPARTMENT		4
MUCHAS GRACIAS – FORMER HISTORIC DISTRICTS REVIEW BOARD MEMBERS SHARON WOODS, CHRISTINE MATHER AND BONIFACIO, ARMIJO		4-5
MUCHAS GRACIAS – FISHING DERBY ACKNOWLEDGMENTS – COMMISSIONER OF PUBLIC LANDS AUBREY DUNN AND STAFF; YOUTHWORKS AND CITY STAFF		5
ACCEPTANCE OF SANTA FE FUEGO TROPHY – 2014 PECOS LEAGUE CHAMPIONS		5
 <u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF ANNUAL AUDIT PLAN	Approved	6
REQUEST FOR APPROVAL OF CITY OF SANTA FE ANNUAL INVESTMENT POLICY	Approved [amended]	6-8
REQUEST FOR APPROVAL OF STATE OF NEW MEXICO AUDIT CONTRACT – CITY OF SANTA FE FINANCIAL AND COMPLIANCE AUDITING SERVICES FOR FISCAL YEAR ENDING JUNE 30, 2015 (RFP #15/38/P); ACCOUNTING AND CONSULTING GROUP, LLP	Approved	8-10

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDIT AGREEMENT – IMPROVEMENTS TO OPEN ZIA ROAD RAIL RUNNER STATION; ZIA STATION, LLC	Approved	10-12
REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES REGARDING APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR APPROVAL OF SAN JUAN GENERATING STATION UNITS 2 AND 3; LEWIS ROCA ROTHGERBER, LLP	Approved	12
REQUEST FOR APPROVAL UNDER STATE PRICE AGREEMENTS – CITY-WIDE INSTALLATION OF CROSSWALK PAVEMENT MARKINGS AT NINE (9) INTERSECTIONS; SAN BAR CONSTRUCTION CORPORATION	Approved	13
***** END OF CONSENT CALENDAR DISCUSSION *****		
CONSIDERATION OF RESOLUTION NO. 2015-57. A RESOLUTION REPEALING RESOLUTION NO. 2007-31 REGARDING THE MEMBERSHIP, DUTIES AND RESPONSIBILITIES OF THE SUSTAINABLE SANTA FE COMMISSION; REESTABLISHING THE SUSTAINABLE SANTA FE COMMISSION BY REDEFINING THE SCOPE, PURPOSE AND RESPONSIBILITIES OF THE SUSTAINABLE SANTA FE COMMISSION	Approved [amended]	14-19
PURSUANT TO RESOLUTION NO. 2015-33, REPORT ON FINDINGS AND FISCAL IMPACT RELATED TO REPLACEMENT OF TOILETS AND URINALS IN CITY OWNED AND OPERATED BUILDINGS AND FACILITIES	Approved	19-20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<p>REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JULY 8, 2015: BILL NO 2015-23: AN ORDINANCE AMENDING SECTION 1-12.1 SFCC 1987, TO MODIFY THE FORMULA BY WHICH THE GOVERNING BODY MAY AUTHORIZE FUNDS FOR TRANSFER FROM AN ENTERPRISE FUND TO THE GENERAL FUND</p>	Approved	20-23
EVENING SESSION		
CALL TO ORDER AND ROLL CALL	Quorum	24
PETITIONS FROM THE FLOOR		24-28
<u>APPOINTMENTS</u>		
SANTA FE COUNTY HEALTH POLICY AND PLANNING COMMISSION	Approved	29
<u>PUBLIC HEARINGS</u>		
<p>REQUEST FROM ST. JOHN'S COLLEGE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT ST. JOHN'S COLLEGE SOCCER FIELD AND STUDENT ACTIVITIES CENTER) 160 CAMINO CRUZ BLANCA. THE REQUEST IS FOR A RECEPTION AND GALA BENEFIT DINNER TO BE HELD ON FRIDAY, JUNE 26, 2015, FROM 5:00 PM. TO 10:00 P.M</p>	Approved	29-30
<p>REQUEST FROM THE SIGNATURE GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT THE SIGNATURE GALLERY, 102 EAST WATER STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE FOLLOWING DATES FROM 3:00 P.M. TO 10:00 P.M: Friday, June 12, 2015 – Art Fest; Friday, July 3, 2015 – Art Show; Saturday, July 4, 2015 – Art Show; Wednesday, August 9, 2015 – Indian Market Show; Friday, August 21, 2015 – Indian Market Show; and Saturday, August 22, 2015 – Indian Market Show</p>	Approved	30-31

ITEM

ACTION

PAGE

REQUEST FROM JOE WADE FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT JOE WADE FINE ART, 103 EAST WATER STREET WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE FOLLOWING DATES: Friday, June 12, 2015 – ArtSmart Edible Art Tour (5:00 to 8:00 p.m.); Friday, July 3, 2015 – Jon Oteri Solo Exhibition Opening Reception (5:00 to 7:00 p.m.) August 21, 2015 – Annual Indian Market Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.); Friday, September 11,, 2015 – Robert Williams Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.); and Friday, October 9, 2015 – Manfred Rapp Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.)

Approved

31-32

CONSIDERATION OF BILL NO. 2015-15. ADOPTION OF ORDINANCE NO. 2015-14. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATION OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY

Approved

32

CONSIDERATION OF BILL NO. 2015-16: ADOPTION OF ORDINANCE NO. 2015-15. AN ORDINANCE AMENDING THE CITY OF SANTA FE ALARM SYSTEM ORDINANCE, SECTION 20-5 SFCC 1987, TO CLARIFY CERTAIN PROVISIONS; AMEND THE FINES FOR FALSE ALARMS; AND AMEND LATE REPORTING FEES THAT ARE ASSESSED AGAINST ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES

Approved

32-34

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF BILL NO. 2015-18: ADOPTION OF ORDINANCE NO. 2015-16. AN ORDINANCE AMENDING SECTION 12-6-1.3 OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE TO AUTHORIZE THE GOVERNING BODY TO MAKE SPEED LIMIT ALTERATIONS IN THE CITY OF SANTA FE THROUGH THE ADOPTION OF A RESOLUTION	Approved	34-35
CONSIDERATION OF BILL NO. 2015-17: ADOPTION OF ORDINANCE NO. 2015- _____. AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987, TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE	Postponed to 06/24/15	35
MATTERS FROM THE CITY MANAGER	None	35
MATTERS FROM THE CITY ATTORNEY	Information/discussion	35
MATTERS FROM THE CITY CLERK	Information	35
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	36-41
ADJOURN		41

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
June 10, 20125**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Peter N. Ives, on Wednesday, June 10, 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

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

Members Excused

Mayor Javier M. Gonzales

Others Attending

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

6. APPROVAL OF AGENDA

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

VOTE: The motion was approved on a voice vote with Mayor Pro-Tem Ives and 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 Rivera moved, seconded by Councilor Trujillo, to approve the following Consent Calendar, as amended.

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

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

Against: None.

- a) *[Removed for discussion by Councilor Rivera]*
- b) **REQUEST FOR APPROVAL OF CITY OF SANTA FE ANNUAL INVESTMENT POLICY. (HELENE HAUSMAN)**
- c) *[Removed for discussion by Councilor Bushee]*
- d) **REQUEST FOR APPROVAL OF BUDGET DECREASE IN REVENUE IN THE MARKET STATION FUND 5856 IN THE AMOUNT OF \$57,579. (HELENE HAUSMAN)**
- e) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN WATER FUND 3558 FOR THE NEW MEXICO FINANCE AUTHORITY (NMFA) DRINKING WATER LOAN/GRANT #4 IN THE AMOUNT OF \$85,257. (HELENE HAUSMAN)**
- f) *[Removed for discussion by Councilor Bushee]*
- g) *[Removed for discussion by Councilor Bushee]*
- h) *[Removed for discussion by Councilor Bushee]*
- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – BUILDING 3002 AT SANTA FE MUNICIPAL AIRPORT; OCCUPY AND USE FOR OFFICE AND TERMINAL PURPOSES DURING CONSTRUCTION OF PERMANENT FACILITIES ON ADJACENT PARCELS IN ACCORDANCE WITH THE LEASE APPROVED BY THE GOVERNING BODY AT ITS REGULAR MEETING ON FEBRUARY 25, 2015; JET CENTER AT SANTA FE REAL ESTATE, LLC. (JON BULTHUIS)**

- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – BUS STOP AND SIDEWALK CONNECTIVITY ASSESSMENT TO SANTA FE METROPOLITAN PLANNING ORGANIZATION AND BUDGET ADJUSTMENT IN THE AMOUNT OF \$84,781 FROM FEDERAL GRANTS; KFH GROUP, INC. (MARK TIBBETTS AND ERIC AUNE)**
- k) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – EXTENSION OF LIFE LINK RENTAL ASSISTANCE PROJECT; LIFE LINK. (ALEXANDRA LADD)**
- l) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENTS – CITY-WIDE INSTALLATION OF PAVEMENT MARKINGS ON RESURFACED STREETS; SAN BAR CONSTRUCTION CORPORATION. (RICK DEVINE)**
- m) *[Removed for discussion by Councilor Dominguez]*
- n) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY-WIDE SALE AND PURCHASE OF NATURAL GAS; CONTINUUM RETAIL ENERGY SERVICES, LLC. (NICK SCHIAVO)**
- o) **REQUEST FOR APPROVAL OF ASSOCIATED COSTS FOR RESOLUTION NO. 2015-14 REGARDING CITY OF SANTA FE GREEN BIKE LANES PILOT PROJECT AT PASEO DE PERALTA/DON GASPAR, CAMINO CARLOS REY/SIRINGO AND CAMINO CARLOS REY/CERRILLOS ROAD AND VIDEO DETECTION SYSTEM AND PROCUREMENT UNDER STATE PRICE AGREEMENT. (LADD LUCERO)**
- p) **REQUEST FOR APPROVAL OF FUNDING RECOMMENDATIONS FROM HUMAN SERVICES COMMITTEE FOR NINETEEN (19) HUMAN SERVICE PROVIDERS FOR FISCAL YEAR 2015/2016 (RFP #15/33/P). (TERRIE RODRIGUEZ)**
- q) **CONSIDERATION OF RESOLUTION NO. 2015-56 (COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR LINDELL AND COUNCILOR MAESTAS). A RESOLUTION DIRECTING THE PUBLIC UTILITIES STAFF TO IDENTIFY HOW THE CITY OF SANTA FE MAY DEVELOP, IMPLEMENT, OWN AND OPERATE A COMMUNITY SOLAR PROGRAM FOR THE BENEFIT OF THE CITIZENS OF SANTA FE. (JOHN ALEJANDRO)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – MAY 27, 2015

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of May 27, 2015, as presented.

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

9. PRESENTATIONS

a) JUNE EMPLOYEES OF THE MONTH – JEFFREY MALDANADO, FIREFIGHTER AND JENNIFER DICKEY, ENGINEER – FIRE DEPARTMENT.

Councilor Rivera asked Deputy Chief Babcock to join him for the presentation. Councilor Rivera read the letter of nomination into the record and presented them with a plaque and gift certificates.

Deputy Chief Babcock said he is honored to have these firefighters working with the Fire Department.

Lt. Ramirez, who nominated the firefighters, thanked the Council for choosing both as employees of the month. He said these firefighters represent the heart of Santa Fe and what “we try to accomplish every day.”

Officer Jennifer Dickey said she has been a firefighter for 18 years, and said it has been rewarding as well as difficult at times, commenting she is grateful to be part of the firefighter family and to be able to help other families.

Officer Maldonado thanked for the Council for this honor saying he is accepting this award on behalf of all of the firefighters and on behalf of the Fire Department and extended family.

Councilor Rivera said Officer Maldonado was just accepted to Paramedic School.

b) MUCHAS GRACIAS – FORMER HISTORIC DISTRICTS REVIEW BOARD MEMBERS SHARON WOODS, CHRISTINE MATHER AND BONIFACIO, ARMIJO)

Mayor Pro-Tem Ives, assisted by Councilors Bushee and Lindell, presented Muchas Gracias certificates to outdoing Historic Districts Review Board members Sharon Woods, Christine Mather and Bonifacio Armijo (who was unable to attend).

Sharon Woods said she has served for 16 Years as the Chair of the HDRB, and said it has been an honor and privilege to serve. She spoke about a decision regarding the Loretto Chapel and efforts to put a wall around it that were refused by the Board and upheld by the Supreme Court.

Christine Mather said she served for 7 years on the HDRB, and it was a wonderful experience. She thanked the historic preservation community for their support of the H-Board, as well as the staff who are a professional group of people, especially David Rash.

Councilor Lindell thank Ms. Woods and Ms. Mather for their dedication of time in service to the City. She said doing the right thing is not always easy, and they are living examples of doing the right thing. She said she and the City are very grateful for them.

Councilor Bushee said Ms. Woods ran a “very tight and fair ship.” She said all three outgoing members have improved the community by their thoughtful, informed decision-making processes.

Councilor Maestas thanked them for their service to the City, commenting that the work of the H-Board is important and that they did a great job.

c) MUCHAS GRACIAS – FISHING DERBY ACKNOWLEDGMENTS – COMMISSIONER OF PUBLIC LANDS AUBREY DUNN AND STAFF; YOUTHWORKS AND CITY STAFF. (COUNCILOR TRUJILLO)

Councilor Trujillo presented Muchas Gracias certificates to the Commissioner of Public Lands, Aubrey Dunn, and his staff, YouthWorks and members of City staff, that worked on this year’s Fishing Derby as well as the businesses that sponsored the event. Councilor Trujillo said it snowed this year but the kids still came out for the event. He thanked all those who helped, and thanked City staff “for all you do.” He gave special thanks to Alan Hook who organized this event 5 years ago, and has been there every year to help.

d) ACCEPTANCE OF SANTA FE FUEGO TROPHY – 2014 PECOS LEAGUE CHAMPIONS. (COUNCILOR TRUJILLO)

Councilor Trujillo said the Santa Fe Fuego were the 2014 Pecos League Champions. He hopes they will have back to back championships and urged everyone to come out for the games and support the Fuegos. Councilor Trujillo presented the Pecos League Professional Baseball 2014 Championship trophy that was presented him by the Commissioner, to Mayor Pro-Tem Ives and City Manager Brian Snyder, for display here at the City.

Mayor Pro-Tem Ives said, on behalf of the City, this is a fabulous addition from the Fuego, commenting the opening game was quite a game, with three home runs, in which the Fuego defeated the Las Vegas Train Robbers.

At this time everyone sang Happy Birthday to Councilor Ives, who was then able to blow out all of the candles on his birthday cake.

CONSENT CALENDAR DISCUSSION

10 (a) REQUEST FOR APPROVAL OF ANNUAL AUDIT PLAN. (LIZA KERR) (Postponed at May 27, 2015 City Council Meeting)

Councilor Rivera thanked Mr. Kerr for including other security services in what she plans to audit within the next year. He asked when she will have a scope for what will be included in the audit for the other security services.

Ms. Kerr said she doesn't have a feel for that at this point in time, noting the next audit she will be doing is the Public Utilities audit and it will depend on how long it takes. She won't be developing the scope for that audit until she has closed out the Public Utilities audit. She would appreciate any feedback on that, and they can talk about it and look at any issues he would suggest.

Councilor Rivera said at Public Works we were advised the City received notice from AAA that they can't live up to their contract. He asked if we could audit what happened while they were here.

Ms. Kerr said that wouldn't be excluded because they can't live up to their contract, so that definitely would be auditable.

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

DISCUSSION: Councilor Bushee said she met with Ms. Kerr and her Committee, and is pleased with the scope of work in future projects she is going to audit. She said she believes we need to beef up her Department and will be bringing legislation forward in that regard.

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

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

Against: None.

Absent for the vote: Councilor Trujillo.

10 (c) REQUEST FOR APPROVAL OF CITY OF SANTA FE ANNUAL INVESTMENT POLICY. (HELENE HAUSMAN)

Councilor Bushee said the Memorandum says "Council approved the first Debt Management & Post Issuance Policy in 2013, with the stated review period every two years." She said this is supposed to be in line with how the City generally issues bonds. She said Oscar Rodriguez has requested that it be done every year during the time we address the budget." She asked if that means to address it during the budget hearings.

Mr. Rodriguez said, as currently written, it automatically comes to you every two years. He said this year, we have been developing financial policies as part of the budget review, and to stay in line with that, this too will come to the Council every year for review.

Councilor Bushee asked if there is anything that needs to be altered in the existing policy. She said on packet page 5, it says, "6.4 Revenue Bonds – Enterprise Funds. Revenue bonds for enterprise system capital improvement programs will be limited to those projects with the capability to support the debt either through their own revenue or another pledge source, other than ad valorem taxes, and which meet the same criteria as outlined above." She said, 3.0 provides Objectives, "The primary objective is to sure that we establish and maintain a solid position with respect to debt services and bond proceed funds, and that proceeds from long term debt will not be used to current operations but rather for capital improvements and related expenses and other long-term assets in accordance with State law and City ordinances.

Councilor Bushee continued, saying she spoke with Mr. Schiavo and it is her understanding that \$13.1 million of the \$95 million in reserves for the water fund was used for debt service, and Mr. Rodriguez said yes.

Councilor Bushee reiterated her question of whether there is a need to alter any of the policies to do the recommended policy we'll have in terms of the annual transfer of 12% .

Mr. Rodriguez said the underlined wording are changes from last year, and was inserted by staff. He said staff looked closely at the debt service reserves required to be in place, and that is one of the most serious pieces of that policy. He said for the payment in lieu of taxes they specifically looked at that because we don't want to deplete the cash to the point we are violation of the bond covenants or there is not a safe level of reserves. The policy as written currently says that we will transfer the funds only after the utility has paid its operation costs, met its debt service obligations, and generated a 45 day working capital – a net after revenues and expenditures. He said they are confident that will allow this to be done and stay on track with the CIP and generate the additional recommended savings.

Councilor Bushee asked if we have to issue a report annually to the bondholders, and Mr. Rodriguez said that is correct.

Councilor Bushee asked what kinds of information is transmitted in that report.

Mr. Rodriguez said the person who issues that report is Helene Hausman, and prefers that she answer that question.

Councilor Bushee said she is asking from a policy perspective, more than a nitty-gritty detail of the report. Her concern is that it's all lumped together and \$14 million of Water Fund reserves to back up the debt service, noting \$9 million is the debt service that is left. She said it seems the main thrust of the policy is to deal with long term and maintain a high bond rating and Mr. Rodriguez said that is correct.

Councilor Bushee said she wants to make sure all of this has been considered with the proposed policy, and Mr. Rodriguez said yes, absolutely.

Councilor Bushee said the suggested policy seems to go against what she sees in this policy.

Mr. Rodriguez said, "We are confident that it doesn't, and I'm readily available to provide you a one-on-one briefing."

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

DISCUSSION: Councilor Maestas said with regard to the discussion around the amendments for loans for the bus, he has two concerns. One of which is that the debt period could exceed the useful life of the bus, and that has been addressed. The other part is that the debt service payment is coming out of the operational budget as he understands it.

Councilor Maestas, referring to Section 1.0 on page 1 of the policy, said he would like to add a new (g) Minimize negative impacts to operational budgets. He asked Mr. Rodriguez to comment, commenting that "we didn't include all of the amendments that surrounded that discussion, and I wanted to ask you if you felt if that change under the overarching policy would be appropriate."

Mr. Rodriguez said when debt is issued, the first promise made to the debtors is that you can operate as you say you can, and you're not so indebted so much that you continue operations. He said that amendment would be okay.

FRIENDLY AMENDMENT: Councilor Maestas proposed, under 1.0 Policy, to add a new (g) as follows: g. Minimize negative impacts to operational budgets. **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

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

Against: None.

Abstain: Councilor Bushee said, "I'm going to abstain until I have further information."

10 (f) REQUEST FOR APPROVAL OF STATE OF NEW MEXICO AUDIT CONTRACT – CITY OF SANTA FE FINANCIAL AND COMPLIANCE AUDITING SERVICES FOR FISCAL YEAR ENDING JUNE 30, 2015 (RFP #15/38/P); ACCOUNTING AND CONSULTING GROUP, LLP. (TERESITA GARCIA)

Councilor Bushee said the Memorandum in the packet said \$10,000 out of the \$118,000 was coming from the Buckman Direct Diversion Operating Project, and asked if that is the percentage they are participating in the audit.

Mr. Rodriguez said that is the quoted cost for doing the Audit for Buckman. It's sort of a separate exercise, and Buckman pays for its Audit. The auditors come and do a simple exercise for them, and they are at the point of writing that up right now.

Councilor Bushee said the overall audit is just a general audit.

Mr. Rodriguez said, "The audit overall is a standard procedure where they sample our internal controls and transactions to see if our financial statements fairly reflect reality, and so there is a standard procedure for that which is approved by the State Auditor's Office. By the way, the scope of work, the contract the auditors themselves, have been pre-approved by the State Auditor. The reason we're bringing it to you is only because they have approved it and they are confident that this meets the standard for it to be called an audit."

Councilor Bushee said then there is a separate exercise for the BDD and it would cost \$10,000, and Mr. Rodriguez said yes.

Councilor Bushee said that's not much of an audit, it's an exercise.

Mr. Rodriguez said yes, it's a small operation.

Councilor Bushee said it says this the second year of a 4-year proposal and asked if they will do that for 3 years.

Mr. Rodriguez said this is the second year of the 3 year proposal with an option to extend for one more year, noting the normal practice is to rotate auditors every 4 years.

Mr. Snyder said the BDD is paying money because the City is the fiscal agent, and we're bringing this audit forward. He said we use the same auditor for the BDD as we do for our annual audit. And since we're the fiscal agent, we're required to enter into a contract, and through the invoicing process, we're required to collect the payment and pay for the audit.

Councilor Bushee asked if it mentions in the document that they are going to do something for BDD, commenting she knows we're the fiscal agent.

Mr. Rodriguez said, "When this was put out to bid two years ago, we received proposals from... if you look at page 4, but I don't know that breaks it out specifically for the BDD. I was looking for the bid document that explains the bids we got from the different auditors. In the quotes we received from them we got a separate quote for the BDD as opposed to the City, and this part of a 3-year quote they gave us and they break out the City from the BDD."

Councilor Bushee asked if it needs to reference the BDD in the scope of work.

Mr. Rodriguez said no, this is just for the City, and since it is \$10,000 it is within the City Manager's purview it typically is approved by the City Manager.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve this request, with direction to staff to prepare a memorandum explaining that the BDD is in the scope of work.

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

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

Against: None.

**10 (g) REQUEST FOR APPROVAL OF ROAD IMPACT FEE CREDIT AGREEMENT –
IMPROVEMENTS TO OPEN ZIA ROAD RAIL RUNNER STATION; ZIA STATION, LLC.
(LISA MARTINEZ AND THERESA GHEEN)**

Councilor Bushee said there are requests from District 4 constituents to have a more current ENN conducted, as well as for her to oppose this item on consent. She said, "I really wanted to raise the issue of folks that felt things have changed since the ENN 6 year ago, and there is an expectation to have another ENN."

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

DISCUSSION: Chair Dominguez said this is just an impact fee credit agreement and it doesn't deal with the specifics of the train.

Ms. Martinez said, "That's exactly right."

Councilor Bushee said it is for infrastructure improvements and some of the people are contacting her about ADA concerns out there, and felt they should have another ENN.

Councilor Maestas said we had extensive discussion about this in Finance and he still has questions about the Developer's commitment for the improvements. He said on packet page 6, under Improvements there is a general reference to a plan sheet of improvements and there is no dollar amount. However, the Developer says in his letter that if the estimated costs exceed \$150,000, we will have to renegotiate the incentive. He asked where in the agreement is the trigger that is consistent with the Developer's letter that if it exceeds \$150,000, we have to revisit the credits. He asked for a reconciliation of the letter from the Developer and the Agreement as written.

Ms. Martinez deferred to Ms. Gheen who wrote the most recent agreement, noting Mr. O'Reilly may have some history as well.

Mr. O'Reilly said his understanding is it is correct that the Developer has presented a letter to the City saying he could bond or provide a guarantee of \$150,000 toward the improvements he has agreed to make on behalf of the City. He said the Impact Fee Credit Agreement supercedes and obviates the need for that offer from the developer. He said, "In my opinion, it was an unnecessary thing for him to offer. The agreement makes it very clear that he will only get credits for the things he installs and up to a maximum limit and only credits for those things that are eligible to receive credits." He reiterated it was not necessary for him to bond or provide a financial guarantee for those credits, because he is building the improvements on behalf of the City for the City's use. He heard from the property owner this afternoon informing him that they intend to apply for permits to install this "Kiss and Drop," as soon as possible. He thinks the Land Use Department will see that request very soon.

Councilor Maestas said then the language of the agreement is acceptable to the Developer.

Mr. O'Reilly said, "That is my understanding. I don't know if Theresa [Gheen] has heard anything directly from him. He does understand he will be required to sign this agreement and become a party to the agreement if he wants to get impact fee credits in the future for these improvements.

Councilor Bushee asked if the Developer is greenlighting the opening of the station quickly.

Mr. O'Reilly said he believes so, and asked Keith Wilson if he knows anything about that.

Keith Wilson, MPO, said in May 2014, the City Manager received a letter from Secretary Church saying the DOT approved opening Zia Station to Rail Runner service, with 7-8 conditions of approval. And more recently, at the end of May 2015, the City sent a letter back saying yes, we want to open the station. He said currently he is coordinating an effort to fulfill the conditions imposed by DOT to open the station to ensure the drop-off facility design meets all those conditions. So opening the station has been approved by the DOT.

Councilor Bushee said she understands that, but people have just learned there was a \$1 million need for improvements for safety, which came after the May letter, noting it was in the newspaper not so long ago.

Mr. Wilson said he is not familiar with the \$1 million for safety, and asked if it is specific to the Zia Station.

Councilor Bushee said no, to the Rail Runner itself and wondered if that would have an impact, and Mr. Wilson said no one has communicated that to him.

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

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

Against: None.

Abstain: Councilor Bushee said, "I'm going to abstain until I have further information, thank you."

10 (h) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEGAL SERVICES AGREEMENT – LEGAL SERVICES REGARDING APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR APPROVAL OF SAN JUAN GENERATING STATION UNITS 2 AND 3; LEWIS ROCA ROTHGERBER, LLP. (MARCOS MARTINEZ)

Councilor Bushee said the contract is now \$75,000, and Mr. Martinez said that is correct.

Councilor Bushee asked if it is a sole source.

Marcos Martinez, Assistant City Attorney said, "The history is that he came with an initial amount and as the proceedings swelled before the PRC, we came back for a first amendment, and since then there was significant post-hearing briefing, a longer hearing than was anticipated. This is the final amendment. The proceeding is near its conclusion and I've asked that no further work be don't on it."

Councilor Bushee said then there will be no further requests, and Mr. Martinez said that is correct. She asked if he was happy with the work.

Mr. Martinez said Mr. Albright ably represented the City and both Santa Fe and Bernalillo Counties.

Councilor Bushee asked if they also incurred additional expenses.

Mr. Martinez said, "Yes, this has always been split 3 ways so they also have been going back for more amendments."

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

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

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

Against: None.

**10 (m) REQUEST FOR APPROVAL UNDER STATE PRICE AGREEMENTS – CITY-WIDE
INSTALLATION OF CROSSWALK PAVEMENT MARKINGS AT NINE (9)
INTERSECTIONS; SAN BAR CONSTRUCTION CORPORATION. (RANDY BLAKE)**

Councilor Dominguez said he is in support of this request, but he has questions. He asked how the nine locations were decided.

John Romero said his striping and signing crew evaluate the City and they determine those in most need of repair.

Councilor Dominguez noted there are a lot of pedestrians at the 9 intersections.

Mr. Romero said it is a combination of the disrepair of the crosswalk as well as the amount of pedestrian traffic, correct.

Councilor Dominguez asked Mr. Romero, since the MPO Pedestrian Master Plan is in the process of completion, where does he see this type of work fitting in with that. If the Plan comes up with a more critical need somewhere, where would we get the funds. He asked the source of funds for the 9 intersections.

Mr. Romero said it is coming from CIP bonds, noting a portion of the bond was designated for paint and signage maintenance, noting it is not for small sidewalks. He said they received \$340,000 total for both paint and sign maintenance.

Councilor Dominguez said he wants to make sure that we're not taking money from small sidewalks to do some of this work, and Mr. Romero said that is correct.

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

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2015-57 (COUNCILOR IVES.) A RESOLUTION REPEALING RESOLUTION NO. 2007-31 REGARDING THE MEMBERSHIP, DUTIES AND RESPONSIBILITIES OF THE SUSTAINABLE SANTA FE COMMISSION; REESTABLISHING THE SUSTAINABLE SANTA FE COMMISSION BY REDEFINING THE SCOPE, PURPOSE AND RESPONSIBILITIES OF THE SUSTAINABLE SANTA FE COMMISSION. (JOHN ALEJANDRO)

John Alejandro said Councilor Rivera has a question relating to the phrase "economic development" on page 2 in the body of the Resolution, as discussed at the Finance Committee, and with that he will stand for questions

Councilor Rivera said he had a conversation with Mr. Alejandro about the language, and on the following page, none of the members of the Commission had any reference to economic development in the description for being selected for this Commission. He said this is more a curiosity question.

Councilor Dominguez said there was a discussion about changing the name somewhat, because the idea is that sustainability and social justice go hand in hand and work together. He said so much of the social justice aspect of it gets lost in the title and people think their social justice issues don't qualify for sustainable kinds of titles.

Mr. Alejandro said in the many City-related sustainability programs which he has reviewed over the last few years, sustainability is synonymous with social justice in many ways. He said sustainability issues, whether energy conservation, water conservation, food security issues, economic development and job creating growth are all issues that relate to the community's overall well being. He said sustainability needs to be able to address all of the issues in a way that addresses the well being of all members of our community regardless of race, income and age. He said in a way, sustainability issues are grounded in social justice or social equality issues. Any plan developed around sustainability should, at its heart, focus on those issues.... or those issues should be the goal of any sustainability plan, whether focused on water quality, environmental issues, reduction of carbon... at the end of day what we're talking about is the changing of view.

Councilor Dominguez asked about changing the scope as it relates to social justice.

Mr. Alejandro asked if he is talking about redefining the scope of the plan or the scope of the Commission.

Councilor Dominguez said he is just reading the title on the agenda.

Mr. Alejandro said by having the Sustainable Santa Fe Commission focus on the development of the sustainability plan, we are really asking them to take a look at all of the issues surrounding sustainability – water, job creation, food security – and to focus on those social justice issues that we can then further in every single one of those areas. It isn't just about environment or quality of environment, it's really about specific issues that create a better sense of well being with protection for our community, whether water, land management, food security, reduction of GHG, transportation. We're talking about a holistic approach to improving the community well being through various sustainability measures.

Councilor Dominguez said the Resolution redefines the scope of the Commission, or will that be under Section C.

Mr. Alejandro said it is probably better under the redefinition of the roles and responsibility of the Commission.

Councilor Dominguez asked if that is on page 2, line 22 of the Resolution, and Mr. Alejandro said yes.

Councilor Dominguez reiterated his support, but could like the scope to be stronger and more explicit as it relates to social justice. He said if you aren't explicit, his experience is that it gets lost in translation and we don't make that connection in looking at the important issues. The intent is to improve the people's quality of life and such, but it isn't as explicit as it could be. He would suggest language that says it will benefit the environment and the people of Santa Fe through social justice practices or principles. He said it is an attempt to address the inequities we have in our community. He said this Commission has the opportunity to do that, but if we're not explicit, we may not get there.

Mayor Pro-Tem Ives said on page 2, line 24, after the word, "benefit the environment and," insert the word "all" to clarify this is not meant to simply be a benefit to any particular group of citizens of Santa Fe, but really all people within Santa Fe which encompasses different economic levels, different locations around the City.

Councilor Dominguez said he thinks that's implied.

Mayor Pro-Tem Ives said he was just trying to make it a little more explicit.

Councilor Lindell said she is curious as to how this differs very specifically from what we have now, understanding we did a plan and had public hearings, and asked what year that was done.

Mr. Alejandro said it was done in 2008, 7 years ago with a small update in 2010. He said the 2008 plan was the City's initial attempt to design a sustainability plan that would set the groundwork for many sustainability issues. Some of the recommendations addressed greenhouse gas reduction – the City should reduce its greenhouse gas emissions, but didn't say how much and by what year, nor how the City would track its greenhouse gas emissions. There was a section on renewable energy without specific goals or types. He said food security, community gardens and such were included. Many of these things were addressed over time. These things evolve year by year. He said the world has definitely changed since this was written 7 years ago. It is time for the City to reexamine and revisit many things that were not accomplished and begin to address those, while broadening and strengthening many other topics we need to address related to sustainability – transportation and such.

Councilor Lindell asked, if the Resolution is adopted, if the sitting Commission no longer will exist.

Mr. Alejandro said yes, noting all of the terms on the commission have expired.

Councilor Lindell asked if any of the people currently serving on that Commission could qualify to serve under the new criteria in the Resolution, and Mr. Alejandro said yes.

Councilor Bushee said this Resolution has a general new scope of work, and her sense is that you haven't change the direction a whole lot. She said perhaps it is based more off the Climate Action Task Force.

Mr. Alejandro said this Resolution is replacing an equally general Resolution. This Resolution calls specifically for the Commission to make, noting its primary responsibility is the development of a 25 year sustainability plan, as well as continuing to advise the Governing Body on sustainability relate matters and issue.

Councilor Bushee asked why it was necessary to go through a whole repeal, rather than an update of the Resolution. She said it is presented as a whole new thing happening, when it seems a continuation and update.

Mr. Alejandro said the 25 year sustainability plan is a new thing, noted the 2008 plan is very limited in scope and recommendations, action items and...

Councilor Bushee said she is talking about the Resolution creating the Commission. She agrees with Councilor Dominguez that if you are repealing, taking a new focus, noting POSAC took a new direction. She doesn't see that here. She asked if this Commission could have a new name. She would like to assure diversity in the makeup of the Commission including geographic diversity.

Councilor Ives said on packet page 6, Section D, talks about membership and officers, and provides for people with relevant experience, to "represent the diversity of the community related to culture, gender, age and geography." So an effort has been made to try to ensure that it will be a diverse group.

Councilor Bushee asked how he feels about incorporating social justice issues.

Councilor Ives said sustainability fundamentally relates to those issues, and the broad spectrum of the community. He said this charges the reformed group with developing a 25 year sustainability plan which follows from our Resolution passed that the City be operating on 50% renewables by 2025 and to be carbon neutral by 2040. These are laudable and significant goals.

Councilor Bushee thinks sustainability and social justice are different, and sees the need to get more specific and try and incorporate it. She applauds the work done by the previous Commission, and wants to see a very concrete 25-year plan – some real action steps.

Mayor Pro-Tem Ives said it would be easy to add social justice, on line 24, on packet page 5, where it talks about goals that will benefit the environment, we could insert "serve the goals of social justice, and benefit all the people of Santa Fe." He said this has gone through the entire committee process with very little controversy, and it is surprising it is causing such difficulty now.

Councilor Dominguez said there was discussion about that whole concept, and he doesn't see it as controversial, but there was discussion about possibly changing the name.

Councilor Maestas said overall he sees this as a paper exercise, and sees nothing new and improved. He said based on the overall goal to be carbon neutral by 2040, we can't get there with just City initiatives on City land, and will entail significant policy which will affect the community at large. He enumerated the things the City has done, noting the Green Code added to the cost of new houses and remodels. His concern is the community-wide impact of what we do, especially on disadvantaged populations in our community. He is concern is in over-zealously pursuing the goal to be carbon neutral by 2040 and implementing a whole slew of unfunded mandates. He wants to see, when initiatives are produced in the plan, that we do a benefit cost analysis. He said we need to use smart systems for monitoring, for example water use, which is in the works, and if the savings offset the cost of smart systems. He thinks it's central to the social justice issue that we don't implement a policy that represents an unfunded mandate and disproportionately impacts a lot of people.

Councilor Maestas said when we hit the reset button and develop a new long term plan, one of his questions will be how extensive will the initiatives be, and if it will be for only new construction or remodels, for example. He would like to see language that we will minimize unfunded mandates, and to do a cost analysis on a proposed policy to minimize unfunded mandates.

Mr. Alejandro said a sustainability plan at its heart takes into account everything Councilor Maestas just laid out. He said we need to ask the questions about how committed this City is to implementing sustainable programs, projects and policies to help its citizens and how much the City is willing to fund those year after year. He said one of the people who has volunteered is developing a model where you can calculate a cost benefit analysis on the disadvantaged population. He said this sustainability plan is focused on community and doesn't want to prescribe programs, projects and policies that are going to be unattainable financially. He said there will be finance experts at the table in the development of this plan to advise them on how to finance these community programs without reliance on City-issued bonds, or grants. It doesn't make sense to prescribe a program the City couldn't fund.

Councilor Maestas said this legislation speaks to the Commission and the policies that would be recommended to the Governing Body for consideration. He said it won't help our economic growth to get into the practice of issuing mandates community-wide, which is one of the pillars in the overall goals. .

Councilor Maestas would like to propose an amendment on page 3 of the Resolution, in lines 3-5 to end with, "and minimize unfunded mandates and disproportionately impacts disadvantaged populations." He wants to be sure we stay mindful of that. People aren't up in arms because a lot of the things we've done have only impacted City government. However, based on the scope of the Commission and the redefinition of the overall goal, he sees a lot of community-wide initiatives which need to be analyzed for financial impact and assessed to be sure they don't have unfunded mandates and disproportionately impacts disadvantaged populations.

Mayor Pro-Tem Ives said he finds the language inserted at that point to be perfectly appropriate and fine, and would suggest adding in the annual reports that those include any cost benefit analysis on policies that are brought forth by the commission.

MOTION: Councilor Maestas moved, seconded by Councilor Dominguez, to adopt Resolution No. 2015-57, with the following amendments: with an amendment on page 3 of the Resolution, on line 5 after “environment,” add language: “... and minimize unfunded mandates and disproportionate impacts to disadvantaged populations;” and an amendment on page 2 of the Resolution, line 24, “serve the goals of social justice, and benefit all the people of Santa Fe.”

DISCUSSION: Councilor Rivera said he agrees inserting language regarding social justice. He said in talking about sustainability, for example solar energy, the average resident can't afford to put solar arrays at the home. It would be a huge benefit to the impoverished. He said the programs shouldn't just be about the impacts on the impoverished in a negative way, but there should be a way for the impoverished to have access to the impoverished and is unsure the Resolution includes that.

Mayor Pro-Tem said including language specifically regarding social justice means avoiding negative impacts on those least able to afford it, as well as bringing benefits to all the people of Santa Fe, not just the wealthy.

Councilor Rivera said Councilor Maestas' language reduces the negative impacts, but there is no language helping the impoverished to gain access to those things that will help them with daily living.

Councilor Bushee said we have a process for people who have a hard time paying their water bill on a monthly basis. She said access means funding basically. She wants to put language in here that says, “have the Commission explore all possibilities where we are providing access to these programs.”

FRIENDLY AMENDMENT: Mayor Pro-Tem Ives said he is happy to include language on page 3 of the Resolution, line 4, as follows: “... about the types of funding programs, polices and projects that will reduce the City's negative impacts on the environment and minimize unfunded mandates and disproportionate impacts to disadvantaged populations, and such policies as will benefit the disadvantaged populations.”

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

CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED: Councilor Dominguez said one of the reasons he brings up the issue of social justice is we strive to do some of these things every day, but when it gets to the Committee it can become very political – we're going to do this program, it's a great program and we don't care what it costs, and we're not sure what the impacts will be, but it's a good thing to do, and these are the studies that show it's a good thing to do and we're going to rally the troops and make it happen. He said this can happen if we're not explicit.

Councilor Dominguez continued, saying he brings up the issue because it goes hand in hand with sustainability because we forget about it, and if we don't get the right people on the Commission then the social justice component gets lost and it becomes. He commented that maybe we can't afford it now, but

in the long run we can afford it, and we forget about the realities people experience every day who are struggling just to put food on the table. He said we actually are putting equality or equity in place instead of just talking about it.

Councilor Dominguez continued, saying we might change the name to the Sustainable and Social Justice Santa Fe Commission, which will help bring even more awareness to it. He is happy with the amendments to the Resolution.

Mayor Pro-Tem Ives said social justice does incorporate many issues beyond sustainability such as police enforcement and a multitude of other issues, such as fair housing, which are in the jurisdiction of other committees already appointed by the Governing Body. He said, "So I hesitate to include it in the title just because it suggest an expansion beyond this focus which is really more sustainability. And I think by incorporating reference to social justice as a goal of the Commission for our purposes here, we do that successfully."

Councilor Dominguez said, "I will give you that Councilor, and again I'm happy with the specifics and the language that's in there. I will also say though that the term sustainability has become a point of contention throughout the country and the world, and really what does that mean. And there's been groups that have talked about changing the word, and instead of using sustainability, using something else. I'm okay with this and I'm happy with the direction that we're going."

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

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

Against: None.

Explaining his vote: Councilor Dominguez said, "One true step closer to equity. Yes."

12. PURSUANT TO RESOLUTION NO. 2015-33, REPORT ON FINDINGS AND FISCAL IMPACT RELATED TO REPLACEMENT OF TOILETS AND URINALS IN CITY OWNED AND OPERATED BUILDINGS AND FACILITIES. (DAVID PFEIFER)

David Pfeifer presented information from his Memorandum of June 3, 2015. Please see this Memorandum for specifics of this presentation.

Mayor Pro-Tem Ives said he has seen signs published around town about waterless urinals suggesting they save up to 40,000 gallons of water a year. He asked if we are clear that the 19,300 gallons of savings is a conservative figure or a solid figure.

Mr. Pfeifer said he did on-line research and went through municipalities and they go by head count in a building. So in a very active location like City Hall or a rest stop, you would see those kinds of savings where there is almost continuous use. He said at his office on Siringo where there are just a few people, you wouldn't see those kinds of savings. He tried to find a happy medium based on his research.

Mayor Pro-Tem Ives asked if there is any sense of what a conversion would entail.

Mr. Pfeifer said the City has a \$500 rebate for the waterless urinals which would pay for the urinal. The cartridges that go in it cost about \$30 each, but if we bought in larger quantity we would get better pricing. So the money we would save in water we would be spending in equal or better amount on cartridges.

Councilor Pro-Tem Ives would like him to run those numbers so we can understand the cost benefit more clearly from the conversion. He thinks the City should lead in saving water. He said the that the rebate is equal to the cost of the urinal is good information. He didn't see pricing on the water savings, and he would be interested in that information in considering replacement across the City.

Mr. Pfeifer said he didn't calculate that, because there are such varying costs once you hit the one limit, it costs this much, and when you hit the next. He is sure most of the billings hit that some point, so he doesn't have a good way of figuring that out, commenting that's a tough calculation. He might be able to do it with help from past water bills and such. He said quick math, if you have 100 urinals at \$30 month to change the cartridge, that is \$3,000 per month we would spend on cartridges, commenting he is sure we don't spend that much on water.

Mayor Pro-Tem Ives said if he could attempt that calculation he would be interested if he took a facility such as City Hall, for example.

Mr. Pfeifer said he can do that.

Councilor River asked if we were to ask him to replace everything listed in his Memo, does he have the funding in his own budget, or is this new money we have to find.

Mr. Pfeifer said he does not have the money to replace them, but he could replace them if they break one at a time from CIP funds over a two year cycle.

13. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JULY 8, 2015:

- a) **BILL NO 2015-23: AN ORDINANCE AMENDING SECTION 1-12.1 SFCC 1987, TO MODIFY THE FORMULA BY WHICH THE GOVERNING BODY MAY AUTHORIZE FUNDS FOR TRANSFER FROM AN ENTERPRISE FUND TO THE GENERAL FUND (COUNCILOR IVES). (OSCAR RODRIGUEZ)**

Mr. Rodriguez said this is a request to advertise so you can discuss and consider this item the first meeting in July. He said the budget recommended a transfer of \$1.7 million, and unless we change the Ordinance we won't be able to do this, noting it would be a significant impact.

Councilor Maestas said we had a lot of discussion and he realizes the connection with the budget we've already approved. He said Mayor Pro-Tem Ives offered some amendments that address some of the discussion. He said there are a lot of moving parts to this issue, one of which is the repayment plan that has been going on since 2006, the repayment from the Water Fund to the General Fund. He thought we had a repayment balance of \$5 million one year ago. He got the information he requested on the entire payment plan. He said he was told previously it was paid in full, but he has learned there is a balance of just less than \$1 million in the repayment plan that will be transferred from the Water Fund to the CIP. He would like the legislation to contain a one-year sunset, and a plan to reassure the community that we are going to come up with a sound policy to support and justify transfer from the Water Fund to the General Fund, noting the payment in lieu of taxes was 12%. He doesn't want to disrupt the currently approved budget, but he feels we have an obligation to send the message that we aren't going to continue the practice for another year and it will be germane and relate only to the current budget, and these are the steps we're going to take to develop a sound policy to support future transfers.

Councilor Maestas continued saying he is working on an amendment to this Ordinance and is curious as to why we're already publishing, how many committees this will go to. He will be bringing forth some amendments consistent with the points he has made this evening.

Councilor Dominguez said this is just a request to publish and he doesn't mind that as long as we have the discussions we need to have at Finance, noting it is on the Agenda for Monday's meeting. He thinks Councilor Maestas's comments are "actually right on." He wants the legislation to be consistent with the direction we gave during the budget process and approval, which is that it sunsets in one year, and perhaps even sooner. This means we have to have a significant and clear roadmap to the future and what we're going to do – revenue enhancement or cuts. Either way, we have tough decisions to make, and sunseting this policy forces us to do just that.

Councilor Dominguez continuing, saying he is proposing legislation tonight that will help with that process. He is okay with publishing tonight as long as we have those discussions and amendments at Finance.

Councilor Bushee said we already passed the July 1 budget submittal for the next fiscal year. She understands you have to get legislation through a committee, noting it hasn't gone to Finance, but it didn't make it out of PUC, and there is talk of lots of amendments. She said the title may or may not change. She doesn't understand why we couldn't do this publication after it goes through Finance.

Mayor Pro-Tem Ives said the 2011 Resolution was in place before most of us came on the Council, which was a limitation on the capacity of the City to transfer from enterprise funds to the General Fund. All of the funds are City funds and as part of the budgeting process, we had capacity to allocate and utilize those funds to pay expenses across the City. He thought it was nice that the 2011 Ordinance restricted in some sense the capacity of the City to transfer funds from enterprise funds into the General Fund. For

whatever circumstance, in this year we have found ourselves where during the budgeting process, the Finance Committee and to the Council and by the Council at its last meeting, a budget that called for a transfer of 12% from the water fund into the General Fund so we could balance our budget. That 12% is about \$4.7 million, and the 2011 Resolution allows only a transfer of up to \$1.7 million, leaving a balance of \$3 million. This measure is designed to correct that by using funds available to us, and that we're not violating our ordinances, and to permit up to 12% to be conveyed. It does not mean that in any year following this that any money necessarily have to be conveyed out of any enterprise fund, as that determination is made annually during the budgeting process.

Mayor Pro-Tem Ives said, "This is, I think, appropriately seen as an effort to true-up the budget to our Ordinance so we're not *per se* in violation of it for long, and that seems to be something that's better done swiftly, rather than in a long and drawn-out process. And as Councilor Rivera referenced at Public Works, if we don't move forward then we have this \$3 million hole in the budget, and we need to start having discussions as to revenue enhancements, what costs, expenses and services we are going to look at cutting."

Councilor Bushee said she has a procedural question which is, "then my repeal bill should have been published as well. It hasn't been through a Committee yet. It's just seems that that's where you do the work of the committees. Tonight, we just spend an hour on sustainable whatever, and it probably should have been thoroughly discussed in committees and not make it up here for that kind of discussion. It seems everybody's got an interest. We're already past deadlines. Why wouldn't we amend the bill in committee, do that work and then publish it. What if you change something significantly, even in the title, then you're set back again."

Kelley Brennan, City Attorney, said, "We are not past the deadline. The budget is an iterative process with DFA. When we submitted the budget, it needed to be submitted by June 1. DFA then reviews and will give us an interim approval, and then in that interim approval they will list a number of things. Then they may have questions, and may want detail about something, and may want further adjustments or further information. This is typical. We usually get an interim approval that lists a number of items. So we expect, having discussed this with DFA recently, that DFA will issue an interim approval and say yes, we have to pass this Ordinance because it provides the funds to fund your approved budget. If you don't, you will have to cover that gap. And the way the gap would be covered would be by the Governing Body before July 31st, either making cuts or finding other sources of revenue to finance the gap. So if this in by July 31st DFA issues the final approval. So the timing on this means it needs to be adopted within the July time frame."

Councilor Bushee said we have an Ordinance introduced by Councilor Calvert and approved by the Council, that it any piece of legislation that doesn't make it through a Committee it doesn't go forward.

Ms. Brennan said, "That has been a practice, but under certain circumstances like this, and if you remember on the marijuana initiative, there were also external issues of timing. They were put on the Agenda by the City Manager for consideration by the body as a whole. Similarly, this is just a request to advertise. This is what we did with the marijuana initiative, for example."

Councilor Dominguez said, "I am is looking at the Governing Body Procedural Rules and it doesn't say that you have to follow the process to publish. We've been doing that, but it doesn't say specifically we have to follow the process to publish. Now you are correct Councilor Bushee that if this bill fails in Finance, then there are issues to be addressed at a much higher level than even the Governing Body, with respect to our budget and the way it's been submitted. So I think, in practice, yes usually we publish the notice after it's gone through some deliberation at Committee, but it's not specified in the procedures that it shall, it's not as explicit since that's the term I'm going to use tonight, as Councilor Calvert's rules are that were amended or approved or whatever."

Councilor Bushee asked, "Is it an Ordinance or a Governing Body procedure, Calvert's."

Councilor Dominguez said we approved that.

MOTION: Mayor Pro-Tem Ives moved, seconded by Councilor Dominguez, to approve the Request to Publish.

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

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

Against: Councilor Bushee said, "No. This has been a really sloppy and political process and the work should be done in Committee.

Break 7:20 to 7:30 p.m.

Mayor Pro-Tem Ives exercised the prerogative of the Chair to move Items #14 through #17 to the end of the Evening Agenda

END OF AFTERNOON SESSION AT 7:30 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Peter N. Ives, at approximately 7:30 p.m. There was the presence of a quorum as follows:

Members Present

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

Members Excused

Mayor Javier M. Gonzales

Others Attending

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

F. PETITIONS FROM THE FLOOR

Mayor Pro-Tem Ives gave each person two minutes to petition the Governing Body.

David McQuarie, 2997 Calle Cerrada, asked why has City staff been putting in curb ramps in conjunction with an overlay project, under Court Order has to put in curb ramps at intersections, and they haven't done that. We are told we don't have the money to do it. Councilor Dominguez, as part of the Finance Committee, approved the budget that includes curb cuts without any money. *[inaudible]* Thank you.

Carolyn Sigstedt, 703 Alto Street, said, "All over the City you had "these' posted on bathroom and hallways. If you see something, say something and report suspicious activity, and so I am here tonight. What I want to talk about is the transfer of the \$4.8 million. I have new thoughts for you to think about prior to the Finance Committee on Monday. I made a request that that be a public meeting, I'll probably be the only one there, but I'm hoping it will be. I have been here 45-50 years, and when we raised the water rates there was a huge PR campaign, advertising. It was amazing how we educated out public

about the reasons they were raising the water rates, and our public bought into that, and now we have one of the finest constituencies in the nation, we're really a model as to save water, and our population that is low income is willing to pay more for it because know water is a priceless commodity. It was that campaign and that's the kind of campaign.... in other words, is it legal, is it right."

Ms. Sigstedt continued, "You as a City had this huge campaign educating our public about water and the importance of his and how sacred it was, and now you're taking this and using it for other means other than water, beyond water. And is it right that these people, I and other community members paid this good hard money for this water to go to the Water Company, and now, without much notification, you're saying these meetings are public, but people don't know about this, they only know about these huge campaigns. And so they don't really know where their money is going, and I think that's kind of unconscionable."

Ms. Sigstedt continued, "Another thing I wanted to tell you is I did meet with DFA and you have other options. You can actually do the right thing. They are investigated. They are still interested in this and they're concerned on many levels, and one of them is the legality or illegality that you brought up at the Utility meeting. It doesn't mean you push through something to make it legal, just because it's illegal now. That's not the answer. You could actually do the hard work which would be humbling of stepping back and putting everything in the right order and maybe tightening our belts. So those are things I wanted to say. Thank you for your time."

Ruth Kovnat, 407 Camino del Monte Sol, Member of the Ethics Campaign Review Board, said she is here to thank you in advance for considering our proposed amendments to the Campaign Code and the Public Finance Campaign Code. She said, "The Board is charged in the enabling Ordinance with periodically reviewing and making recommendations to you for improvements related to the Campaign Code and the Campaign Finance Code. We took this task on as particularly important, since it follows the most recent municipal election which was the first election in which public campaign financing applied both to the Mayor and Council races. What have we done. Since last year's election, the Board has met at least monthly sometimes twice a month since December. We have reviewed legislation from other jurisdictions. We have reviewed federal legislation, we've engage experts. We've looked at the Brennan Center Reports. We drafted and debated several proposals. We've had experts from the Brennan come to talk to us. We've had help from Common Cause. We've received testimony from the candidates about first hand experiences with the Code and come up with proposed amendments. We voted in favor of a set of recommendations on May 20, 2015. These recommendations will come before the Governing Body in legislation to be proposed by Councilor Ives I believe next week."

Ms. Kovnat continued, "The proposed changes address 4 major areas of concern that I think we, members of the public and many of you saw in the last election. They address coordination between candidates and independent groups, they address transparency in an attempt to improve the transparency of campaign financing and independent expenditures. We are recommending a revision of the process by

which a candidate qualifies for public financing and we're recommending a matching fund process to improve the ability of a publicly financed candidate to run competitive campaigns in the face of independent spending that isn't subject to anybody's regulation. It's our best effort to suggest ways to improve the City's Campaign and Public Campaign Financing System, given legal and practical constraints. We will work with staff to work out any workability issues in the proposals, and we hope you find the recommendations useful. And we look forward to public depart on the issues. If the Board can assist the Governing Body in any way, we stand ready to do so, and I'm standing here in lieu of the Chair, Justin Miller who is traveling on business today. Thank you very much."

**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F
CITY COUNCIL MEETING
June 10, 2015**

STEFANIE BENINATO: Stefanie Beninato, P.O. Box [inaudible], Santa Fe, New Mexico. Good evening Council members. I am here for 3 points. First I'm going to talk about not walking the talk. You just had this little discussion and you had somebody get up and tell you about water saving toilets that seems you are playing a shell game by taking \$500 from the Water Company to pay for the toilets, so are we actually even saving money. And the City over running water watering lawns at 11:30 a.m., like I saw today at Cathedral Park, and waters the benches as well and use potable water to clean the Place. Are we actually saving water and are we actually looking at City use of water, or are we only looking at residence and commercial use. Because it seems to me that the City doesn't think they have to obey the Ordinance, it's just everybody else appreciably in those ordinances. And again, to have the idea of having solar tower authority, I think you all must think pretty [inaudible] if you think we're going to give you more authority to have a utility when you are misusing your water authority right now. You have \$90 million sitting there. You have gouged the citizens in the cost of the water fees. It's sitting there \$90 million, and really I think half of it should be used to improve infrastructure throughout the City and that would including water means as well as [inaudible] because those are really the projects at risk, and it wasn't just paid to the General Fund. Secondly, I'm here again, because I am being denied records by Ms. Brennan, the City Attorney. I have asked for things like how much did we pay Josh Harris to defend the City against the my claim of flooding. I would like to know that. I want to know how much you pulled out in [inaudible] fees in the past two years to [inaudible]. I want to know if certain records have been modified. I have asked for the qualifications of David Patton and [inaudible] and what their responsibilities are. Now was shown something signed that something about I'm not supposed to get any public records relating to my lawsuit. The Public Records

Act is very clear the City cannot ask me why I want the records. They must produce the records. And the order itself has nothing to do with that. The order itself told the City to actively engage in settlement talks with me. But the City never did that. The City violated the Court Order. I would like somebody to direct Ms. Brennan to give me the records so that we can avoid yet another lawsuit. And if Ms. Brennan doesn't understand the Public Records Act [inaudible] then maybe we need to find another Attorney. Thirdly, I want to talk about Don Gaspar and the improvement that was done there. On May 19th at 2:30 a.m. in the morning and again May 21st at 7:00 p.m., I went out to see what was coming with the rainstorms. And it was raining pretty hard on May 19th. Don Gaspar, I mean Galisteo [inaudible] intersection, nothing made me feel that I was seeing [inaudible] that had been flooded, but I walked over to Don Gaspar and the entries or access for disability on the west side of Don Gaspar at the West Santa Fe Avenue intersection, those sidewalks were completely flooded. The water was halfway up the new driveways, and I'll be done in just about 30 seconds, you've given ever other speaker more time. The water was halfway up the sidewalks, oh excuse me, up the driveways that had just been improved, and in a not too heavy rain already coming up way too high. The first curb was totally flooded out and at the next door or two there was a huge pond on the east side of the street which has been a problem forever. On May 21st the same thing. I couldn't cross from east to west on Don Gaspar at Paseo de Peralta [inaudible] without the water over my ankles in water. I don't know how much we've spent on that, because I've ask for a Public Records request and I've been died that public record. What I do know is that is this so-called improvement doesn't seem like it's working and the people installing it said but it will not work. I'm asking the City to get some new engineers out there and do something to alleviate the flooding problems in our neighborhood. Thank you very much."

MAYOR PRO-TEM
IVES:

Thank you. We'll try and find a better way to do this timing.

I certify that this is a true and accurate transcript of the requested portion of Petitions from the Floor, Item #F, City Council Meeting, June 10, 2015.


Melissia Helberg, Council Stenographer

Tom Nichols, 1978 [inaudible], Santa Fe, 87505, said here is to speak about the Zia Station, not the development. This is about the Zia Station and the Americans with Disabilities Act. He said he's not going to say anything about the station, because [inaudible] know if you [inaudible] you have to follow the requirements of the ADA, so that is one point. He said Zia Road was built a year before the ADA was passed, therefore it is grandfathered in and that means the sidewalks are. However, the thing is the sidewalks and the roads are grandfathered only if they are following the roadway itself on Zia Road. On the south side of Zia and just west of the street and coming back toward Galisteo the sidewalks are not ADA compliant. He said at one point the sidewalk rises above roadway at Galisteo and Zia. The sidewalk was built in a way that it leans to the left, goes toward the road, and that should be correct. There is a tree that has grown and knocked the sidewalk up and it's dangerous. There is another place where the sidewalk was built bad or something. He said he has a dropped foot and he won't touch that lip on the sidewalk if he's walking on it, and goes through the gravel and back on the sidewalk again.

Mayor Pro-Tem Ives asked Mr. Nichols to wrap up because his two minutes have expired.

Mr. Nichols said everybody is mad at Patti Bushee and the problem is that I was asked by Patti to try to get a meeting with the President of the Neighborhood Association and the involved neighbors. He said he has medical problems.

Mayor Pro-Tem Ives asked Mr. Nichols again to wrap up.

Mr. Nichols said he wants to talk about the outside area around the station, and there will be no signage such as no parking on Galisteo, nothing for the neighborhood. [inaudible]

Mayor Pro-Tem Ives again asked Mr. Nichols to wrap up, saying he is free to send the information to the Governing Body independently. He said we need to move into the evening session.

Mr. Nichols said he understands that they got hung up on sustainability. He said he will send each of the members of the Governing Body a copy of a letter he has written to Mr. Snyder. He said Councilor Bushee read her letter and answered him. He said he wants to apologize to Mr. Snyder.

Mayor Pro-Tem Ives said if Mr. Nichols wants to apologize to Mr. Snyder he is here.

Mr. Nichols said he will. He said there is only one legal entrance to the station. It is a landlocked state and the people will not let you cross your property. The only way in or out legally is the Rail Trail, not the station, but that is in the past.

G. APPOINTMENTS

SANTA FE COUNTY HEALTH POLICY AND PLANNING COMMISSION.

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, presented the following appointment to the Santa Fe County Health Policy and Planning Commission:

Reena Szczepanski – reappointment – term ending 06/2018.

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

VOTE: The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives 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 ST. JOHN'S COLLEGE FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF ALCOHOLIC BEVERAGES AT ST. JOHN'S COLLEGE SOCCER FIELD AND STUDENT ACTIVITIES CENTER) 160 CAMINO CRUZ BLANCA. THE REQUEST IS FOR A RECEPTION AND GALA BENEFIT DINNER TO BE HELD ON FRIDAY, JUNE 26, 2015, FROM 5:00 PM. TO 10:00 P.M.**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of June 4, 2015, which is in the Council packet, noting there is a letter in the packet from Michael P. Peters, President of St. John's College, requesting approval of the aforementioned.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Maestas, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of alcoholic beverages at St. John's College Soccer Field and Student Activities Center at a reception and gala benefit dinner on Friday, June 26, 2015, from 5:00 p.m. to 10:00 p.m., with all conditions of approval as recommended by staff.

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

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

Against: None.

Absent for the vote: Councilor Bushee.

- 2) **REQUEST FROM THE SIGNATURE GALLERY FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT THE SIGNATURE GALLERY, 102 EAST WATER STREET, WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE FOLLOWING DATES FROM 3:00 P.M. TO 10:00 P.M:**
Friday, June 12, 2015 – Art Fest;
Friday, July 3, 2015 – Art Show;
Saturday, July 4, 2015 – Art Show;
Wednesday, August 9, 2015 – Indian Market Show;
Friday, August 21, 2015 – Indian Market Show; and
Saturday, August 22, 2015 – Indian Market Show

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of June 1, 2015, which is in the Council packet, noting there is a letter of support in the packet from Reverend Douglas L. Walker, the Church of Antioch at Santa Fe for the aforementioned events.

Public Hearing

There was no one speaking to this request

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to grant the waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of beer and wine at the Signature Gallery for the following dates:

Friday, June 12, 2015 – Art Feast;
Friday, July 3, 2015 – Art Show;
Saturday, July 4, 2015 – Art show;
Wednesday, August 19, 2015 – Indian Market Show;
Friday, August 21, 2015 – Indian Market Show; and
Saturday, August 22, 2015 – Indian Market Show

with all conditions of approval as recommended by staff.

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

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

Against: None.

- 3) **REQUEST FROM JOE WADE FINE ART FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF WINE AT JOE WADE FINE ART, 103 EAST WATER STREET WHICH IS WITHIN 300 FEET OF THE CHURCH OF ANTIOCH AT SANTA FE, 207 OLD SANTA FE TRAIL. THE REQUEST IS FOR THE FOLLOWING DATES:**
Friday, June 12, 2015 – ArtSmart Edible Art Tour (5:00 to 8:00 p.m.);
Friday, July 3, 2015 – Jon Oteri Solo Exhibition Opening Reception (5:00 to 7:00 p.m.)
August 21, 2015 – Annual Indian Market Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.);
Friday, September 11,, 2015 – Robert Williams Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.); and
Friday, October 9, 2015 – Manfred Rapp Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.)

The staff report was presented by Yolanda Vigil, from her Memorandum of June 1, 2015, noting the letter of support in the packet from Reverend Douglas L. Walker, the Church of Antioch at Santa Fe.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to grant the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of wine at Joe Wade Fine Art, for the following dates:

Friday, June 12, 2015 – ArtSmart Edible Art Tour (5:00 to 8:00 p.m.);
Friday, July 3, 2015 – Jon Oteri Solo Exhibition Opening Reception (5:00 to 7:00 p.m.);
August 21, 2015 – Annual Indian Market Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.);
Friday, September 11,, 2015 – Robert Williams Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.); and
Friday, October 9, 2015 – Manfred Rapp Exhibition Opening Reception (5:00 p.m. to 7:00 p.m.)
with all conditions of approval as recommended by staff.

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2015-15. ADOPTION OF ORDINANCE NO. 2015-14 (COUNCILOR LINDELL). AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATION OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (GREG SMITH)**

The staff report was presented by Lisa Martinez from the Legislative Summary which is in the Council packet.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-14, as presented.

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

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

Against: None.

- 5) **CONSIDERATION OF BILL NO. 2015-16: ADOPTION OF ORDINANCE NO. 2015-15 (COUNCILOR RIVERA). AN ORDINANCE AMENDING THE CITY OF SANTA FE ALARM SYSTEM ORDINANCE, SECTION 20-5 SFCC 1987, TO CLARIFY CERTAIN PROVISIONS; AMEND THE FINES FOR FALSE ALARMS; AND AMEND LATE REPORTING FEES THAT ARE ASSESSED AGAINST ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES. (DEPUTY CHIEF MARIO SALBIDREZ)**

The staff report was presented by Deputy Chief Mario Salbidrez from the Legislative Summary which is in the Council packet.

Councilor Maestas said an internal audit was done on the False Alarm Program, and asked if there are any outstanding findings that haven't been addressed.

Deputy Chief Salbidrez said, "The findings that we cleared on our side were cleared with Ms. Liza Kerr. She concurred with the actions we took. That was a follow through of the PSA that was on the agenda at the last Council meeting. The only one I can tell you that is outstanding are the collections. The collections are still there to be determined. In the blue PSA there is a Clause #4 that does allow for collections for the Public Safety Corp., to contract with a third party for collections, and that also carries a clause that the Governing Body has to give us direction to go ahead and do that. Outside of that, I have no clue on any other outstanding complaints."

Councilor Dominguez said for clarification, in the agreement there is a clause that allows them to get a third party to collect, but you need direction from the Governing Body to put that into practice.

Deputy Chief Salbidrez said, "That is correct. On the collection and fines it says, 'The City of Santa Fe shall support the collection of False Alarm fees and fines in accordance with the Alarm Ordinance at the direction of the Alarm Administrator, if the City of Santa Fe directs the contractor to engage a third party collection for delinquent amounts. The City of Santa Fe shall cause the necessary legislative and administrative procedures to be enacted and/or adopted in order to delegate the contractor or subcontractor.' So at this point it requires, unless you give us the authorization to go ahead and do hard collections, that's what we would do, or we would continue with the soft collection process."

Councilor Rivera said right now we do a soft collection system, we bill and collect as much as we can, but if people don't pay, we don't aggressively seek the payment. So until we as a Governing Body decide that we want to do a much more collection system, that's the way this Ordinance will operate. However, this does make it easier and clarifies some of the fines so if we decide to do a harder collection it will be easier.

Councilor Dominguez asked if the contract as written gives us the flexibility to do hard collections and Deputy Chief Salbidrez said it does.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-15, as presented.

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

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

Against: None.

5) CONSIDERATION OF BILL NO. 2015-18: ADOPTION OF ORDINANCE NO. 2015-16 (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SECTION 12-6-1.3 OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE TO AUTHORIZE THE GOVERNING BODY TO MAKE SPEED LIMIT ALTERATIONS IN THE CITY OF SANTA FE THROUGH THE ADOPTION OF A RESOLUTION. (JOHN ROMERO)

The staff report was presented by John Romero from the Legislative Summary which is in the Council packet.

Councilor Bushee said she doesn't understand what we're doing here.

Mr. Romero said if staff would receive a request to raise or lower a certain speed limit on a certain road, we would evaluate it and then bring it through Committee for recommendation and approval, on a request-by-request basis from constituents.

Councilor Bushee asked how it is done now.

Mr. Romero said if a request was received, they would do a study, come up with their recommendations, and if our recommendations are to increase, what we've typically done is to tell them we would prefer them to get a Councilor to support a Resolution to do that. He said the only time this has been done during his tenure was by Councilor Calvert to raise the speed limit on Old Taos Highway.

Councilor Bushee asked if he wants to eliminate the step of going through Councilors.

Mr. Romero said this would go through Committees and the Council, noting the previous practice was something he took the liberty of telling people to do because he felt it was beyond something staff would want to do at an administrative level.

Councilor Bushee said she would personally prefer that he have some administrative purview and that he follow some kind of protocol, best practice or an industry standard, because we cover the political end and for the longest time we were approving political stop signs to slow traffic.

Mr. Romero said, "Our recommendations would be based off national standards, but it gives the Council the opportunity to evaluate that and make their own decision."

Councilor Trujillo said Mr. Romero and staff have to go through the process, do an evaluation. There is no process right now. We send it to Mr. Romero who can make that recommendation, and if it falls within the parameters, the City Manager can change it. He said this will establish a process of approval and go through the Committee process, commenting this is transparency.

Mr. Romero said the Uniform Traffic Code currently states that it is based on an engineering study. He said it says something to the effect that an engineering study shall be conducted and administrator is now changed to the City Council will approve it. He said the DOT speed limits are approved by the Highway Commission so this would follow what the DOT does as well.

Councilor Maestas asked if this legislation would allow a Resolution to come forward to change the speed limit contrary to staff recommendations. Is the intent the City Council could over-rule Mr. Romero's recommendation, and Mr. Romero said yes. Councilor Maestas asked if that happens would we be taking on more liability than we should if we enact speed limits not consistent with industry standards.

Ms. Brennan said, "I would like to believe that you would follow stated practices and expert staff recommendation. In any of those cases where you don't do that you might be assuming more liability, but in terms of taking the function on itself, it doesn't really change anything. The circumstances here is the City is making the decision. This is switching the decision-making authority from the administrator to the Governing Body so it doesn't actually affect the outcome in terms of liability."

Mayor Pro-Tem Ives said he has one grammatical change on page 2, line 8, "his" should be "its."

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-16, as presented.

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

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

Against: None

- 6) **CONSIDERATION OF BILL NO. 2015-17: ADOPTION OF ORDINANCE NO. 2015-____ (MAYOR GONZALES). AN ORDINANCE CREATING A NEW SECTION 7-16 SFCC 1987, TO REQUIRE THAT SINGLE-OCCUPANT PUBLIC OR EMPLOYEE RESTROOMS IN ANY COMMERCIAL FACILITY BE GENDER NEUTRAL AND IDENTIFIED AS SUCH BY APPROPRIATE SIGNAGE. (LISA MARTINEZ) (Postponed to June 24, 2015 City Council Meeting.)**

This item is postponed to the City Council meeting of June 24, 2015.

The Governing Body then resumed consideration of Afternoon Agenda Item # 14-17

14. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

15. MATTERS FROM THE CITY ATTORNEY.

Kelley Brennan said, "I would call the Governing Body's attention to the Memo I distributed before the meeting that addresses the question that was raised at the meeting on May 27th regarding the various authorities of the Governing Body and the City Manager."

16. MATTERS FROM THE CITY CLERK

Ms. Vigil, City Clerk reminded the Governing Body that the next meeting on June 24, 2015 will be held in the Convention Center, and they will send out press releases in this regard.

17. 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 June 10, 2015, is incorporated herewith to these minutes as Exhibit " 1 ."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Maestas

Councilor Maestas said the New Mexico Municipal League Board met on June 6, 2015, and one of the prominent things discussed was the Hold Harmless issue, and to date 7 cities and 16 counties have enacted it in some fashion. Other cities are pursuing litigation, and the City of Gallup is suing the State over the Hold Harmless Tax.

Councilor Maestas said Taxation and Revenue is considering a new method of distribution for the State shared GRT and wants to change it to a per capita basis, penalizing those cities successful in generating GRTs above the statewide average. The NMML calculated we would lose almost \$15 million under a per capita distribution. The NMML is crafting a generic Resolution and encourage all cities to pass it to try to preempt the State from doing this. He has a chart he will share with the Council. He will be bringing forth that Resolution and hopes he can get the support of the Governing Body to get it adopted without going to any Committees so we can get it adopted prior to the meeting of the League Policy Committees.

Councilor Maestas said he will be bringing forth legislation regarding some of the audit issues articulated in SB665, and would hope to get it passed prior to the League Policy Committee meetings.

Councilor Maestas said the Attorney General is involved in an antiquated law called The State Use Act. It gives firms certified as a disability firm the first right of first refusal on a contract. The Act has been on the books for many years and no one has been implementing, but some of the disability firms are bringing it to the attention of the State and the Attorney General is looking at this. He said this old law does impact procurement at all levels of government.

Councilor Bushee

Councilor Bushee asked for an update on the status of the Hospital Study Commission and when it might get going. She wants a follow-up on the State Auditor investigation into the 2008 Parks Bond.

Mr. Snyder said he spoke with the State Auditor's Chief of Staff last week, and they are drafting the scope, and they are targeting the July 13, 2015 Finance Committee meeting to bring a draft scope to the Committee as discussed at the last Council meeting.

Councilor Bushee asked where it goes from there.

Mr. Snyder said he believes it goes to the Finance Committee to review and decide if they want to send it back to Park POSAC and/or BTAC for comment and review. He did reach out to the Chair of POSAC Park yesterday to let her know this probably would be the process, and to start thinking on ideas of what they would like to see in the scope. So that process is starting and that was at his direction.

Councilor Bushee said she thought the Chairs of POSAC and BTAC would be the ones involved with helping set a scope of work is what she remembers. She said she hasn't been contacted.

Mr. Snyder said his recollection and understanding is that the Finance Committee will lead the discussion and BTAC and POSAC Park will be involved in that discussion as Chairs and/or committee processes. He said when contacted by the Chair of POSAC Park this week he advised that she work with her Committee and get a consensus so she could be the liaison.

Councilor Bushee said she hoped to hear from somebody because she was setting the agenda for BTAC which meets next week, and it's not on the next agenda. She understands the idea was to keep it to a small group to move it quickly and she was trying to figure out how she would involve her Committee, commenting she hasn't had a call from anybody.

Councilor Dominguez said once we get down the road in defining the scope he will make sure to communicate with Councilor Bushee and the Chair of POSAC to see that they are involved.

Councilor Maestas said the Resolution said this group would determine whether or not it would be of value to bring REDW back as a consultant to help us craft the scope and possibly perform some of the work they recommended they do, but didn't accomplish, which was on page 13 of their report. He ask Mr. Snyder if there is a role for REDW consistent with the Resolution.

Mr. Snyder said he understands the scope ultimately is set by the State Auditor, and that is the reason they're in the process of drafting the scope, and bringing it back to the Finance Committee, working with POSAC and Park and BTAC, but ultimately the State Auditor sets the scope. He is unsure how REDW does play into that. He said his conversation with the State Auditor's staff is they are working on the scope internally and he's not seen or heard anything other than that they are targeting the July 13, 2015 Finance Committee as a target they can hit to bring it for Council discussion.

Councilor Maestas said regarding the substitute bill we passed, he had asked we eliminate any conflicts with the new role of the State Auditor and thought that provision stayed in there. He said, " In my discussions with the State Auditor they were actively involved in consulting with REDW on an informal basis about an informal review, but I don't know how extensive it is. I would have to go back and look at the substitute bill, but I know we had a provision to leverage the experience of REDW through their review through assisting us with crafting the scope and performing some additional work they recommended in their financial review."

Mr. Snyder said he had a brief conversation with the State Auditor's Office on procurement concerns, specifically addressing REDW. If REDW is involved in establishing the scope, more so than the work they've done under their contract, moving forward they would not be allowed to be involved in the procurement of those services, from a State procurement standpoint. That's what the Chief of Staff at the State Auditor's Office expressed to him, so they are not sure in their initial conversations with REDW to date, they're not sure whether REDW wants to participate in the scopemaking, or the actual services. It

depends on how they move forward, but they would have to make that a decision. When he spoke with them the end of last week, it was just an initial conversation they had with REDW.

Councilor Maestas said he knew they would be forbidden from submitting a proposal if they helped with the scope, but he thought we would have to make that condition if we brought them back as a consultant to us to help develop the scope and possibly do some other minor work they had recommended in their own review. He said this is the State Auditor's show.

Mr. Snyder said his conversation was not to limit what REDW could or could not do, but the State Auditor's position was to put the ball in REDW's court for them to decide whether to participate in the scope development or in the audit itself.

Councilor Bushee said the Resolution was amended to include BTAC in participation, noting \$10 million of that bond was that, so she wants to be apprised and somehow involve her Committee.

Councilor Dominguez

Councilor Dominguez congratulated his son Devin for graduating from College saying he is very proud of him.

Councilor Dominguez said he is going to ask staff to work on a Resolution to engage the public and promote effective discussion with stakeholders as we start discussing the next budget, and he will get with Jesse on the details. The Resolution is intended to incorporate a public engagement process in the next budget cycle, and the sooner we get that done, the better, "especially if we're going down the road that I think we're going down."

Councilor Dominguez introduced the following:

1. An Ordinance amending Section 12-1 of the Uniform Traffic Ordinance to include definitions for "Green Vehicle," "Green Vehicle Guide" and "Green Vehicle Identification Tag;" establishing a new Section 12-9-11 of the Uniform Traffic Ordinance to provide free parking to Green Vehicles at on-street spaces regulated by a parking meter.

Councilor Dominguez thanked Jesse Guillen for his work on the Ordinance, but said he needs to digest this a bit more before it goes to Committee, and if it gets that far, it will be going to the proper committees. Part of the idea is to encourage garage parking. He said this is what he needs to look at before he decides whether or not he wants to take that piece of legislation forward.

2. A Resolution directing staff to send a letter on behalf of the City of Santa Fe to the New Mexico Delegation in support of the CCM-Care Act that would increase care facilities and research on cavernous angioma; transmitting a copy of this Resolution to the Directors of the NIH, FDA and CDE urging them to provide necessary resources to research potential treatments for CCM. This will be going to the City Council on June 24, 2015. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

Councilor Dominguez said he won't be in attendance at the next meeting.

Councilor Lindell

Councilor Lindell, on behalf of the Mayor, introduced a Resolution directing the Public Works Committee to consider the Santa Fe Farmers Market request to stage a Plaza Farmers Market on Sunday, September 27, 2015. Councilor Lindell asked to be added as a cosponsor. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Trujillo

Councilor Trujillo introduced a Resolution requesting the State Tourism Department, Litter Control Beautification Section to consider and approve an application and program from Keep Santa Fe Beautiful. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Trujillo asked, regarding the gentleman who spoke earlier, if we can send staff over there to look at the sidewalk to do an assessment.

Mr. Snyder said he believes staff already is aware of it and has evaluated it, but he will follow up with staff to verify that. He thinks that is part of the upcoming sidewalk replacement area.

Councilor Rivera

Councilor Rivera had no communications.

Mayor Pro-Tem Ives

Mayor Pro-Tem Ives asked, regarding the redistricting process, given the actions of the Independent Commission, what is next.

Ms. Vigil said at the next meeting there will be a bill before the Governing Body adopting the precincts that belong in the Districts that were redistricted, so that's the next step, and "I believe it's a done deal."

Ms. Brennan said, "The Governing Body was actually removed from that process for the Commission to operate as independently as possible."

Ms. Brennan continued, "If I may just add one thing, the lawsuit on the Hold Harmless GRT was filed earlier this week and I gave a courtesy notice to the County Attorney, and we are suing the Department of Taxation and Revenue as well as the County on the theory that other parties that want to come in from other counties will come into Santa Fe because that is where the main office of Taxation and Revenue is located."

I. ADJOURN

Mayor Pro-Tem Ives said, "Many thanks for the birthday wishes and the celebration. Thank you."

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:35 p.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer